

When telephoning, please ask for: Martin Elliott
Direct dial 0115 914 8511
Email constitutionalservices@rushcliffe.gov.uk

Our reference:
Your reference:
Date: Wednesday, 3 January 2018



To all Members of the Planning Committee

Dear Councillor

A Meeting of the Planning Committee will be held on Thursday, 11 January 2018 at 6.30 pm in the Council Chamber, Rushcliffe Arena, Rugby Road, West Bridgford, Nottingham, NG2 7YG to consider the following items of business.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Glen O'Connell'.

Glen O'Connell
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 14 December 2017 (Pages 1 - 12)
4. Planning Applications (Pages 13 - 82)

The report of the Executive Manager - Communities is attached.
5. Radcliffe on Trent No.1 TPO 2017 (Pages 83 - 86)

The report of the Executive Manager – Communities is attached.

Membership

Chairman: Councillor R Butler
Vice-Chairman: Councillor J Stockwood
Councillors: B Buschman, N Clarke, R Jones, J Greenwood, Mrs M Males, S Mallender, M Edwards, Mrs J Smith and J Thurman

**Rushcliffe Community
Contact Centre**
Rectory Road
West Bridgford
Nottingham
NG2 6BU

In person
Monday to Friday
8.30am - 5pm
First Saturday of
each month
9am - 1pm

By telephone
Monday to Friday
8.30am - 5pm

Telephone:
0115 981 9911
Email:
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Postal address
Rushcliffe Borough
Council
Rushcliffe Arena
Rugby Road
West Bridgford
Nottingham
NG2 7YG



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

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

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

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



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**MINUTES
OF THE MEETING OF THE
PLANNING COMMITTEE
THURSDAY 14 DECEMBER 2017**

Held at 6:30 pm in the Council Chamber, Rushcliffe Arena, Rugby Road,
West Bridgford

PRESENT:

Councillor R L Butler (Chairman)
Councillor J A Stockwood (Vice-Chairman)

Councillors B R Buschman, J N Clarke M J Edwards, J E Greenwood, S J Hull
(substitute for R M Jones), Mrs M M Males, S E Mallender, Mrs J A Smith and
J E Thurman

ALSO IN ATTENDANCE

Councillor J Cottee
16 Members of the public

OFFICERS IN ATTENDANCE

M Elliott	Constitutional Services Team Leader
M Marshall	Principal Area Planning Officer
D Mitchell	Executive Manager - Communities
I Norman	Legal Services Manager
A Pegram	Service Manager – Communities

APOLOGIES FOR ABSENCE

Councillors R M Jones

24. DECLARATIONS OF INTEREST

17/02375/FUL - 68b Eltham Road, West Bridgford – Councillor Buschman
declared a non-pecuniary interest as he was ward Councillor for Abbey.

25. MINUTES

The Minutes of the Meeting held on Thursday 16 November 2017 were
confirmed as a correct record and signed by the Chairman.

26. PLANNING APPLICATIONS

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

Councillors J N Clarke and Mrs J Smith, as ward councillors for Radcliffe on Trent withdrew from the committee for the consideration of this item and did not take part in the subsequent discussion and vote.

Item 1 - 17/02364/FUL - Demolition of existing dwelling, construction of three detached dwellings, associated soft and hard landscaping, means of enclosure and access (resubmission) - 5 Golf Road Radcliffe On Trent Nottinghamshire NG12 2GA

Updates

There were no updates reported.

In accordance with the Council's Public Speaking Protocol Mr Peter Brears (the applicant), Mr Richard Metcalfe (objector), and Councillor Roger Upton (ward Councillor), addressed the committee.

DECISION

GRANT PLANNING PERMISSION FOR THE REASONS SET OUT IN THE REPORT SUBJECT TO THE FOLLOWING CONDITIONS

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans; '17-009-P01'; '17-009-P02'; '17-009-P03' & '17-009-P04' received on 10/10/2017.

[For the avoidance of doubt and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

3. Prior to the commencement of any on site works, a method statement detailing techniques for the control of noise, dust and vibration during demolition and construction shall be submitted to and approved by the Borough Council, in consultation with the Head of Environment & Waste Management Service. The works shall be carried out in accordance with the approved method statement.

[This is a pre-commencement condition as any works on site must be done in accordance with the details to be submitted to protect the amenities of the area to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

4. Before development is commenced, a Contaminated Land Report shall be submitted to and approved by the Borough Council. As a minimum,

this report will need to include a Desktop Study. Where the Desktop Study identifies potential contamination, a Detailed Investigation Report will also be required. In those cases where the Detailed Investigation Report confirms that contamination exists, a remediation report and validation statement will also be required. In such instances, all of these respective elements of the report will need to be submitted to and approved by the Borough Council prior to development commencing.

[This is a pre-commencement condition as any survey and remediation works that may be required on site must be done prior to any other works commencing. This is to protect the amenities of the area to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

5. No operations shall commence on site until the existing trees and/or hedges which are to be retained have been protected in accordance with details to be approved in writing by the Borough Council and that protection shall be retained for the duration of the construction period. No materials, machinery or vehicles are to be stored or temporary buildings erected within the perimeter of the fence, nor is any excavation work to be undertaken within the confines of the fence without the written approval of the Borough Council. No changes of ground level shall be made within the protected area without the written approval of the Borough Council.

[To ensure existing trees are adequately protected during the development and to comply with policy EN13 (Landscaping Schemes) of the Rushcliffe Borough Non Statutory Replacement Local Plan. Details of the protective fencing need to be agreed and erected prior to work commencing on site to ensure that no damage is caused to trees and hedgerows during the construction phase.]

6. The development hereby permitted shall not progress beyond damp proof course level until a detailed landscaping scheme for the site has been submitted to and approved in writing by the Borough Council. The approved scheme shall be carried out in the first tree planting season following the substantial completion of the development. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Borough Council gives written consent to any variation.

[In the interests of amenity and to comply with policy EN13 (Landscaping Schemes) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

7. Occupation of the proposed dwellings shall not take place until their respective driveways have been provided as shown for indicative purposes only on drawing number '17-009-P01'. The driveways shall be surfaced in accordance with the details submitted and shall be fronted by a dropped kerb. These provisions shall be retained for the life of the development.

[To ensure adequate car parking facilities are provided in connection with the development; and to comply with policies GP2 (Design & Amenity Criteria) and MOV9 (Car Parking Standards) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

8. Prior to the occupation of the dwellings the noise mitigation measures as specified within the noise assessment by Acute Acoustics Ltd reference 2136 Radcliffe on Trent - Harewood Close dated 2/10/17 shall be implemented and maintained thereafter.

[To protect the amenities of nearby residents and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

9. The materials specified in the application shall be used for the external walls and roof of the development hereby approved and no additional or alternative materials shall be used.

[To ensure the appearance of the development is satisfactory and to comply with policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan].

10. The 2 first floor windows in the north west elevation of the Plot B property, serving the bathrooms (including en-suites) as indicated in the approved plans, shall be fitted with glass which has been rendered permanently obscured to Group 5 level of privacy or equivalent. Thereafter, the windows shall be retained to this specification unless otherwise agreed in writing by the Borough Council. No additional windows shall be inserted in this elevation without the prior written approval of the Borough Council.

[To prevent overlooking and loss of privacy to neighbouring property and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

11. The 2 first floor windows in the north west elevation of the Plot C property, serving the bathrooms (including en-suites) as indicated in the approved plans, shall be fitted with glass which has been rendered permanently obscured to Group 5 level of privacy or equivalent. Thereafter, the windows shall be retained to this specification unless otherwise agreed in writing by the Borough Council. No additional windows shall be inserted in this elevation without the prior written approval of the Borough Council.

[To prevent overlooking and loss of privacy to neighbouring property and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

Notes to Applicant

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.

Nesting birds and bats, their roosts and their access to these roosts are protected under the Wildlife and Countryside Act 1981. Should birds be nesting in the trees concerned it is recommended that felling/surgery should be carried out between September and January for further advice contact Nottinghamshire Wildlife Trust on 0115 958 8242 or by email at info@nottswt.co.uk. If bats are present you should contact Natural England on 0300 060 3900 or by email at enquiries@naturalengland.org.uk.

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

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

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

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

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 Environmental Health Service directly or use the following link
<http://www.rushcliffe.gov.uk/media/rushcliffe/media/documents/pdf/environmentandwaste/Notts%20developers%20guide%202013.pdf>

Your attention is drawn to the comments from the National Grid on the application. BEFORE carrying out any work you must:

- Carefully read these requirements (available online) including the attached guidance documents and maps showing the location of apparatus.
- Contact the landowner and ensure any proposed works in private land do not infringe Cadent and/or National Grid's legal rights (i.e. easements or wayleaves). If the works are in the road or footpath the relevant local authority should be contacted.
- Ensure that all persons, including direct labour and contractors, working for you on or near Cadent and/or National Grid's apparatus follow the requirements of the HSE Guidance Notes HSG47 - 'Avoiding Danger from Underground Services' and GS6 – 'Avoidance of danger from overhead electric power lines'. This guidance can be downloaded free of charge at <http://www.hse.gov.uk>
- In line with the above guidance, verify and establish the actual position of mains, pipes, cables, services and other apparatus on site before any activities are undertaken.

Councillors J N Clarke and Mrs J Smith re-joined the Committee at this point

Item 2 - 17/02550/FUL - Change of use from restaurant, conversion to four residential apartments - The Hall Nottingham Road Keyworth Nottinghamshire NG12 5FB.

Updates

Representations from two local residents objecting to the application, received after the agenda had been finalised, had been circulated to members of the Committee prior to the meeting.

In accordance with the Council's Public Speaking Protocol for Planning Committee Mr Sam Boote (objector), and Cllr Andy Edyvean (ward councillor), addressed the meeting.

Comments

The members of the Committee noted that as the application was largely unchanged from that considered by Planning Committee on 17 August, 2017, that their decision to refuse planning permission should remain unchanged. In the opinion of the Committee the restaurant contributed to the vibrancy and wellbeing of the community and that the proposal would result in the loss of a community facility which would have an adverse impact on the vitality of the area and vibrancy and wellbeing of the community and therefore should be maintained.

DECISION

REFUSE PLANNING PERMISSION FOR THE FOLLOWING REASONS

1. The restaurant facility is considered to contribute towards the vitality of the area and in meeting the varied needs of local people to interact with other members of the community. It is considered that the proposal would result in the loss of a community facility which would adversely impact on the vibrancy and economic wellbeing of the community and local area contrary to the golden thread of sustainability that runs through the National Planning Policy Framework (NPPF) and in particular paragraphs 7, 14, 17 and 23. It is also contrary to Policy 12 (Local Services and Healthy Lifestyles) of the Rushcliffe Local Plan Part 1: Core Strategy and policy COM3 (Loss of a Community Facility) of the Rushcliffe Borough Non-Statutory Replacement Local Plan.

Item 3 - 17/02094/FUL- Construction of 2 dwellings with new vehicular access and associated landscaping-Land Adjacent 18 Cherryholt Lane East Bridgford Nottinghamshire NG13 8LJ.

Updates

There were no updates reported

In accordance with the Council's Public Speaking Protocol Councillor Nigel Lawrence (ward Councillor), addressed the committee.

DECISION

GRANT PLANNING PERMISSION FOR THE REASONS SET OUT IN THE REPORT SUBJECT TO THE FOLLOWING CONDITIONS

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

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

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

[To ensure the appearance of the development is satisfactory and to comply with policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan.]

3. The development shall not be brought into use until the proposed access, turning area and parking facilities have been constructed in accordance with details to be first submitted to and approved in writing by the Borough Council. These facilities shall include measures to prevent the unregulated run off of surface water to the highway and shall be retained for the lifetime of the development.

[To ensure adequate car parking facilities are provided in connection with the development; and to comply with policies GP2 (Design & Amenity Criteria) and MOV9 (Car Parking Standards) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

4. Neither dwelling shall be occupied until the terminal point of the wall on the Cherryholt Lane frontage has been re-built in accordance with the submitted details.

[To ensure the listed wall is completed satisfactorily and to comply with policy EN5 (Demolition and Listed Building) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

5. No operations shall commence on site until the existing trees and/or hedges which are to be retained have been protected in accordance with details to be approved in writing by the Borough Council and that protection shall be retained for the duration of the construction period. No materials, machinery or vehicles are to be stored or temporary buildings erected within the perimeter of the fence, nor is any excavation work to be undertaken within the confines of the fence without the written approval of the Borough Council. No changes of ground level shall be made within the protected area without the written approval of the Borough Council.

[To ensure existing trees and or hedges are adequately protected and to comply with policy EN13 (Landscaping Schemes) of the RBNSRLP. Commencement of development in advance of the implementation of tree protection measures could result in loss of or damage to trees and/or hedges which it is considered should be retained].

6. The development hereby permitted shall not progress beyond damp proof course level until a detailed landscaping scheme including hard surfaces for the site has been submitted to and approved in writing by the Borough Council. The approved scheme shall be carried out in the first tree planting season following the substantial completion of the development. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Borough Council gives written consent to any variation.

[In the interests of amenity and to comply with policy EN13 (Landscaping Schemes) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

7. The development shall be carried out in accordance with the submitted plans 3264 02 rev C, 3264 03 rev A and 3264 04 rev C.

[For the avoidance of doubt and to comply with policy GP2 (Amenity and Design) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

8. Development shall not proceed beyond damp proof course level until details of all screen fencing/walling and means of enclosure to be erected on the site has been submitted to and approved in writing by the Borough Council. The development shall not be brought into use until the approved screen fencing/walling and means of enclosure have been completed, and they shall be retained thereafter unless the Borough Council gives written consent to a variation.

[In the interest of amenity and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

9. The construction of the wall to the east of the proposed access shall not commence until details of the method of construction of the foundations have been submitted to and approved in writing by the Borough Council. Thereafter, the wall shall be constructed in accordance with the approved details and neither dwelling shall be occupied until it is completed.

[To ensure there is no damage to the roots of the nearby tree and to provide security to 18 Cherryholt Lane and comply with policy GP2 (Amenity and Design) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

10. Prior to the commencement of development, a method statement detailing techniques for the control of noise, dust and vibration shall be submitted to and approved in writing by the Borough Council. Thereafter, the development shall be carried out in accordance with the approved details.

[To avoid nuisance to nearby residents and comply with policy GP2 (Amenity and Design) of the Rushcliffe Borough Non Statutory Replacement Local Plan. This condition needs to be discharged prior to work commencing on site to ensure that the methodology for undertaking the development does not give rise to unacceptable impacts from noise, dust and vibration].

11. The first floor windows in the east elevation of Plot 2, serving the stairwell, and the first floor bathroom windows in the west elevation of Plot 1 shall be permanently fixed shut and fitted with glass which has been rendered permanently obscured to Group 5 level of privacy or equivalent. Thereafter the windows shall be retained to this specification unless otherwise agreed in writing by the Borough Council. No additional windows shall be inserted in these elevations without the prior written approval of the Borough Council.

[In the interests of the amenities of neighbouring properties and to comply with policy GP2 (Design and Amenity) of the Rushcliffe Borough Non-Statutory Replacement Local Plan].

NOTES TO 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.

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.

Councillor Buschman who had declared an interest in the following application left the room for the consideration of the next application and did not take part in the subsequent discussion and vote.

Item 4 - 17/02375/FUL- First floor rear extension including increase in roof height, and ground floor alterations to extend living room - 68B Eltham Road West Bridgford Nottinghamshire NG2 5JT.

Updates

There were no updates reported.

DECISION

GRANT PLANNING PERMISSION FOR THE REASONS SET OUT IN THE REPORT SUBJECT TO THE FOLLOWING CONDITIONS

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

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

2. The development hereby permitted shall be carried out in accordance with the plans ref: 2608/14/02 received on 5 October 2017.

[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 GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan.]

3. The extension(s) hereby permitted shall be constructed in suitable facing and roofing materials to match the elevations of the existing property.

[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 GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan].

4. The glazed side panels in the first floor bay window in the rear elevation of the proposed development shall be permanently fixed shut and fitted with glass which has been rendered permanently obscured to Group 5 level of privacy or equivalent. Thereafter, the window shall be retained to this specification. No additional windows shall be inserted in this elevation.

[To protect the residential amenity of the neighbouring properties and to comply with policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan].

NOTES TO APPLICANT

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

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

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

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.


27. **APPEAL DECISIONS**

Councillor Buschman re-joined the meeting at this point.

The report of the Executive Manager - Communities was submitted and noted.

The meeting closed at 8.37pm.

CHAIRMAN

 <p>Rushcliffe Borough Council</p>	<p>Planning Committee</p> <p>11 January 2018</p> <p>Planning Applications</p>	<h1>4</h1>
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Report of the Executive Manager – Communities

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 <http://www.rushcliffe.gov.uk/councilanddemocracy/meetingsandminutes/agendasandminutes/>. Once a decision has been taken on a planning application the decision notice is also displayed on the website.
4. Reports to the Planning Committee take into account diversity and Crime and Disorder issues. Where such implications are material they are referred to in the reports, where they are balanced with other material planning considerations.
5. With regard to S17 of the Crime and Disorder Act 1998 the Police have advised they wish to be consulted on the following types of applications: major developments; those attracting significant numbers of the public e.g. public houses, takeaways etc.; ATM machines, new neighbourhood facilities including churches; major alterations to public buildings; significant areas of open space/landscaping or linear paths; form diversification to industrial uses in isolated locations.
6. Where the Planning Committee have power to determine an application but the decision proposed would be contrary to the recommendation of the Executive Manager - Communities, the application may be referred to the Council for decision.
7. The following notes appear on decision notices for full planning permissions:

“When carrying out building works you are advised to use door types and locks conforming to British Standards, together with windows that are performance tested (i.e. to BS 7950 for ground floor and easily accessible windows in homes). You are also advised to consider installing a burglar alarm, as this is the most effective way of protecting against burglary. If you

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

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

Application	Address	Page
17/02451/OUT	Land West of Works Lane, Barnstone Nottinghamshire	16 - 31
	Outline planning application for 5 x 2 bedroom affordable dwellings (rural exception site)	
Ward	Nevile and Langar	
Recommendation	Planning permission be granted subject to conditions	
<hr/>		
17/02252/FUL	102 Mona Road West Bridgford Nottinghamshire, NG2 5BT	32 - 47
	Residential development of three dwellings following demolition of existing dwelling. (Revised application to include basements.)	
Ward	Lady Bay	
Recommendation	Planning permission be granted subject to conditions	
<hr/>		
17/01982/FUL & 17/02761/FUL	The Dovecote Main Street, Hickling Nottinghamshire, LE14 3AJ	48 - 61
	(i) Construction of replacement dwelling (following demolition of existing dwelling)	
	and	
	(ii) Demolition of dwelling (to allow replacement dwelling)	
Ward	Nevile and Langar	
Recommendation	(i) Planning permission be granted subject to conditions	
	and	
	(ii) Planning permission be granted for relevant demolition subject to conditions	

[17/02414/FUL](#) Cornerways Main Street,
Sibthorpe, Nottinghamshire, NG23 5PN 62 - 68

Single storey extension to rear and side.

Ward Thoroton

Recommendation Planning permission be refused

[17/02455/FUL](#) Nettle Barn, Bassingfield Lane,
Bassingfield, Nottinghamshire,
NG12 2LG 69 - 76

Ward Gamston North

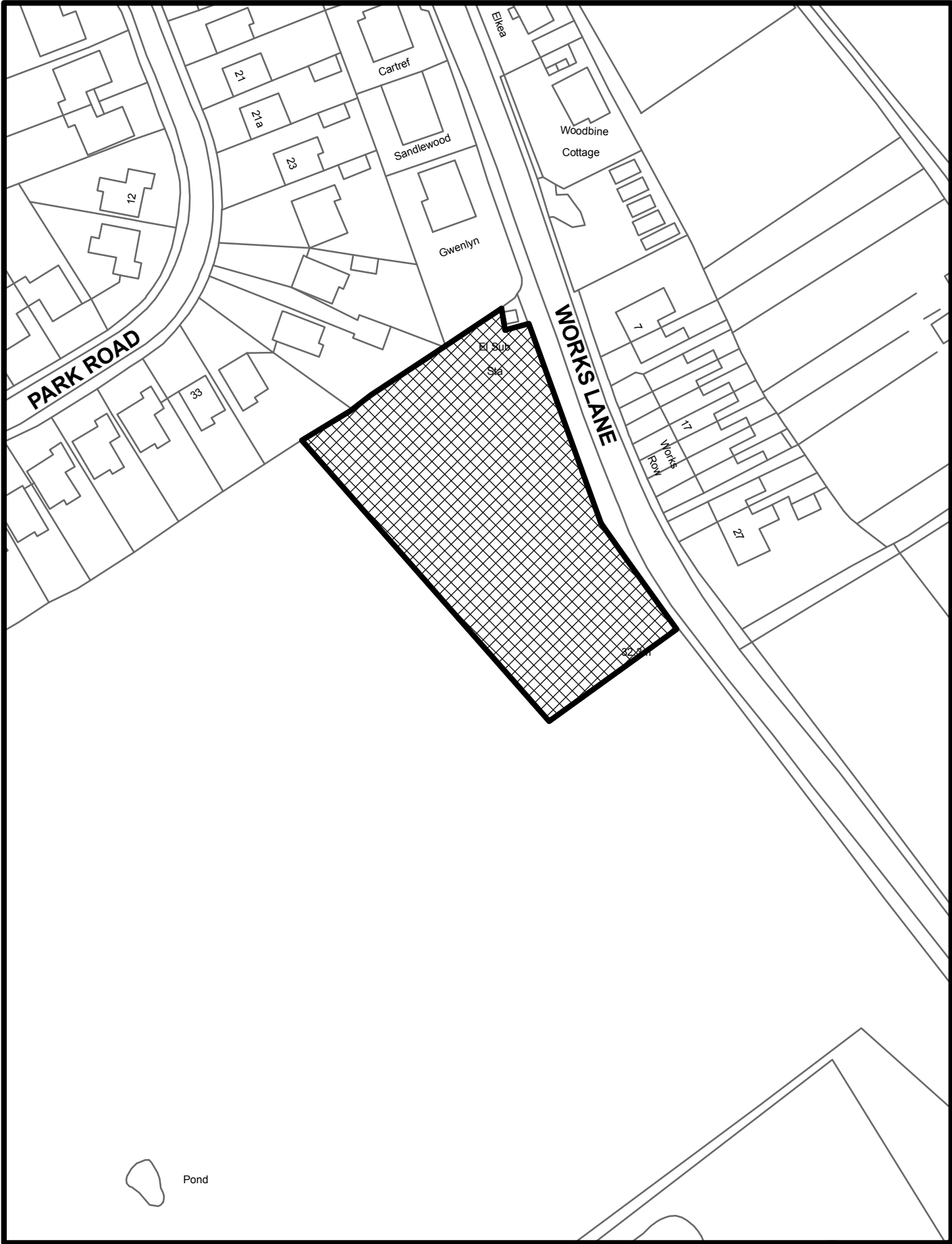
Recommendation Planning permission be granted subject to conditions

[17/02707/FUL](#) 3 East Acres Cotgrave
Nottinghamshire, NG12 3JP 77 - 81

Single storey extension to rear.

Ward Cotgrave

Recommendation Planning permission be granted subject to conditions



Application Number: 17/02451/OUT
Works Lane, Barnstone



scale 1:1000

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17/02451/OUT

Applicant The Harwood Family

Location Land West Of Works Lane Barnstone Nottinghamshire

Proposal Outline planning application for 5 x 2 bedroom affordable dwellings (rural exception site).

Ward Nevile And Langar

THE SITE AND SURROUNDINGS

1. The application site consists of an area of land measuring approximately 70m in width to the road frontage and maximum depth of around 45m. It is rectangular in shape with its longer side adjacent to the highway boundary. Works Lane is located to the east of the site, it is effectively a no through road as, from the access of the neighbouring cement works to the south of the site, it is in private ownership.
2. The site is part of a larger agricultural field. It is bounded by a post and rail fence and hedge adjacent to the highway. There is a mix of boundary treatments along the sites boundary with the adjacent residential properties to the north of the site on Park Road, including hedges and a close boarded timber fence.
3. The site is located on the edge of the main built up area of the settlement towards its southern edge. There are residential properties including detached houses on Park Road located to the north and terraced houses on the opposite side of Works Lane to the east of the site. There is an electricity substation located just outside of the site boundary to the north east, which is bounded by a timber post and rail fence.

DETAILS OF THE PROPOSAL

4. The application seeks outline planning permission (with all matters reserved except for access) for the erection of five affordable dwellings to meet an identified housing need. The proposal includes three 2 bedroom bungalows and two 2 bedroom houses, all of the properties would be intermediate housing, in shared ownership.
5. The layout of the properties is currently indicative, although the plans show they would have two off street parking spaces and a private garden area located at the rear. A single vehicular access would be provided to the site from Works Lane.
6. The application was accompanied by a Planning and Design & Access Statement and a Housing Needs Survey.

SITE HISTORY

7. Planning Application ref.17/0171/OUT for 6 x 2 bedroom dwellings to meet an identified housing need (including three affordable and three open market houses) was withdrawn in September 2017.

REPRESENTATIONS

Ward Councillor

8. The Ward Councillor (Cllr Combellack) objects to the application and supports the objections raised by local residents and the Parish Council. The Councillors main grounds for objection include:
 - a. Increased traffic causing congestion and inconvenience. Situation may worsen if Coach Gap Lane access to the cement works is stopped.
 - b. The housing need's survey is not supported by the village and does not reflect their views and the need identified have already been met.
 - c. The development is within the open countryside, there is no need, and the village is not sustainable so the application is not compliant with paragraph 55 of the NPPF.
9. The adjacent Ward Councillor (Cllr Bailey) objects to the application, in summary, for the following reasons that, Works Lane is congested, parking is very limited, with no off street parking for Victorian terrace houses opposite the site. The Housing Needs Survey does not support the majority of people in the village, the proposal would be development in the open countryside and the need for more houses in Barnstone is not demonstrated.

Parish Council

10. The Parish Council object to the application and comment, *"The Parish Council Resolved to Object to the above application at its meeting on 16th November 2017 for the following reasons:*
11. **1. Traffic**
 - *Despite the existence of a weight-restricted route on Bingham Road and Harby Lane, HGV's frequently illegally access Tarmac CRH and the industrial estate via Works Lane, which causes concern for pedestrians, particularly children, accessing the recreational field further down Works Lane.*
 - *Coach Gap Lane is privately owned; if it was closed to traffic in the future, all vehicles including HGV's would be obliged to use Works Lane to access Tarmac CRH, and other businesses and properties.*
 - *Existing homeowners on Works Lane would no longer be able to park their vehicles in front of their terraced properties and would have nowhere else to park them.*

12. **2. Housing Needs Survey (HNS)**

- *The privately commissioned HNS states that there is a need for 5 x 2 bed affordable homes. At the time of writing there are already 9 x 2 bed properties within one mile of Barnstone which remain unsold.*
- *The HNS states that the village has facilities and yet there are no local shops and the bus service has been reduced, as evidenced by 96% of respondents who stated that there is a lack of facilities in the village. In addition, the Design & Access Statement contains a number of errors: Sercon no longer operates in Barnstone, DeLucy's Deli does not 'sell all essential day to day items', no parishioners are employed at Kesselers Kitchens, DeLucy's Deli or Rock Civil Engineering. Although the owners of Belvoir Bakery live within the parish, it has no employees who live within the parish.*
- *The HNS also states that the data justifies the need for 10 homes. Of the 98 returns, 88 respondents believed that they were 'adequately housed at present'. Planning applications were recently approved for 1) an infill development of 6 homes on Main Road Barnstone (17/01352/FUL), and 2) an infill development of 4 homes on Langar Road, Barnstone (17/01628/FUL) bringing the potential number of new homes to 15 which would be unsustainable within the village.*

13. **3. Open Space**

- *The development would have an impact on the wide range of existing habitats, plant species, invertebrates, birds, and bats, in the adjacent Barnstone Fishing Lakes*
- *The development would remove an area of open countryside which would have an impact on neighbouring properties and the rural atmosphere of the village. The proposed development is therefore contrary to the principles of the NPPF which states that planning should recognise the intrinsic character and beauty of the countryside. The proposed development is also contrary to policy EN20 (Protection of open countryside) of the RBC Non-Statutory Replacement Local Plan.*

14. **4. Overlooking**

- *The neighbouring properties would be overlooked by the development, creating loss of privacy. The proposed development would have no privacy in their back gardens as they would be overlooked by the properties on Park Road.*

15. **5. Planning Policies re new rural dwellings**

- *The site is located in the countryside where further development will generally be resisted unless it is for agricultural purposes or any other activities appropriate to the countryside. The proposed development is therefore contrary to Policy HOU4 (new dwellings in the countryside) of the RBC Non-Statutory Replacement Local Plan."*

Statutory and Other Consultees

16. Nottinghamshire County Council as Highways Authority do not object to the application but given the scale of development, a domestic crossing would be a more appropriate arrangement. They suggest the scheme is amended to include a 4.25m wide crossing plus 0.5m for each side that is bounded by a hedge/wall/fence. They also highlight that driveways should not be steeper than 1:30 for the first 10m behind the highway boundary. Conditions are

suggested including that occupation shall not take place until the site access has been provided and occupation shall not take place until the parking areas have been provided.

17. Trent Valley Internal Drainage Board does not object to the application. They confirm there are no Board maintained watercourses in close proximity to the site, surface water run off rates to receiving watercourses must not be increased as a result of the development and the design, operation and future maintenance of site drainage systems must be agreed with the Lead Local Flood Authority and Local Planning Authority.
18. The Environmental Health Officer does not object to the application, in summary they comment that, with regard to contaminated land, the site is close to areas of land identified as potentially contaminated which may migrate to the site, therefore, a condition requiring a land contamination report prior to the commencement of development is suggested. Regarding to noise, one house would be located close to the existing electricity substation which can emit low frequency noise causing disturbance to future occupiers, therefore, they recommend a sound insulation scheme is secured by condition. Regarding construction noise and dust, given the close proximity of existing residential properties they recommend a condition requiring a method statement for the control of noise, dust and vibration during demolition and construction.
19. The Borough Council's Planning Policy and Strategic Housing Officers do not object to the application. In summary they note "Core Strategy Policy 3 states that new residential development in non-Key Settlements such as Langar cum Barnstone should be solely to meet local needs. Paragraph 3.3.17 describes local needs as consisting of small scale infill development or on rural exception sites (for affordable dwellings only). Criterion f) contained within policy HOU2 of the Non-Statutory Replacement Local Plan also supports this policy approach." The application is supported by a Housing Needs Survey (HNS) which was carried out independently; it identified a requirement for 3 affordable units (shared ownership or affordable rent). The HNS supports the current application. Critically any S106 would need to specify the specific tenure of the affordable units and include local connection criteria and cascades to ensure the units remain affordable in perpetuity with people with a local connection being prioritised.
20. The Borough Council's Sustainability Officer initially objected to the application on the grounds that, given the sites proximity to a Local Wildlife Site, an Ecology Survey is required prior to the determination of the application so that the developments effect on protected species can be assessed. A survey has now been submitted and further consultation undertaken with the Sustainability Officer. Any comments received will be circulated to the Committee members before the meeting.
21. The Borough Council's Waste Disposal Expert requests that the applicant is made aware of the Council's policy to charge developers for the first provision of refuse wheeled containers.

Local Residents and the General Public

22. Comments in support of the application have been received from Midlands Rural Housing, two local affordable housing providers (Waterloo and

DeMontfort), a local planning agent, and a local estate agent and surveyors (Andrew Granger). In summary they make the following comments:

- a. A housing needs survey carried out in March 2009 in conjunction with the Parish Council identified a need for 9 affordable dwellings. A site on Works Lane was identified quite early on in the process but, at the time, the parish council wanted to explore opportunities to develop a scheme in Langar, rather than Barnstone. Also they hoped to develop a village hall on the Works Lane site.
 - b. After many years work they have been unsuccessful in identifying a suitable site in Langar. Given the lack of available sites elsewhere in the parish, this is an ideal opportunity to provide suitable housing that has been required by local people for many years.
 - c. This development is exactly the type of rural exception development that has been done previously within the partnership between Waterloo and Rushcliffe Borough Council in the past.
 - d. Midlands Rural Housing have been used for surveys carried out previously for HCA grant funded affordable schemes carried out in partnership with Rushcliffe Borough Council so have every confidence that Midlands Rural Housing Needs Survey is as accurate as it can be.
 - e. The houses already approved in the village will be market housing and not meet affordable rent or shared ownership criteria.
 - f. This application meets the rural exception development for affordable housing need and under the terms of this planning legislation it is accepted that development is on greenfield land.
 - g. More affordable dwellings are needed in the area.
 - h. Supported by a Local Housing Needs Survey.
 - i. The site is well related to the built framework of Barnstone and has good access to the local facilities and services.
 - j. It would support the vitality of the rural community.
23. Representations objecting to the application have been received from 13 local residents, comments can be summarised as follows:
- a. Don't see the need for the development.
 - b. There are insufficient/few facilities and a poor bus service in the village which can't cope with new development.
 - c. The access is inadequate as visibility is poor.
 - d. Noise levels will increase.
 - e. Light levels will be intrusive.

- f. Neighbouring properties will be overshadowed and overlooked.
- g. Resulting increased traffic would threaten the safety of pedestrians on Works Lane.
- h. Parking is already an issue for residents of works lane which will be made worse by the loss of spaces.
- i. This application could open up the area to a much larger development.
- j. Harmful and disruptive to wildlife including bats and owls.
- k. It is understood that rural exception sites remain affordable in perpetuity. Is this the case at this site?
- l. The 10 houses identified in the housing needs survey have already been provided in the village.
- m. Inaccuracies in the housing needs survey.
- n. Reduction in passing places available along Works Lane.
- o. Loss of views over fields.
- p. Blurring of boundary between Barnstone and Langar.
- q. Rushcliffe's process for designating a rural exception site has not been followed as there is no community or Parish Council support and the need for the properties is not 'exceptional' or 'urgent'.
- r. The site is within the Green Belt and has been turned down for development in the past.
- s. Resident has need to be able to park close to their home due to a disability.
- t. Inaccuracies in the Design and Access Statement including that "Main Road is lightly trafficked" and "Barnstone offers good local employment options".
- u. There are "affordable" properties available to rent and buy in the local area.

PLANNING POLICY

- 24. The Development Plan for Rushcliffe consists of The Rushcliffe Local Plan Part 1: Core Strategy and the 5 saved policies of the Rushcliffe Borough Local Plan 1996. Other material planning considerations include the National Planning Policy Framework (NPPF), policies contained within the Rushcliffe Borough Non-Statutory Replacement Local Plan (2006) where they are consistent with or amplify the aims and objectives of the Core Strategy and Framework, and the Rushcliffe Residential Design Guide.

Relevant National Planning Policies and Guidance

25. The National Planning Policy Framework carries a presumption in favour of sustainable development and states that, for decision taking, this means *“approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out of date, granting permission unless:*
- *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
 - *Specific policies in the Framework indicate development should be restricted”.*
26. Paragraph 54 states local planning authorities should be responsive to local circumstances and plan housing development to reflect local needs, particularly for affordable housing, including through rural exception sites where appropriate. Paragraph 55 states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances.
27. In relation to residential amenity paragraph 9 of the NPPF states, *“Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment as well as in people's quality of life, including (but not limited to): improving conditions in which people live, work, travel and take leisure”.* Paragraph 60 of the NPPF relates to design and states, *“Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness”.* Paragraph 64 states, *“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.”*

Relevant Local Planning Policies and Guidance

28. None of the 5 saved policies of the Rushcliffe Borough Local Plan are applicable to this proposal.
29. Policy 1 of the Rushcliffe Local Plan Part 1: Core Strategy reinforces the positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. Policy 3 states that the settlement hierarchy for Rushcliffe consists of the main built-up area of Nottingham and key settlements identified for growth (these do not include Barnstone). In other settlements, such as Barnstone, development will be for local needs only, to be delivered on small scale infill plots or rural exception sites (for affordable dwellings only). Policy 10 states, inter-alia, that all new development should be designed to make a positive contribution to the public realm and sense of place and reinforce valued local characteristics.

30. Whilst not part of the development plan the Borough Council has adopted the Rushcliffe Borough Non-Statutory Replacement Local Plan for the purposes of development control and this is considered to be a material planning consideration in the determination of planning applications. Policy GP2 is concerned with issues of design and amenity and the effect of proposals on neighbouring properties. Policy HOU2 sets out the circumstances in which planning permission will be granted for unallocated development within settlements. This includes where the development of the site would not extend the built-up area of the settlement.
31. Consideration should also be given to supplementary guidance provided in the 'Rushcliffe Residential Design Guide'.

APPRAISAL

32. The main considerations for this application include whether the development of the site for residential purposes is acceptable in principle, in particular whether the proposal represents a rural exception site. In addition, other factors relevant to the consideration of the application include the impact of the loss of open space on the character of the settlement, highway safety and whether the site can adequately accommodate four dwellings without compromising the amenity of the area in general and of the existing and future occupiers of the neighbouring and proposed dwellings. The layout of the proposed dwellings as shown on the submitted plans is indicative as, apart from access, all matters are reserved as part of the current outline application.
33. Policy 3 of the Core Strategy sets out the spatial strategy for future development in the Borough. The settlement hierarchy established under policy 3 (1) consists of (a) the main built area of Nottingham; and (b) key settlements. Barnstone is not one of the key settlements listed under part 1(b). For those settlements not listed under Policy 3 (1) (b), and with the exception of the former RAF Newton, development will be for local needs only. Paragraph 3.3.17 of the supporting text to the policy states that local needs will be delivered through small scale infill development or on exception sites. The policy position would, therefore, restrict development in this location (Barnstone) to small scale infill development and local needs only. An up to date housing needs survey demonstrating a need for the type and tenure of housing proposed has been submitted as part of the application. Therefore, the development of this land for affordable housing meets the aims of Core Strategy policy 3.
34. The site forms part of a larger field. The main built up area of the settlement adjoins its northern boundary, there are no houses to the south of the site and so it would represent an extension to the built up area of the settlement into the open countryside. There are residential properties to the east of the site on the opposite side of Works Lane, therefore, the proposal would not result in isolated dwellings. The proposal is for five dwelling houses all of which would be intermediate housing within shared ownership and by definition affordable.
35. Rural exception sites are defined in the NPPF as, *"Small sites used for affordable housing in perpetuity where sites would not normally be used for housing. Rural exception sites seek to address the needs of the local*

community by accommodating households who are either current residents or have an existing family or employment connection. Small numbers of market homes may be allowed at the local authority's discretion, for example where essential to enable the delivery of affordable units without grant funding." The Borough Council has been proactive in identifying suitable rural exception sites within Rushcliffe with the support of Parish Councils, however, the support of the Parish Council and local residents is not compulsory for the site to be considered acceptable as a rural exception site in planning policy terms.

36. Policy HOU8 allows for exceptions to other policies in cases where affordable housing is required for local needs in rural areas. This is reflected in the NPPF under para. 54 which encourages LPAs to plan housing development to reflect local needs, including through rural exception sites where appropriate. In order to comply with this policy there are several conditions which are required to be met. Firstly, a housing needs survey is required, this has been carried out and submitted as part of this application and identifies a need for three 2 bedroom bungalows in shared ownership as well as two 2 bedroom starter homes. The application proposes 5 homes and is therefore of a size and type to meet the identified need.
37. The proposal has been designed so as to minimise the encroachment into the field behind whilst still providing an acceptable level of circulation and amenity space, although the layout of the properties is indicative at this stage. The application has been submitted by a private individual but their aim is to get a Registered Social Landlord on board to deliver the scheme. The applicant has agreed to the principle of a S106 agreement which would tie the housing to intermediate housing in perpetuity with a cascade to ensure people with a local connection are given priority.
38. No details of the other sites considered around Barnstone and Langar for exceptional local needs housing have been submitted with the application, however, this is not an essential requirement. The Borough Council and its partners have worked with Langar and Barnstone Parish Council since around 2009 to identify a suitable site for affordable housing. The Parish Council had a preference for the affordable housing to be located in Langar rather than Barnstone. Despite the work which has been undertaken, a suitable site in Langar was not found and the Parish had no appetite to bring a site forward in Barnstone.
39. Core Strategy policy 8 states, "*Where there is robust evidence of local need, such as an up to date Housing Needs Survey, rural exception sites or sites allocated purely for affordable housing will be permitted within or adjacent to rural settlements.*" Consequently, it is considered that the development of the site for residential purposes is acceptable in principle.
40. Affordable housing is defined in Annex 2 Glossary of the NPPF. It includes the following definition of intermediate housing, the tenure proposed for this application, "*Intermediate housing is homes for sale and rent provided at a cost above social rent, but below market levels subject to the criteria in the Affordable Housing definition above. These can include shared equity (shared ownership and equity loans), other low cost homes for sale and intermediate rent, but not affordable rented housing.*" Local residents have referenced 'park homes' available to buy in the area for a "low price"

(£120,000) being affordable, but low cost market housing of this type is not considered as affordable housing for planning purposes. In addition the recent planning permissions granted for new dwellings in Barnstone do not include affordable housing.

41. The principle of new dwellings in this location is only considered acceptable based on the tenure of the proposed new dwellings. Therefore, it is not considered the grant of planning permission would open up the land beyond the site for future development. The site is considered to be in a sustainable location on the edge of the main built up area of an existing settlement. There are facilities including shops and a primary school within the settlements of Barnstone and Langar, with a wider range of facilities available approximately 5 miles away in Bingham.
42. Concern has been expressed over the findings of the Housing Needs survey and the fact that this would appear to have been commissioned by or on behalf of the applicant, rather than independently. The Barnstone housing needs survey and resulting document submitted was carried out by Midlands Rural Housing, an independent body acting on behalf of the applicant. Like any other technical document submitted as part of an application, it is expected that the professionals carrying out the work act objectively and the results are not skewed in favour of the developer. Furthermore, Midlands Rural Housing is part of the Trent Valley Partnership and is known to the Borough Council, having undertaken work on behalf of the authority, and there is no reason to question the integrity of this organisation, or the survey they have undertaken and the resultant report.
43. The scheme has been amended to address the initial concerns raised by the Highway Authority. The site would be accessed off Works Lane via a new access measuring 5.25m wide, across a grass highway verge. The access would be a hard surfaced access drive with suitable visibility splays. The site would have sufficient space and turning provision to enable vehicles to enter and leave the site in a forward gear. The Highway Authority is satisfied the access arrangements proposed comply with their 6C's design guidance and do not object to the proposal on highway safety grounds.
44. The application form indicates that 10 off street parking spaces would be provided, two per dwelling which is sufficient given the proposal is for two bedroom residential units. There are currently no parking restrictions along Works Lane and vehicles can park on both sides of the road. The creation of the new vehicle access would result in the loss of at least one on street parking space. The majority of the residential terraced houses on the opposite side of Works Lane have no off street parking spaces. At the time of the officer site visit the level of on street parking along Works Lane was low as was the level of traffic and the road did not appear to be congested. Given that the Highway Authority does not object to the proposal a reason for refusal based on highway safety grounds is unlikely to be upheld at appeal.
45. The site is located approximately 85m to the north of a local wildlife site. For this reason the minimum of a Preliminary Ecology Survey is required to ensure the proposal would not cause unmitigated harm to the sites ecology including any protected species. The applicant has been made aware of this requirement and a survey has been submitted which, at the time of writing this report, was out for consultation with the Borough's Sustainability Officer.

Responses to the consultation will be reported to members of the Committee before the meeting.

46. The site is located close to an area of identified contaminated land as well as adjacent to an electricity sub-station. There is a risk that these sources of land contamination have migrated affecting the site. To address this concern raised by Environmental Health, a condition to secure a Land Contamination Report is submitted prior to the implementation of any planning permission has been recommended, should the committee be minded to approve the application.
47. The Environmental Health Officer has also raised a concern that the adjacent electricity substation emits low frequency noise which may harm the amenity of future occupiers of the closest of the proposed residential properties. To overcome this potential harm a condition requiring a noise insulation scheme is recommended.
48. Concerns have been raised by local residents regarding noise and disturbance during the construction phase of the proposed development. To address this, as advised by Environment Health, the inclusion of a condition requiring a method statement for the control of noise, dust and vibration during construction has been suggested.
49. The proposal is an outline application, apart from the access, details shown on the submitted plans including appearance, layout, landscaping and scale are indicative. It is, therefore, difficult to determine at this stage the exact impact of the proposal on the residential amenity of the neighbouring properties, yet the site is of a sufficient size to accommodate 5 two bedroom dwelling houses including sufficient parking, amenity and circulation space. The rear elevations of the neighbouring properties on Park Road would face towards the application site but the separation between them and the site boundary would exceed the minimum 11m recommended in the Rushcliffe Residential Design Guide to protect the privacy of existing residents and future occupiers of the proposed dwelling houses. Furthermore, whilst the layout plan submitted is only illustrative, this indicates that the new dwelling closest to properties on Park Road could be a bungalow and this can be controlled further when considering a subsequent application for reserved matters or full planning permission.
50. The application must be considered as proposed. The alterations that could be made to the access arrangements of the adjacent concrete works and any impacts resulting from such changes cannot be considered at this time.
51. The site is a greenfield site but despite the concerns raised by local residents it is not located within the Green Belt. A recent planning application for 6 dwelling houses including a mix of affordable and market houses was withdrawn but there is no record of planning permission being previously refused for houses on this site.
52. The proposal would be visible from the neighbouring residential properties but the resultant loss of views across the existing field is not a material planning consideration and cannot be afforded any weight.

53. Negotiations have taken place during the consideration of the application to address adverse impacts identified by officers and to address concerns and objections raised in letters of representation submitted in connection with the proposal. Amendments have been made to the proposal, addressing the identified adverse impacts, thereby resulting in a more acceptable scheme and a recommendation to grant planning permission.

RECOMMENDATION

It is RECOMMENDED that the Executive Manager – Communities be authorised to grant planning permission subject to the prior signing of a section 106 agreement, and the following conditions:

1. Applications for approval of reserved matters must be made no later than three years beginning with the date of this permission and the development must be begun no later than the expiration of two years from the final approval of reserved matters, or in the case of approval of reserved matters on different dates, the final approval of the last such matter to be approved.

[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 only be carried out in accordance with detailed plans and particulars relating to the following items and the development shall not be commenced until these details have been submitted to and approved in writing by the Borough Council.
 - a. A detailed layout plan of the whole site;
 - b. The siting, design and external appearance of the proposed buildings;
 - c. The finishes for the hard surfaced areas of the site;
 - d. The means of enclosure to be erected on the site;
 - e. Sections and cross sections of the site showing the relationship of the proposed development to adjoining land and premises; and
 - f. The finished ground levels for the site and floor levels of the dwellings relative to existing levels and adjoining land.

[To ensure the development will be satisfactory and in the interests of visual amenity and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

3. Development shall not proceed above foundation level until a detailed landscaping scheme for the site has been submitted to and approved in writing by the Borough Council. The approved scheme shall be carried out in the first tree planting season following the substantial completion of the development. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Borough Council gives written consent to any variation.

[In the interests of amenity and to comply with policy EN13 (Landscaping Schemes) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

4. Before development is commenced, a Contaminated Land Report shall be submitted to and approved in writing by the Borough Council. As a minimum, this report will need to include a Desktop Study documenting historical uses of the site and its immediate environs, site specific interpretation and a conceptual site model explaining results. Where the Desktop Study identifies potential contamination a Detailed Investigation Report will also be required, including a site investigation documenting the characteristics of the ground, an evaluation of all potential sources of contamination and a risk assessment, together with an updated conceptual model. In those cases where a Detailed Investigation Report confirms that contamination exists, a remediation report and validation statement confirming the agreed remediation works have been completed, will also be required. All of these respective elements of the report will need to be submitted to and approved in writing by the Borough Council, prior to development commencing, and the development shall be carried out in accordance with the approved details.

[To make sure that the site, when developed is free from contamination, in the interests of public health and safety and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan. This condition needs to be discharged prior to work commencing on site to ensure that any potential contamination is dealt with prior to or during the construction phase]

5. No development shall commence until a scheme for protecting the dwellings from noise from the adjacent electricity substation; has been submitted to and approved in writing by the Borough Council. The development shall be carried out in accordance with the approved details.

[To protect the amenities of future occupiers and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan. This condition needs to be discharged before development commences on site to ensure that any measures can be incorporated into the build]

6. The development hereby permitted shall not be commenced beyond foundations level until details of the facing and roofing materials to be used on all external elevations have been submitted to and approved in writing by the Borough Council and the development shall only be undertaken in accordance with the materials so approved.

[To ensure the appearance of the development is satisfactory and to comply with policies GP2 (Design and Amenity Criteria) and EN2 (Conservation Areas) of the Rushcliffe Borough Non-Statutory Replacement Local Plan]

7. Occupation of the proposed dwellings shall not take place until the access driveway has been provided and surfaced in a bound material (not loose gravel) for a minimum distance of 5.0 metres from the back edge of the highway threshold, and which shall be drained to prevent the discharge of surface water from the driveway to the public highway. The bound material and the provision to prevent the discharge of surface water to the public

highway shall be retained for the life of the development.

[In the interests of highway safety; and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

8. No part of the development hereby permitted shall be brought into use until the visibility splays are provided in accordance with the approved plans. The areas within the visibility splays referred to in this condition shall thereafter be kept free of all obstructions for the lifetime of the development.

[In the interests of highway safety; and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

9. Occupation of the proposed dwellings shall not take place until the parking areas have been provided and they shall be retained as such for the life of the development.

[In the interests of highway safety and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

10. Prior to the commencement of any on site works, a method statement detailing techniques for the control of noise, dust and vibration during construction shall be submitted to and approved in writing with the Borough Council. The works shall be carried out in accordance with the approved method statement.

[To protect the amenities of the area and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan. This condition needs to be discharged before development commences on site to ensure that appropriate measures are in place during the build phase].

11. This permission shall relate only to the submitted application as amended by the revised plans received on 18 December 2017 regarding the proposed access arrangements and illustrative site plan.

[For the avoidance of doubt and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

Notes to Applicant

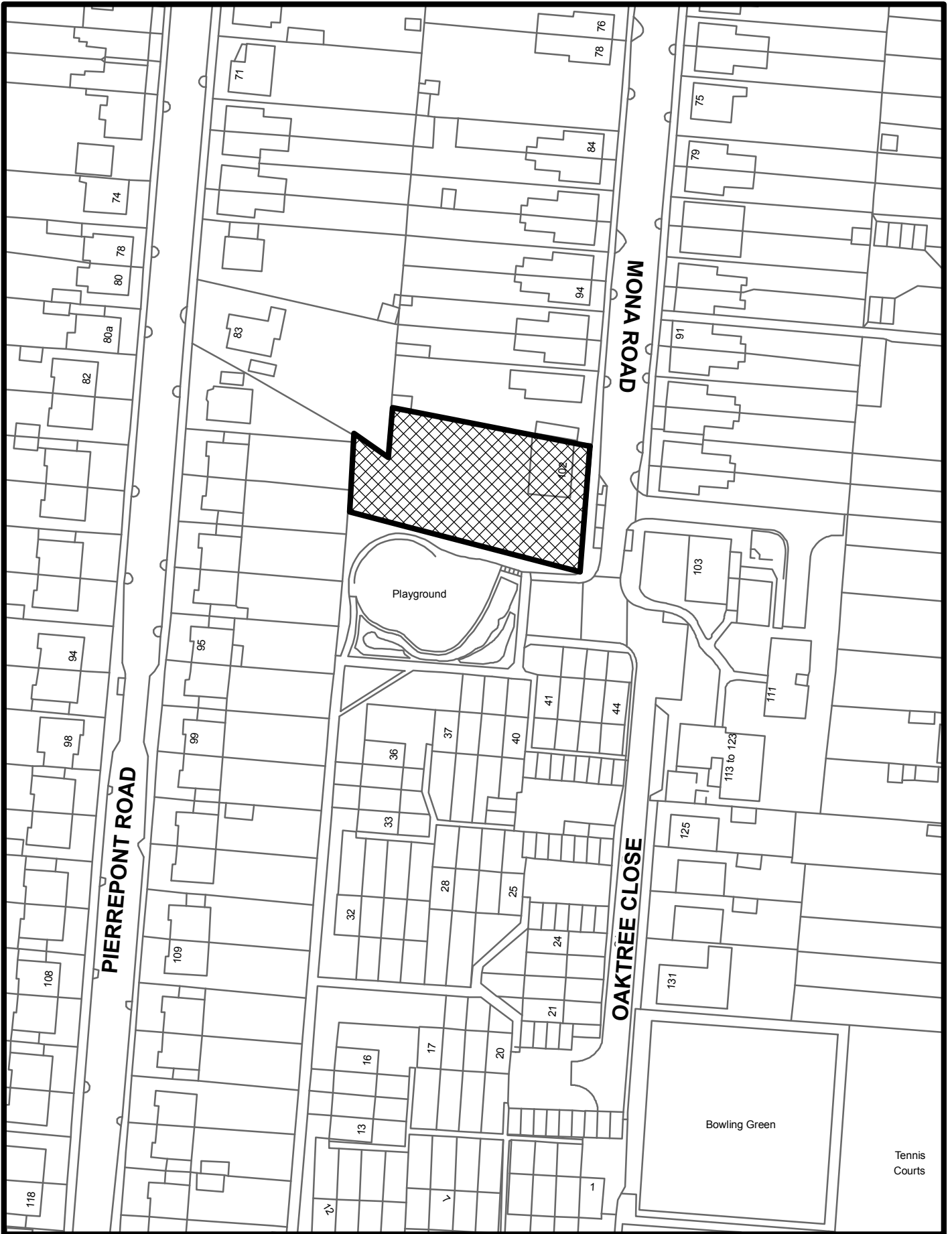
This is subject to an Agreement made under the provisions of Section 106 of the Town & Country Planning Act 1990 (as substituted by the Planning & Compensation Act 1992) relating to affordable housing.

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

Environmental Health Officer on 0115 9148322.

The applicant should take guidance from their preferred Registered Provider partner to ensure the design and layout of the affordable units reflects their specific design requirements prior to the submission of a reserved matters application.

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.



Application Number: 17/02252/FUL
102 Mona Road, West Brigford



scale 1:1000

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17/02252/FUL

Applicant Mr Dalminder Singh

Location 102 Mona Road West Bridgford Nottinghamshire NG2 5BT

Proposal Residential development of three dwellings following demolition of existing dwelling. (Revised application to include basements.)

Ward Lady Bay

THE SITE AND SURROUNDINGS

1. The application site was formerly occupied by an interwar detached suburban house within a relatively large curtilage which has been demolished, and the three dwellings subject to this application are under construction. The site is located in a predominantly residential area at the southern end of Mona Road. The site originally sloped downwards very gradually from north to south resulting in the southern end of the former house being around 0.7m lower than the northern end of the garden. There is a detached house adjacent to the north (100 Mona Road) with a detached garage adjacent to the site boundary which is formed partly by fencing with trellis above, with a total height of around 1.8m, and partly by deciduous hedge. There is fencing and fencing with trellis above of around 1.6m in height along the western boundary with properties on Pierrepont Road.
2. There is a variety of suburban residential properties on Mona Road and Oak Tree Close to the south in terms of period, design/style and type. The majority of the road to the north of the site comprises predominantly red brick Victorian semi-detached houses with a number of infill interwar and mid to late 20th century houses, including 2 cream/white rendered houses. On the east side of the road opposite and to the south east of the site are 3 blocks of 2 storey 1970's flats, and to the south of the turning area and playground are 2 terraces of 1970's mock Georgian houses. There are interwar semi-detached houses on Pierrepont Road to the west of the site. There is a substantial mature deciduous tree which appears to be in the highway opposite the site, in front of one of the blocks of flats.

DETAILS OF THE PROPOSAL

3. A pair of semi-detached two storey 4 bedroom houses, with accommodation in the roof spaces served by front roof lights & rear dormers, would front the road, each with 2 parking spaces to the front. A detached 4 bedroom bungalow, with accommodation in the roof space served by front & rear roof lights and a window in the northern gable, would be in a tandem position to the rear of the pair of semis, with parking/turning to the front & side, and a vehicular access along the northern boundary with 100 Mona Road. The pair of semi-detached houses would have a joint two storey flat roofed front projection and each house would have a first floor rear projection. Each dwelling would have a basement the same size as the footprint and of around 3m in depth to accommodate storage and utility & laundry rooms. The

external materials would be chalk and grey render for the walls with black/blue slate roofs.

4. The Design & Access Statement states that the basements would be fully tanked and waterproof concrete would be used, and that the technology is available to make basements watertight. They would be used for storage and not sleeping accommodation.
5. A Flood Risk Assessment was also submitted.

SITE HISTORY

6. Permission was refused for the erection of one dwelling in 1988 (ref. 87/01158/A3P). An application for five town houses following demolition of the existing dwelling was withdrawn in 2013 (ref. 13/00140/FUL). An application for 3 dwellings was refused in March 2014 (ref. 13/02403/FUL). An application for residential development of three dwellings following demolition of existing dwelling was granted permission in 2014 (ref. 14/01031/FUL).

REPRESENTATIONS

Ward Councillor(s)

7. The Ward Councillors (Cllr R Mallender and Cllr S Mallender) object on grounds summarised as follows;
 - a. The extensive basements are a clear over development of the site and only the already granted planning permission should be allowed.
 - b. The massive excavations and subsequent lining of the basements has resulted in diversion of the flow of water in the area causing flooding around and in the underground structures necessitating constant pumping out.
 - c. Any tanking of the basements would result in further and serious flooding due to the high water table in this part of Lady Bay.
 - d. The application should be refused and the conditions of the previous permission, several of which have been breached, should be implemented.

Statutory and Other Consultees

8. The Borough Council's Conservation Officer comments that the changes from the approved scheme involve excavation to form basements. As these basements would not be visible they do not affect the previously approved design or its relationship to its context. His comments from the approved scheme under 14/01031/FUL remain his view on this current proposal. These comments can be summarised as follows:
9. The bungalow is the weakest element of the proposal but it will be less visible from the public realm. Parking at the frontage, which is not a common feature along Mona Road, and the brick built raised planters on highway land that are

to be removed are part of an amenity improvement scheme. The projecting section at the front with windows which wrap around corners in the pair of semis is a feature which adds some articulation to what would otherwise be a flat and disinteresting frontage. The flat roof of the projection also contrasts well with the pitched roof of the bulk of the property. The end result, whilst not of exceptional architectural quality, would be an unobjectionable addition to the street. The 3d renders provided within the design and access statement are perhaps a little more flattering than the true elevation drawings and it is hoped that when seen 'in the flesh' the building would have a degree of aesthetic appeal. The rear of the building is a little cluttered with dormer windows and very blocky projecting central bay windows on the upper floor, although again these elevations have a limited impact upon the character of the wider area. Although the proposed design is far from being the best that could be achieved, the scale of the buildings and the degree of development is not excessive and the designs overall, particularly where they will be on public display, are not poor. It is not considered there would be a legitimate reason to refuse planning permission on design grounds.

10. The Borough Council's Landscape and Design Officer having visited the site can confirm that there were a couple of herras panels close to the building to the rear, although these were not considered to be part of any tree protection and seemed to be more to do with reinforcing the boundary. There was no tree protection alongside the boundary with the Borough Council owned land, adjacent to the building at the front of the site. Therefore, he considers that a condition would be appropriate to require tree protection measures to protect the boundary vegetation.
11. The Environment Agency (EA) comments that the proposed development will only meet the requirements of the National Planning Policy Framework (NPPF) if mitigation measures detailed in the Flood Risk Assessment are implemented and secured by way of a condition on any planning permission to ensure that the basements remain non-habitable and are waterproofed to the highest standard, floodgates are placed on all ground entrances, there is no lowering of existing site levels and flood resilience measures are incorporated.
12. They advise that the EA does not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals, as they do not carry out these roles during a flood, and that their involvement with the development during an emergency would be limited to delivering flood warnings to occupants/users covered by their flood warning network. They further advise that the technical guide to the NPPF states that developers should take advice from the emergency services when producing an evacuation plan for the development as part of the flood risk assessment and that, in all circumstances where warning and emergency response is fundamental to managing flood risk, local planning authorities should consider the emergency planning and rescue implications of new development in making their decisions.
13. They also stress that the basement should not to be used as habitable accommodation as this would increase vulnerability and render the development not appropriate in the flood zone.

14. Nottinghamshire County Council as Lead Local Flood Authority (LLFA) advise that they will not be making comments on the scheme in relation to flood risk as it falls outside of the guidance set out by Government for those applications that do require a response from the LLFA. They do, however, recommend that the development should not increase flood risk to existing properties or put the development at risk of flooding, any discharge of surface water from the site should look at infiltration – watercourse – sewer as the priority order for discharge location. Sustainable urban drainage systems (SUDS) should be considered where feasible and consideration given to ownership and maintenance of any SUDS proposals for the lifetime of the development, and that any development that proposes to alter an ordinary watercourse in a manner that will have a detrimental effect on the flow of water (eg culverting/pipe crossing) must be discussed with the Flood Risk Management Team at the County Council.

Local Residents and the General Public

15. 7 written representations have been received raising objections and comments which are summarised as follows:
- a. The 'super basements' have exacerbated the original over-development of the site, and are a monumental deviation from the original plans.
 - b. Risk of flooding and subsidence to neighbouring properties – the Flood Risk Assessment does not cover this.
 - c. Would not respect local context or street pattern and the scale and proportions of surrounding buildings, and would be entirely out of character with the area.
 - d. Permission was previously refused on grounds that a predominance of render would be unsympathetic to the area.
 - e. The bungalow is unusually big with a disproportionately high roof.
 - f. Overlooking and loss of privacy, and inadequate privacy for future occupants.
 - g. Visual intrusion from levelling the site and a boundary fence 1.7m above finished floor level of the bungalow included on the previous application is not shown now.
 - h. Uncertain as to how surface water drainage will be dealt with.
 - i. Have tree roots been affected by the excavations?
 - j. Contrary to the Local Plan and National Planning Policy Framework.
 - k. The Design & Access Statement and Flood Risk Assessment are inaccurate, misleading and incomplete.
 - l. The constant use of pumping equipment and sound of running water suggests that the water table has been dug into or a water course

diverted. There is worry about what will happen when the basements are in place and the pumping stops.

- m. Existing cellars were constructed over 100 years ago with none larger than 50% of the footprint. Some have been upgraded but have been tanked internally without any impact on the water table or increase in the amount of impenetrable ground as does this development.
- n. Some areas of London, such as Westminster, are beginning to regulate basements more stringently and have very strict rules and guidelines for the building of 'super basements'. For example in Flood Zone 3, which is classification for Mona Road, basements are not considered acceptable. This project must be stopped immediately and subject to a study on how the massive excavations and super basements will impact on surrounding land and the environment.
- o. Noise and vibration from pile driving of basements and considerable stress and disruption to the neighbourhood including damage to neighbouring property and vehicles, and there is no room for safe movement of machinery or materials or storage of excavated soil.
- p. A flagrant attempt to flout the law and to allow it to continue would set a dangerous precedent.
- q. Believe that the Borough Council paid little or no regard to the risk of flooding when considering the test of expediency with respect to enforcement action.

PLANNING POLICY

- 16. The Development Plan for Rushcliffe consists of the 5 saved policies of the Rushcliffe Borough Local Plan (1996), the Rushcliffe Local Plan Part 1: Core Strategy.
- 17. Other material considerations include the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG), the Rushcliffe Borough Non-Statutory Replacement Local Plan (2006) and the Rushcliffe Residential Design Guide.
- 18. Any decision should therefore be taken in accordance with the Rushcliffe Core Strategy, the NPPF and NPPG and policies contained within the Rushcliffe Borough Non-Statutory Replacement Local Plan where they are consistent with or amplify the aims and objectives of the Core Strategy and Framework, together with other material planning considerations.

Relevant National Planning Policies and Guidance

- 19. The National Planning Policy Framework (NPPF) includes a presumption in favour of sustainable development. Local Planning Authorities should approach decision making in a positive way to foster the delivery of sustainable development and look for solutions rather than problems, seeking to approve applications where possible. In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development. Development

proposals that accord with the development plan should be determined without delay. Where the development plan is absent, silent or relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

20. There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

- an economic role – contributing to building a strong, responsive and competitive economy;
- a social role – supporting strong, vibrant and healthy communities by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and
- an environmental role – contributing to protecting and enhancing our natural, built and historic environment.

21. Paragraph 14 of the NPPF states that where the development plan is absent, silent or relevant policies are out of date, planning permission should be granted unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- specific policies in this Framework indicate development should be restricted.

22. Four of the Core planning principles of the NPPF state that planning should:

- Proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places the country needs;
- Always seek to ensure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- Take account of different roles and character of different areas; and
- Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.

23. Chapter 1: ‘Building a strong, competitive economy’ states that the Government is committed to securing economic growth in order to create jobs and prosperity and to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth.

24. Chapter 6: 'Delivering a wide choice of high quality homes' states housing applications should be considered in the context of the presumption in favour of sustainable development. Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area. At paragraph 49 it also states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
25. Chapter 7: 'Requiring good design' states that good design is a key aspect of sustainable development and should contribute to making places better for people. Planning policies and decisions should aim to ensure that developments will function well and add to the overall quality of the area and respond to the local character and history, and reflect the identity of local surroundings and materials. Permission should be refused for development of poor design that fails to improve the character and quality of an area. Paragraph 60 of the NPPF relates to design and states, "*Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.*"
26. Chapter 10: 'Meeting the challenge of climate change, flooding and coastal change' states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. Local Plans should apply a sequential, risk-based approach to the location of development to avoid where possible flood risk to people and property and manage any residual risk, taking account of the impacts of climate change, by applying the Sequential Test and, if necessary, the Exception Test. The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.
27. The National Planning Practice Guidance (NPPG) states that it should not normally be necessary to apply the Sequential Test to development proposals in Flood Zone 1 (land with a low probability of flooding from rivers or the sea), unless the Strategic Flood Risk Assessment for the area, or other more recent information, indicates there may be flooding issues now or in the future (for example, through the impact of climate change).

Relevant Local Planning Policies and Guidance

28. Policies 3 (Spatial Strategy), 8 (Housing Size, Mix and Choice) and 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy. Policy 3 outlines the distribution of development in the Borough during the plan period. It ensures the sustainable development of Rushcliffe will be achieved through a strategy that promotes urban concentrations by directing the majority of development towards the built up area of Nottingham and the Key Settlements. Policy 8 states that residential development should provide a mix of housing tenures, types and sizes in

order to create mixed and balanced communities. All residential developments should contain adequate internal living space, and a proportion of homes should be capable of being adapted to suit the lifetime of its occupants. Consideration should also be given to the needs and demands of the elderly as part of overall housing mix, in particular in areas where there is a significant degree of under occupation and an aging population.

29. The Rushcliffe Non-Statutory Replacement Local Plan has been used in decision making since 2006 and, despite the Core Strategy having been adopted, its policies are still a material consideration in the determination of any planning application, where they are consistent with or amplify the aims and objectives of the Core Strategy and have not been superseded. Policies GP2 (Design and Amenity Criteria), EN13 (Landscaping Schemes), HOU2 (Development on unallocated sites) and WET2 (Flooding) are relevant.
30. The Rushcliffe Residential Design Guide (RRDG) states that building designs should contribute to an active and attractive street environment. A positive design approach to the local context does not mean a repetition of what went before. Fenestration, the proportions of the building and use of related materials are all design matters that should take their lead from the neighbouring properties. Contemporary and innovative solutions which successfully address all of these issues are to be encouraged. It states that opportunities for backland/tandem development is are limited because of the impact on neighbours, through loss of privacy or noise. Where these issues can be overcome, the design of any new building must also take into account access & good connectivity to the surrounding settlement, existing landscape features, and that generally such development is not visible from the public domain offering an opportunity for innovative contemporary architecture which can mitigate any adverse effects on neighbours. The guide also refers to distances between buildings and boundaries, and garden sizes.

APPRAISAL

31. The site is in Flood Zone 3 on the Environment Agency's flood zone maps, which has a medium to high probability of flooding. However, the Strategic Flood Risk Assessment indicates that the site falls outside of the area outlined to be 1 in 1000 annual chance of flooding. As such the area has a low probability of river flooding equivalent to Flood Zone 1. In view of this and the guidance in the NPPG, it is concluded that the site is equally comparable to other sites identified in the Strategic Housing Land Availability Assessment in West Bridgford, and the sequential test has been passed. As the Environment Agency does not object and the site is in a sustainable location close to local services/facilities, employment and public transport, it is considered that the Exception Test is also passed.
32. The concerns of local residents and the Ward Councillors relating to the potential impact of the proposed basements are acknowledged. The relevant consultees, ie the Environment Agency (EA) and the Lead Local Flood Authority (LLFA), have been consulted and, in the absence of an objection on grounds of flood risk, it is considered that a refusal on such grounds could not be justified. Conditions could be imposed to require the development to be carried out in accordance with the Flood Risk Assessment and to prevent the basements being used as living accommodation, as recommended by the EA. Details of surface water drainage could also be required by condition as

was the case on the previous permission The construction would also have to comply with the Buildings Regulations.

33. The reference to 'super basements' in London is also acknowledged. It is understood that policies/guidelines/requirements of London boroughs such as Westminster are as a result of a 'sharp rise' in planning applications for basement development in recent years which are often substantially larger than the basements proposed in this case and several storeys deep, and sometimes referred to as 'mega basements'. The Borough Council does not have any policies at present which would seek to control or preclude this type of development.
34. The Borough Council does not have a specific policy relating to the development of residential gardens, however, policy HOU2 seeks to protect sites which contribute to the amenity or character of an area. In this case the rear garden of the former dwelling is not highly visible or prominent from public areas, and it is considered that it does not make a significant contribution to the amenity or character of the area. Whilst there is a prevailing pattern in the built development of Mona Road to the north of the site and the neighbouring roads to the east and west, the site is significantly larger than the majority of properties in the area, and development to the south on Oak Tree Close is different and of a much higher density. It is, therefore, considered that 3 dwellings on the site would not detrimentally affect the character or pattern of the surrounding area or cause any significant harm to the local area.
35. It should also be noted that the site layout, including vehicular access and parking, and the footprints and scale (above ground level) of the proposed dwellings would be the same as approved under planning permission ref. 14/01031/FUL. The designs of the dwellings are broadly the same, with a number of elevational alterations, most noticeably on the front elevation of the pair of semi-detached houses.
36. As stated in paragraph 2, there is a variety of residential properties in the area. It is considered that the siting, scale, form, design/appearance and materials of the proposed dwellings would be appropriate within this context. The flat roofed front projection incorporating first floor 'wrap around' windows of the pair of semi-detached houses would add interest to this building and street scene. It is also considered that the proposed materials would be appropriate. The introduction of off street parking in front of the building would change the character of this part of the road, however, landscaping either side and in between would help to soften the impact of the hard surfaced areas. The bungalow would have a more traditional suburban design/appearance and, due to its siting & height, and the southern boundary vegetation, it should not be highly visible from public areas.
37. With respect to residential amenity, the RRDG states that private areas should not be excessively overlooked from either public areas or adjoining properties and this is more difficult to achieve for developments of higher density in settlements or backland sites. It states that, in the past, the principal means of addressing privacy for dwellings was by the application of minimum distances between habitable room windows, but that this did not always adequately address privacy, especially of external spaces, and made it difficult to achieve other design objectives. The previously accepted 30m

distance between habitable room windows across rear gardens for 1 and 2 storey dwellings, and rear gardens with a depth of 10m are referred to, and it states that the 30m distance does maintain privacy where distance is the sole determining factor. Reference is also made to garden sizes with 110sq m and 90sq m recommended for detached and semi-detached dwellings respectively. Developers should still aim to meet this garden size but there are a number of factors which may allow smaller gardens, for example, proximity to public open space.

38. In this case, due to the siting of the proposed bungalow with the majority of the rear elevation rooms a minimum of 10m from the boundary, and the position of the rear roof lights (height above finished floor level), there should be no undue or unacceptable overlooking or loss of privacy to properties on Pierrepont Road and a higher boundary fence could be secured by condition. Due to the height of the proposed bungalow, only the roof of the pair of semis should be visible from the adjacent properties on Pierrepont Road. Whilst the pair of semi-detached houses would have rear dormers, due to the distance from the properties on Pierrepont Road, they should also not result in undue or unacceptable overlooking or loss of privacy. The plans approved under 14/010131/FUL indicated fencing along the boundary with properties on Pierrepont Road, and further details were requested by condition. A similar condition is recommended in relation to the current application, should the Committee be minded to grant planning permission.
39. Tandem/backland developments can sometimes present amenity issues for neighbouring properties, particularly when a vehicular access runs along a boundary adjacent to the private garden and living rooms of an adjacent dwelling. In this case the dwelling at 100 Mona Road is on the north side of the plot with a detached garage along part of the site boundary, and there would be a 1.2m strip between the proposed vehicular access and boundary to allow for landscaping. In view of the above, it is considered that vehicular and pedestrian movements associated with 1 dwelling should not result in noise and disturbance at a level which would have a significant adverse effect on the amenities of no. 100 or would justify refusal of permission.
40. It is considered that there would be no significant overshadowing or overbearing effect or overlooking/loss of privacy to neighbouring properties.
41. The garden for one of the pairs of semis would be slightly below the guidelines described earlier (at approx. 87 sqm), whilst the gardens for the other two dwellings would be larger. It is considered that the garden sizes would be adequate, particularly as the site is adjacent to a public playground where any children of the occupants could play. It is, therefore, considered that future occupants would have a satisfactory degree of amenity.
42. There would be a minimum of 2 off-street parking spaces for each dwelling and the site is in a sustainable location close to, and within walking distance of local facilities/services and a bus route.
43. In considering this application, it has to be borne in mind that the Council does not have a 5 year housing land supply. Consequently, in accordance with paragraph 49 of the NPPF, Policy 3 of the Core Strategy, which is a policy for the supply of housing, is not up to date. In such circumstances, paragraph 14 NPPF and the so-called 'tilted' balance is engaged. This means

that any benefits of the proposed development must be weighed against any adverse impacts.

44. In terms of benefits, the proposed development would make a limited contribution to addressing the Borough Council's lack of a 5 year housing land supply. There would also be a limited temporary economic benefit during construction, and future occupants are very likely to use local services/facilities in the area. There would also be a social benefit from widening the choice of available homes. Subject to conditions, it is considered that any adverse impacts would not outweigh the benefits. It is, therefore, considered that the proposal constitutes the type of sustainable development envisaged by the NPPF.
45. With regard to the advice from the EA that local planning authorities should consider the emergency planning and rescue implications of new development in making their decisions, consultations have been undertaken with the Emergency Planner and any comments received will be circulated to members of the Committee before the meeting. However, it should be noted that permission has previously been granted for three dwellings on this site and there have been no significant changes in circumstances since that decision was issued.
46. With respect to other issues raised in the written representations, fear of future similar proposals cannot be used to refuse an application and each application has to be considered on its merits. Noise during construction works and anti-social behaviour are environmental health matters. It is the responsibility of an applicant/developer to carry out a development in a safe and responsible manner and to not damage neighbouring property. Any obstruction to the public highway would be a matter for the Highway Authority or the Police.
47. With respect to work starting prior to submission of the application, following advice from the EA and LLFA, and after very careful consideration, it was concluded that it would not be expedient to take enforcement action.
48. The application was not subject to pre-application negotiations and it was not necessary to contact the applicant during processing of the application.

RECOMMENDATION

It is RECOMMENDED that planning permission be granted subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - MR-02 B
 - 14-49 PPH/202 Revision A
 - 14-49 PPH/203 Revision A
 - Section AA (x 2)

[For the avoidance of doubt and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

2. Prior to construction of the pair of semi-detached houses progressing above Damp Proof Course level or the external finishes being applied to the bungalow, details of the facing and roofing materials to be used on all external elevations shall be submitted to and approved in writing by the Borough Council, and the development shall only be undertaken in accordance with the materials so approved.

[To ensure the appearance of the development is satisfactory and to comply with policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan].

3. The development hereby permitted shall only be carried out in accordance with the Flood Risk Assessment (FRA) dated 20 September 2017 produced by ARK Environmental Consultancy Ltd and the following mitigation measure detailed in the FRA:

- Finished floor levels set no lower than 23.1m above Ordnance Datum.
- Full waterproofing of the basements.
- Floodgates placed on all ground entrances.
- No lowering of existing site levels.
- All flood resilience measures in Section 9.7 incorporated.

The above mitigation measures shall be fully implemented prior to occupation of the dwellings and shall be maintained subsequently in accordance with the timing/phasing arrangements embodied within the scheme for the lifetime of the development.

[To reduce the risk of flooding to the proposed development and future occupants and to comply with policy WET2 (Flooding) of the Rushcliffe Borough Non-Statutory Replacement Local Plan and the National Planning Policy Framework]

4. Within 28 days of the date of this permission a surface water drainage scheme for the site based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development shall be submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 100 year and 20% climate change critical storm will not cause an increase in surface water run-off from the site. The scheme shall also include details of how the scheme will be maintained and managed after completion. The scheme shall be implemented in accordance with the approved details before the development is completed.

[To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site and to comply with policy WET2 (Flooding) of the Rushcliffe Borough Non-Statutory Replacement Local Plan and the National Planning Policy Framework]

5. The development hereby permitted shall not be brought into use until a detailed landscaping scheme for the site shall be submitted to and approved in writing by the Borough Council. The approved scheme shall be carried out

in the first tree planting season following the substantial completion of the development. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Borough Council gives written consent to any variation.

[In the interests of amenity and to comply with policy EN13 (Landscaping Schemes) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

6. The development shall not be brought into use until the driveway/parking areas have been surfaced in a bound material and constructed with provision to prevent the unregulated discharge of surface water on to the public highway in accordance with details to be submitted to and approved in writing by the Borough Council and the driveway/parking areas shall be retained and shall be available for parking vehicles for the lifetime of the development.

[In the interests of highway safety; and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

7. Within 28 days of the date of this permission details of fencing to be erected along the western site boundary with adjacent properties on Pierrepont Road shall be submitted to the Borough Council, and the approved fencing shall be erected prior to occupation of the bungalow (dwelling 3). Thereafter the approved fencing shall be retained for the lifetime of the development.

[To safeguard the reasonable residential amenities of adjoining properties and to comply with policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan].

8. The basements shall only be used for the purposes specified on the application plans and shall not be used as living/sleeping accommodation.

[To minimise the risk to occupants in the event of a flood and to comply with policy WET2 (Flooding) of the Rushcliffe Non-Statutory Replacement Local Plan and the National Planning Policy Framework]

9. Within 14 days of the date of this permission details of measures for the protection of trees along the southern site boundary shall be submitted to the Borough Council for approval and the trees shall be protected in accordance with the approved details within 14 days of the Borough Council's written approval. The protection measures shall be retained for the duration of the construction period. No materials, machinery or vehicles shall be stored or temporary building erected within the perimeter of the fence, nor shall any excavation work be undertaken within the confines of the fence without the written approval of the Borough Council. No changes of ground level shall be made within the protected area without the written approval of the Borough Council.

[To ensure existing trees are adequately protected during the development and to comply with policy EN13 (Landscaping Schemes) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

10. The eaves of the roof lights and the first floor north gable window in the bungalow hereby permitted shall be 1.7m above the floors of the rooms in which the roof lights/windows are installed.

[To safeguard the reasonable residential amenities of adjoining properties and to comply with policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan].

11. Notwithstanding the provisions of Schedule 2, Part 1 Classes A - D of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or reenacting that Order with or without modification) there shall be no enlargement or alteration of the proposed dwelling(s), and no alteration to or insertion of windows or rooflights other than those shown on the approved plans without the prior written approval of the Borough Council.

[The development is of a nature whereby future development of this type should be closely controlled and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

Notes to Applicant

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 the development should not be brought into use until dropped kerb vehicular crossings have been provided fronting the new driveways and you are required to contact the County Council's Highway Management Area (North) on 0300 500 8080 to arrange for these works, and removal of the raised planter in the public highway, to be carried out.

It is recommended that an Evacuation Plan is prepared informed by the Environment Agency Flood Warnings Direct service.

Nesting birds and bats, their roosts and their access to these roosts are protected under the Wildlife and Countryside Act 1981. Should birds be nesting in the trees concerned it is recommended that felling/surgery should be carried out between September and January for further advice contact Nottinghamshire Wildlife Trust on 0115 958 8242 or by email at info@nottswt.co.uk. If bats are present you should contact Natural England on 0300 060 3900 or by email at enquiries@naturalengland.org.uk.

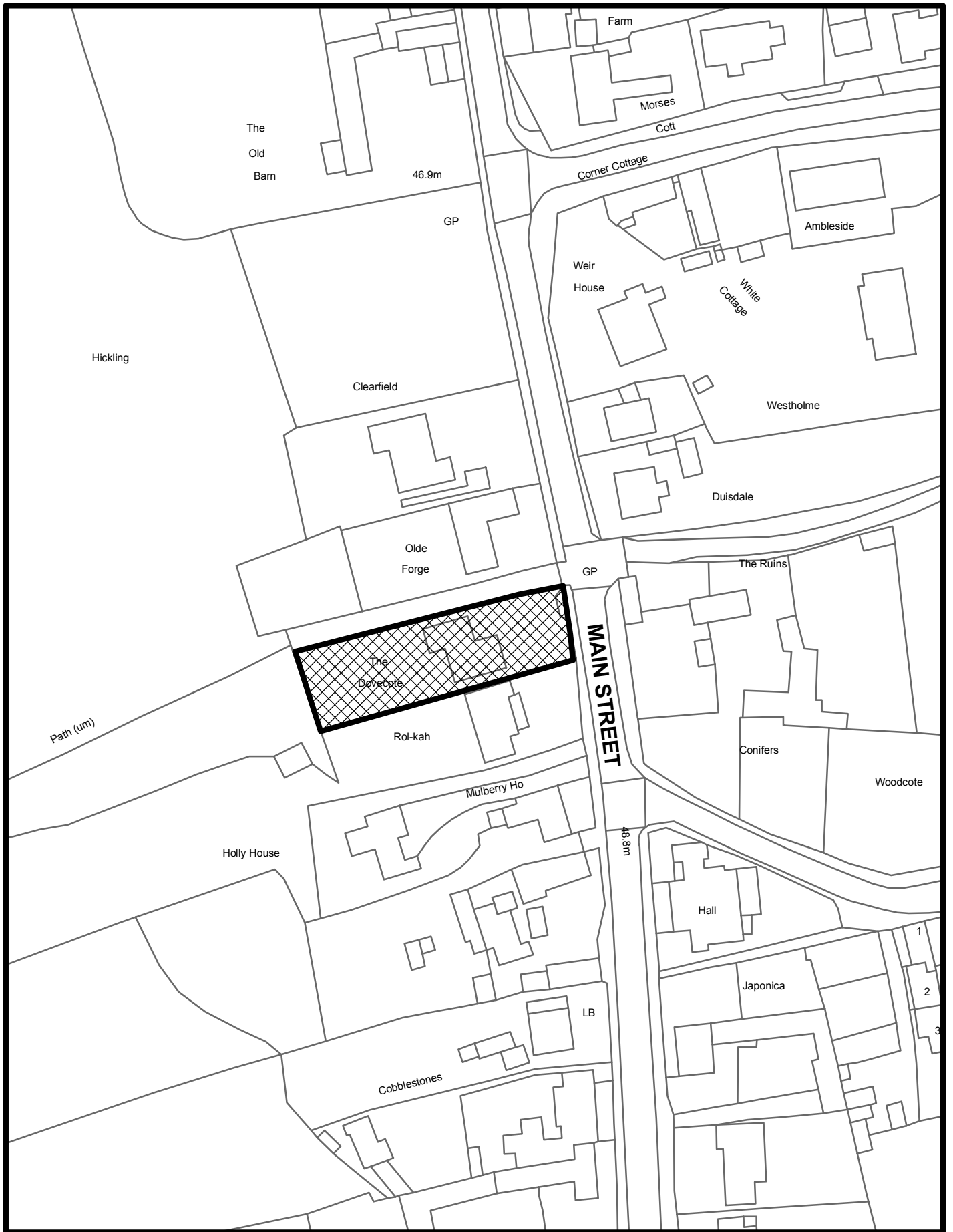
This permission does not give any legal right for any work on, over or under land or buildings outside the application site ownership or affecting neighbouring property, including buildings, walls, fences and vegetation within that property. If any such work is anticipated, the consent of the adjoining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

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.

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

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

Your attention is drawn to the requirements of condition 12. In particular, it has been noted that there are spoil heaps under the canopy of the adjacent oak tree on the southern boundary. These spoil heaps should be removed as soon as reasonably practicable and the ground returned to its original level. Failure to undertake this work would result in a breach of the condition.



Application Number: 17/01982/FUL & 17/02761/FUL
The Dovecote, Main Street, Hickling



scale 1:1000

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17/01982/FUL & 17/02761/FUL

Applicant Miss Joyce Sharp

Location The Dovecote Main Street Hickling Nottinghamshire LE14 3AJ

Proposal (i) Construction of replacement dwelling (following demolition of existing dwelling)
(ii) Demolition of dwelling (to allow replacement dwelling)

Ward Nevile And Langar

THE SITE AND SURROUNDINGS

1. The application property is a late 1960s/early 1970s 2 bedroom detached suburban chalet bungalow with a relatively steep gable fronting Main Street, and a flat roofed attached garage to the side. The site is located on the west side of Main Street in a predominantly residential part of the village, within the Conservation Area. There is countryside adjacent to the west.
2. There are a variety of properties in the vicinity in terms of period, design/style and materials. 'Rowan House', adjacent to the south, is a relatively recent two storey house of a traditional design which replaced a bungalow from the same period as the application dwelling. To the south of this is 'Mulberry House', an 18th century Grade II listed building. A public footpath runs along the northern boundary of the site from Main Street to countryside to the west, and to the north of this is 'Olde Forge', a white rendered suburban bungalow. On the opposite side of Main Street is 'The Ruins' where a replacement dwelling of a predominantly traditional design with a more modern rear section is under construction.

DETAILS OF THE PROPOSAL

3. This is a joint report dealing with an application seeking full planning permission for a replacement dwelling and an application seeking planning permission for relevant demolition in a conservation area.
4. A householder application was originally submitted proposing extensions and alterations to the existing dwelling involving 'partial' demolition. Due to the extent of demolition involved it was concluded that the proposal would amount to substantial demolition of the dwelling, and that the proposal would constitute a replacement dwelling rather than extension/alteration of the existing. As a consequence, a full planning application form has been submitted together with a revised front elevation showing sections of Cedar cladding changed to facing brickwork, and a protected species survey. An application for planning permission for relevant demolition of an unlisted building in a conservation area has also been submitted.
5. The chalet bungalow would be demolished and replaced with a 4 bedroom dwelling which would feature two gables to the front elevation and an asymmetrical gable to the rear, with first floor accommodation in the roof

space. The design would be contemporary with relatively large areas of glazing to the front elevation with grey powder coated aluminium frames. The external materials would be smooth off white render & brickwork for the walls, and Duo Edgemere grey concrete roof tiles.

6. The plans also show a new blocked paved driveway and planting to the front garden.

SITE HISTORY

7. There is no site history.

REPRESENTATIONS

Ward Councillor(s)

8. The Ward Councillor (Cllr Combellack) objected to the original householder application (and agreed with the Parish Council and Design & Conservation Officer) on grounds summarised as follows:
 - a. The application is misleading and inconclusive. There is a contention that this is being developed as a family house for a growing family, yet the applicant does not live in the property or village.
 - b. Over development of the site as the footprint would appear greater than that of the neighbouring property which was redevelopment of a similar dormer bungalow and caused a great deal of consternation in the village with regard to size and design, and was on a larger plot than this site.
 - c. It is not clear how much of the existing property is to be demolished.
 - d. No attempt to blend the property with the existing street scene, not even with the controversial neighbouring property.
 - e. The development would be in opposition to the Conservation Area Appraisal and policy 10 (Design and Enhancing Local Identity) of the Core Strategy and would be detrimental to the street scene with materials totally at odds with the Conservation village.
 - f. Because of the higher elevation it would be overbearing on the neighbouring property 'Olde Forge', a sympathetic conversion of a forge work shop, and would impact on the property opposite, 'Duisdale' which is an important property in the village.
9. With respect to the revised application for a replacement dwelling, Cllr Combellack objects (and agrees with the Parish Council and residents) on grounds summarised as follows:
 - a. Despite the removal of wooden cladding and replacement with brickwork the design remains exceedingly contemporary and not in accordance with the streetscene.

- b. Render is not common in the village, nor are large expanses of glass and aluminium windows – all very smart, but not appropriate in a rural village conservation area.
 - c. As stated by the Conservation Officer, the NPPF makes clear good design should respond to Local Character and history and reflect the identity of local surroundings and materials. This does not.
 - d. Demolition of the existing property would not result in harm to the character and appearance of the conservation area but it would result in detriment to the demographic balance and the ability to provide small affordable properties in the village.
 - e. The application is therefore contrary to Policy 10 of the Core Strategy.
10. Cllr Combellack objects to the application for relevant demolition in a conservation area on the following grounds:
- a. Whilst it is acknowledged the dwelling makes little architectural contribution to the street scene, it is low level affording a view of the country back drop of trees and hedging and makes for a green break in the street scene.
 - b. Whilst it is of no architectural merit I see no reason to repeat the mistakes of the past. This is a golden opportunity to redevelop the existing property to provide something closer to the village vernacular sympathetic to the historic street scene.
 - c. The recent questionnaire sent out to the village to provide information on developing a Neighbourhood Plan established that 53% of households needing to move within the next 10 years, needed 2 bedroom properties.

Town/Parish Council

- 11. The Parish Council objected to the original householder application commenting, *“The proposed design is not in keeping with the village and surrounding properties and the applicant has shown little consideration to conservation area or surrounding properties with this unsympathetic design.*
- 12. *The proposed increase in size of the dwelling means the site will be over-developed and overbearing on The Old Forge to the north. The Old Forge is sited on ground that is slightly lower so the encroachment will only be exacerbated by the side extension on the north side.*
- 13. *The footprint of the proposed dwelling is larger than that of the neighbouring property, The Rowans, and the plot is actually smaller in size. The Rowans is already extremely imposing on the street scene and to have another large dwelling right alongside on plots which originally had dwellings with low ridge heights would alter the character of this area of the village.*
- 14. *Members accept that the current dwelling requires upgrading but there are other properties in the village of a similar age and style that have been sympathetically developed with a much more appropriate design*

demonstrating reasonable consideration to the conservation area and the village environment. The Parish Council feels the applicant has failed to consider either with this application. This design does not enhance the conservation area and will result in yet another oversized dwelling on a small plot.”

15. With respect to the revised application for the replacement dwelling the Parish Council strongly objects commenting, *“Firstly, the proposed replacement dwelling is far too large for the plot which will result in overintensive development of the site. The proposed materials used are inappropriate and out of keeping with the surrounding properties within the Conservation Area and particularly in this area of the village. The design is also out of keeping with the surrounding properties and it is believed that the proposed development would have a detrimental impact on the street scene.*
16. *The design of houses within the parish was a major concern to residents who responded to the Neighbourhood Plan consultation. Over 85% of respondents felt that a design guidance statement was needed and as the Neighbourhood Plan is swiftly moving forward, this design would not meet the criteria due to the fact the 72% of respondents listed 'maintaining the rural character of the area' as their number one priority and this proposed dwelling does not contribute to that aspiration.*
17. *The Parish Council questions how this development can be permitted in the historic area of the Conservation Area as it does not preserve the appearance and is therefore not attempting to meet the objective within section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.*
18. *Finally, the Parish Council must highlight the concerns raised by residents through the Neighbourhood Plan consultation. The vast majority of respondents noted that there is a shortage of two and three bedroom houses within the parish, the proposed development would lead to the loss of another affordable, smaller property within the parish which once again, contravenes the wishes of the residents of Hickling. The Parish Council would prefer to see a tasteful and sympathetic renovation of the building that already exists and not the demolition and replacement with yet another building that is detrimental to the character of Hickling and the Conservation Area.”*
19. In addition to these comments, the Parish Council raised an issue with regard to an apparent lack of consistency in approach to considering applications within the conservation area and cited another development in Harles Acres. In this instance, the view was taken by officers that the property was not within the historic part of the conservation area where the character is very different and, therefore, the proposal did not harm the special architectural and historic character and appearance of the conservation area and, as such, preserved that character as is described as being a 'desirable' objective within section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. In contrast, the Parish Council consider that the current application site is within the historic part of the conservation area, where it is acknowledged by officers that buildings are constructed in the typical orange/red brickwork that is the traditional material used within the Conservation Area.

20. In relation to the application for relevant demolition in a conservation area, the Parish Council "...objects to the application for relevant demolition of an unlisted building in a Conservation Area due to the concerns raised by residents through the Neighbourhood Plan consultation. The vast majority of respondents noted that there is a shortage of two and three bedroom houses within the parish. The proposed demolition would lead to the loss of another affordable, smaller property within the parish which contravenes the local housing need identified by the residents of Hickling. The Parish Council would prefer to see a tasteful and sympathetic renovation of the building that already exists and not the demolition, but would consider a replacement with a similar sized property where the proposal does not consist of yet another building that is detrimental to the character of Hickling and the Conservation Area."

Statutory and Other Consultees

21. The Design and Conservation Officer with respect to the original householder application suggested that, due to the extent of demolition involved, it is highly likely that the application goes beyond what could be considered under a householder application as it would essentially be for a new dwelling not an extension and remodelling project.
22. With respect to the revised application for a replacement dwelling and the application for relevant demolition of an unlisted building in a conservation area, he considers that the existing building is of no great architectural or historic interest and makes no positive contribution to the overall character and appearance of the conservation area. He is of the view that demolition of the existing dwelling would not result in harm to the special architectural and historic character and appearance of the conservation area. He also comments that, given that gaps allowing views into the village setting is a positive feature of the streetscape, even if no redevelopment followed demolition this would likely still be considered to be acceptable and to cause no harm to the special character of the conservation area.
23. With respect to the revised application he comments that the NPPF clearly acknowledges that not all elements of a Conservation Area will necessarily contribute to its significance. The statutory position within section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is that development within conservation areas should preserve or enhance their special architectural and historic character and appearance. Where development involves replacement of a building which makes no positive contribution, the bar for a proposal which preserves character will be low. Legal judgements have established that development need only preserve existing character and that enhancement, whilst desirable, is not a requirement.
24. He further comments that the proposal is to create a double gabled form facing onto the street. Properties that gable on to the street exist within the conservation area, the current property on the site is an example of one such building. The form is, therefore, not out of keeping with the character of the local area. The proposal would not be a typical vernacular design, and neither is the existing building on the site. There is no requirement for new development within conservation areas to be vernacular in style or to be examples of pastiche. Contemporary architecture is not inherently

unacceptable or inappropriate within conservation areas, and the NPPF makes this clear in stating that good design should respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation.

25. He notes the cladding previously shown has been substituted for contrasting panels of brickwork and that, given that timber cladding is rare within the conservation area and is perhaps a negative feature of the existing building, this change is a positive step, and the introduction of elements of brickwork results in a proposal which better reflects the typical palette of materials found within the conservation area where the majority of properties are either of red brick or feature some red brick component twinned with render.
26. Given the similarity of the form of the building to the existing property on the site and other properties in the area found gable end on to the street, and given the choice of materials, he considers that it is clear that the proposal does reflect the identity of local surroundings and materials in a non-traditional way. He comments that it could be suggested that the proposal is not exceptionally successful, however, it is considered that it would be disingenuous to suggest that the proposed dwelling less successfully responds to local character and history, and less successfully reflects the identity of local surroundings and materials than the existing bungalow on the site does. Even if the existing bungalow was not in its present somewhat tired condition, his view would not fundamentally alter.
27. On that basis the proposal must be concluded to 'preserve' the special architectural and historic character and appearance of the Hickling Conservation Area and, as such, the proposal would not harm the special architectural and historic character and appearance of the conservation area, and would achieve the desirable objective described in section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
28. He also considers that, as there is no apparent historic association between the application site and the nearby Grade II Listed 'Mulberry House', and as the proposal would be separated by the intervening property (Rowan House), there would be no harm to the setting of the listed building. The proposal therefore preserves the setting of listed buildings as is described as being a desirable objective within section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
29. The Environmental Sustainability Officer comments that the protected species survey has been carried out in November 2017 and appears to have been carried out according to best practice. He notes that no evidence has been found of the use of the building or surroundings by protected species. He also notes the recommendations in the survey in the event that protected species are found during demolition.

Local Residents and the General Public

30. 9 written representations were received raising objections to the original householder application which are summarised as follows:
 - a. The existing property is out of character with the local vernacular and would benefit from sympathetic improvement, repair and

modernisation to bring it up to date and make it more suitable for a conservation village. However, the proposed alterations do nothing to address this either in design or use of materials. There are few rendered or timber clad buildings in the village, and certainly none with such a large area of glass on the street elevation which would be at odds with the rural character of the conservation area.

- b. The contemporary design is equally as bad as the existing. This should be an opportunity to make a positive contribution to the Conservation Area as is the requirement, but the proposal totally fails in this respect.
 - c. The site is in a slightly elevated position which means that the proposed double gables would be unduly prominent and dominate the bungalow to the north of the site ('Olde Forge').
 - d. Overlooking to 'Olde Forge' compounded by the application site being much higher.
 - e. The plans are unclear as to whether the bungalow is being upgraded and extended, or if the intention is to all but demolish the bungalow under the guise of extending it.
 - f. The property was bought recently and is currently empty which would suggest that it is more a speculative venture than an attempt to improve a family home.
 - g. There seems to be a move in the village to build larger properties which, in time, will change the family dynamic of the village.
31. With respect to the revised application for a replacement dwelling and the application for relevant demolition of an unlisted building in a conservation area, 2 written representations have been received raising objections which are summarised as follows:
- a. The minimal changes still don't make it appropriate or sympathetic and does nothing to respect the vernacular of village properties. It does not add to the overall quality of the area, establish a strong sense of place, nor does it respond to local character and history, and reflect the identity of local surroundings and materials.
 - b. Overdevelopment of the site.
 - c. Overbearing to the adjacent bungalow.

PLANNING POLICY

32. The Development Plan for Rushcliffe consists of the 5 saved policies of the Rushcliffe Borough Local Plan (1996), the Rushcliffe Local Plan Part 1: Core Strategy.
33. Other material considerations include the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG), the Rushcliffe Borough Non-Statutory Replacement Local Plan (2006) and the Rushcliffe Residential Design Guide (RRDG).

34. Any decision should therefore be taken in accordance with the Rushcliffe Core Strategy, the NPPF and NPPG and policies contained within the Rushcliffe Borough Non-Statutory Replacement Local Plan where they are consistent with or amplify the aims and objectives of the Core Strategy and Framework, together with other material planning considerations.

Relevant National Planning Policies and Guidance

35. The National Planning Policy Framework (NPPF) includes a presumption in favour of sustainable development. Local Planning Authorities should approach decision making in a positive way to foster the delivery of sustainable development and look for solutions rather than problems, seeking to approve applications where possible. In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.
36. There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles. The environmental role refers to 'contributing to protecting and enhancing our natural, built and historic environment'.
37. Two of the core planning principles state that planning should:
- Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of buildings and land.
 - Conserve heritage assets in a manner appropriate to their significance.
38. Chapter 7: 'Requiring good design' states that good design is a key aspect of sustainable development and should contribute to making places better for people. Planning policies and decisions should aim to ensure that developments will function well and add to the overall quality of the area and respond to the local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation. Permission should be refused for development of poor design that fails to improve the character and quality of an area. Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.
39. Chapter 12: 'Conserving and enhancing the historic environment' states that, in determining planning applications, local planning authorities should take account of:
- The desirability of sustaining and enhancing the significance of heritage assets;
 - The desirability of new development making a positive contribution to local character and distinctiveness.

40. Chapter 12 advises that the more important the Heritage Asset is, the greater the weight which should be given to its conservation. Where proposals would result in substantial harm or less than substantial harm to a heritage asset, such harm will need to be outweighed by public benefits, substantial public benefits in the case of substantial harm.
41. Section 66 and 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990 states that special regard/attention should be paid to the desirability to preserve Listed Buildings and their settings and of preserving or enhancing the character and appearance of the Conservation Areas and.

Relevant Local Planning Policies and Guidance

42. Policies 10 (Design and enhancing local identity) and 11 (Historic Environment) of the Rushcliffe Local Plan Part 1: Core Strategy.
43. Policies GP2 (Design & Amenity criteria), EN2 (Conservation Areas), EN3 (Demolition in Conservation Areas) and EN4 (Listed Buildings) of the Rushcliffe Borough Non-Statutory Replacement Local Plan. EN3 states that permission will only be granted for development requiring the demolition of buildings in a Conservation Area where the proposal does not detrimentally affect the character or appearance of the area, and any permission may be conditional on redevelopment proposals for the site being approved and contacts for them accepted before demolition is begun.
44. The Rushcliffe Residential Design Guide (RRDG) states that, although it is important that developments respect local character, pastiche designs incorporating poor imitations of other styles should be avoided and that contemporary and imaginative solutions combining individuality can, when related to local character, make a positive contribution to a place.

APPRAISAL

45. The site has an established residential use, occupied by a single residential property, and the proposal for a replacement dwelling is considered to be acceptable in principle. Therefore, the applications must be considered having regard to other material considerations, including the design and appearance of the replacement dwelling, the impact of the proposal on the amenities of neighbouring properties and, in particular, the impact of the proposals on the character and appearance of the conservation area and setting of nearby listed buildings, both in terms of the impacts arising from the demolition of the existing building and the impact of the replacement dwelling.
46. The existing dwelling is a typical 1960s/1970s suburban chalet bungalow and, whilst not unattractive, it is considered that it does not have any significant architectural or historic interest and makes no positive contribution to the overall character and appearance of the conservation area. As the Design and Conservation Officer has noted, gaps in the built form along Main Street are a feature of the village and Conservation Area. Consequently, it is considered that demolition of the building would preserve the character and appearance of the Conservation Area, even if the dwelling was not replaced.

47. Only the impact on the character and appearance of the Conservation Area can be taken into account when considering the proposed demolition and, therefore, an apparent shortage of 2 and 3 bedroom dwellings in the parish is not a material planning consideration when considering the application for relevant demolition in a conservation area.
48. As the Design and Conservation Officer has noted, the design of the proposed dwelling, incorporating gables fronting Main Street is not out of keeping with the area. The appearance, incorporating relatively large areas of glazing to the front elevation, would be contemporary and somewhat striking, however, such an approach to the design is not considered to be unacceptable. There are a number of rendered buildings in the vicinity including 'Olde Forge' to the north, and it is considered that the combination of render, red brick and slate effect grey tiles would be sympathetic to the built form of the surrounding area. It is also considered that the proposed dwelling more successfully responds to local character and history, and better reflects the identity of local surroundings and materials than the existing bungalow.
49. It has to be borne in mind that the NPPF states that *'planning decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.'* It is considered that the proposal meets these requirements.
50. In view of the above, it is considered that the character and appearance of the Conservation Area would be preserved. Due to the distance of the site from the Grade II listed Mulberry House and the intervening dwelling at 'The Rowans', it is considered that the setting of the listed building would also be preserved. Consequently, the proposals satisfy the objective described as desirable in Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
51. Due to the siting, scale and design it is considered that there would be no significant adverse impact on the amenities of adjacent or nearby properties. The difference in levels between the site and 'Olde Forge', which has a number of secondary side living room windows, is acknowledged. Due to the siting and scale and distance from 'Olde Forge' (with a public footpath running between the two sites), it is considered that there would be no significant overshadowing or overbearing effect on that property.
52. The Borough Council has a legal duty when determining a planning application for a development which may have an impact on protected species. The species protection provisions of the Habitats Directive, as implemented by the Conservation (Natural Habitats Etc) Regulations 1994, contain three tests which Natural England must apply when determining a licence application. In this case the protected species survey found no evidence of bats or birds in the building and, therefore, it is not necessary to apply the tests in this instance. However, there is potential for this situation to change and a condition is recommended requiring further surveys to be undertaken if the development is not commenced within 1 year of the grant of permission, should the Committee be minded to approve the application. The conservation status of the species would, therefore, be maintained.

53. The proposals were subject to pre-application discussions and revised/additional details were submitted during the processing of the application resulting in a recommendation to grant planning permission.

RECOMMENDATION

- (i) It is RECOMMENDED that planning permission be granted subject to the following conditions:

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plan(s): 002 Revision E, 003 Revision A.

[For the avoidance of doubt and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

3. Prior to construction of the building hereby permitted reaching Damp Proof Course level, details of the facing and roofing materials to be used on all external elevations, and materials to be used for hard surfaces forward of the principal elevation shall be submitted to and approved in writing by the Borough Council, and the development shall only be undertaken in accordance with the materials so approved.

[To ensure the appearance of the development is satisfactory and to comply with policies GP2 (Design and Amenity Criteria) and EN2 (Conservation Areas) of the Rushcliffe Borough Non- Statutory Replacement Local Plan]

4. In the event that the planning permission is not implemented within 1 year of the date of the planning permission being granted a further protected species survey shall be carried out and submitted to the Borough Council. Any mitigation measures required shall be implemented in accordance with the approved details to the satisfaction of the Borough Council.

[To ensure the survey reflects the situation pertaining at the time and to comply with policies GP2 (Design & Amenity Criteria) and EN12 (Habitat Protection) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

5. The flat roofed area to the single storey element on the rear of the building shall not at any time be used as a balcony or raised terrace for the lifetime of the development.

[To ensure a satisfactory development in the interests of amenity and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

Notes to Applicant

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.

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.

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

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.

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

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

And

(ii) It is **RECOMMENDED** that planning permission be granted for relevant demolition in a conservation area subject to the following conditions:

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

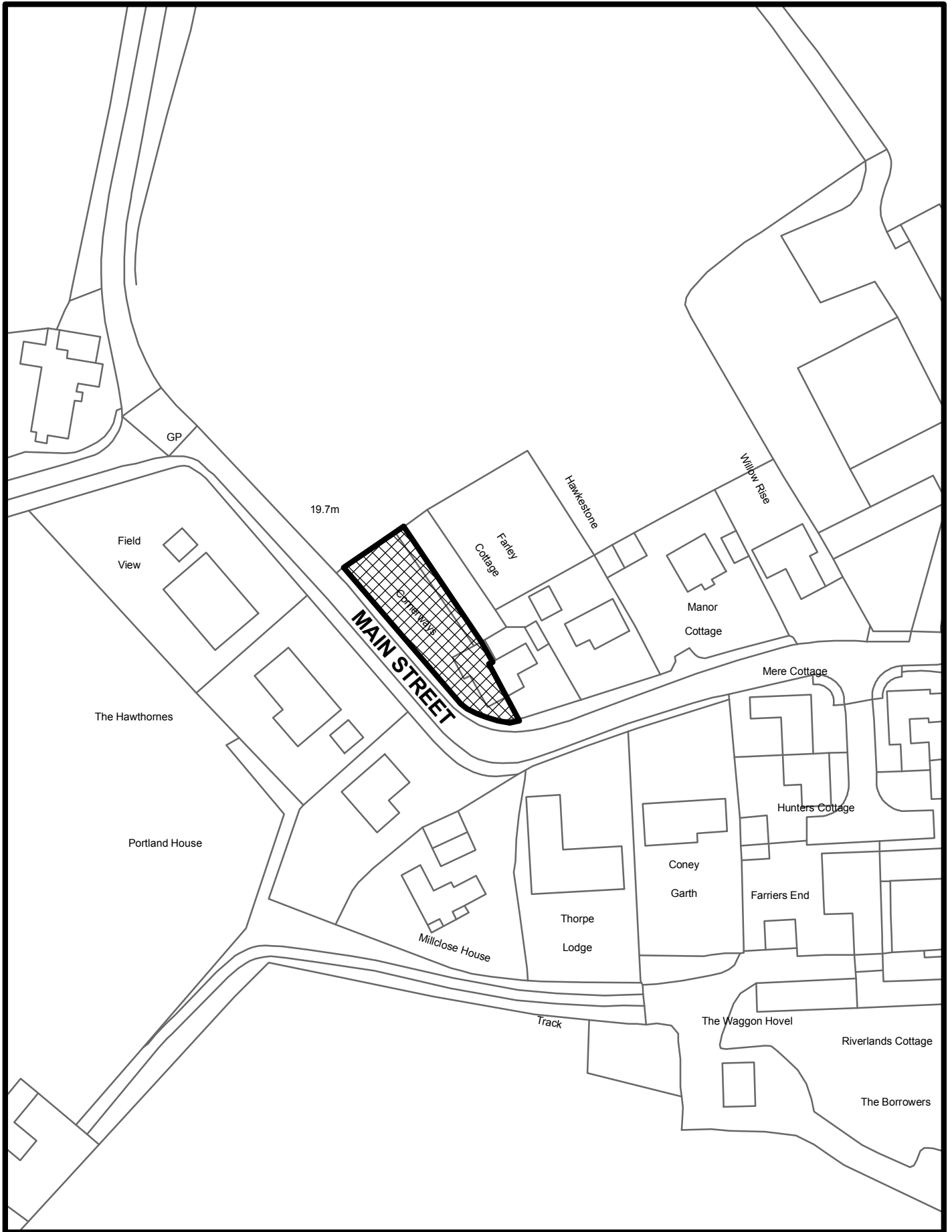
[To comply with Section 91 of the Town and Country Planning Act 1990, as amended by the Planning & Compulsory Purchase Act 2004].

2. The development hereby permitted shall not commence until a scheme for re-development or aftercare/restoration of the site has been submitted to and approved in writing by the Borough Council, and re-development or aftercare/restoration of the shall take place in accordance with the approved scheme.

[To protect the amenities of nearby residents and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory

Notes to Applicant

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



Application Number: 17/02414/FUL
Cornerways, Main Street, Sibthorpe



scale 1:1000

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17/02414/FUL

Applicant Mr & Mrs Radymski

Location Cornerways Main Street Sibthorpe Nottinghamshire NG23 5PN

Proposal Single storey extension to rear and side.

Ward Thoroton

THE SITE AND SURROUNDINGS

1. Cornerways is a semi-detached two storey property located on a corner plot towards the edge of Sibthorpe. The area has no regular vernacular or built form with bungalows to the north west set behind green frontages, two storey detached houses to the south and further dormer bungalows to the south east, all with different material finishes ranging from red brick, to render and stone cladding. The property, the subject of this application, is finished in red brick with concrete tiles to the roof, whilst there is a single storey rear extension with a flat roof and white render finish.
2. The existing property has no front door or sense of entrance, however, it is considered that originally the historic front of the house would have faced south east onto Main Street. Vehicular access is taken from the western corner of the plot with parking and a detached brick garage (as approved under application reference 17/00718/FUL) at the north western end of the garden.
3. The property has Main Street bordering the south west and south east sides with open countryside to the north west and the adjoining neighbour to the north east. The gardens of the house are mainly grassed with a 1.6m high close boarded fence marking the boundary with the adjoining neighbour and a similar feature marking the boundary with the highway to the south west. Beyond the garage a 1.4m hedge marks the north western boundary with the open countryside.

DETAILS OF THE PROPOSAL

4. This application seeks permission for a single storey rear and side extension that would replace the existing extension. The extension would have a footprint of 8.19m in depth from the rear of the existing house with a width of 6.9m. The extension would be set in 0.5m from the north east boundary with the adjoining neighbour whilst extending out 2.29m beyond the north western side of the original house.
5. The extension would have a brick finish with a flat roof of 2.95m in height incorporating 2 lantern lights. Bi-folding doors are proposed to the north west elevation whilst two small windows are proposed to the south western side elevation. The southern corner of the development where it would wrap around the side of the original house would become the property entrance with corner full height glazing and a covered porch created by extending the roof of the proposed extension and supporting it with a timber corner post.

SITE HISTORY

6. The existing detached garage and entrance pillars were built under planning permission reference 17/00718/FUL. There is no further planning history.

REPRESENTATIONS

Ward Councillor(s)

7. The Ward Councillor (Cllr Bailey) does not object to the proposed development.

Town/Parish Council

8. No representations were received.

Statutory and Other Consultees

9. No consultee responses were received.

Local Residents and the General Public

10. 3 public comments were received, all supporting the proposed development. The comments received can be summarised as follows:
 - a. No objections
 - b. The existing outhouse to the north east elevation is in a state of disrepair, structurally unsound, leaking and thermally inefficient. It is agreed the structure needs to be demolished.
 - c. The proposed north east elevation will become a party wall in the future.
 - d. The block plan incorrectly shows rear extensions to Farley Cottage which do not exist.
 - e. The proposed extension dimensions would have no bearing on occupants of Farley Cottage given there is an existing boundary of a similar dimension.
 - f. The proposal is seen as of benefit to Farley Cottage.
 - g. Fully support the application as the applicant genuinely seeks to upgrade existing living accommodation which is in poor repair.

PLANNING POLICY

11. The Development Plan for Rushcliffe consists of the 5 saved policies of the Rushcliffe Borough Local Plan (1996) and the Rushcliffe Local Plan Part 1: Core Strategy

12. Other material considerations include the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG), the Rushcliffe Borough Non-Statutory Replacement Local Plan (2006) and the Rushcliffe Residential Design Guide.
13. Any decision should, therefore, be taken having regard to the Rushcliffe Core Strategy, the NPPF and NPPG and policies contained within the Rushcliffe Borough Non-Statutory Replacement Local Plan where they are consistent with or amplify the aims and objectives of the Core Strategy and Framework, together with other material planning considerations.

Relevant National Planning Policies and Guidance

14. Paragraph 14 of the NPPF states that there is a presumption in favour of sustainable development which should aim to proactively drive and support sustainable economic development to deliver the homes, businesses and industrial units, infrastructure and thriving local places that the country needs.
15. In relation to residential amenity paragraph 9 of the NPPF states, "*Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment as well as in people's quality of life, including (but not limited to): improving conditions in which people live, work, travel and take leisure.*" Paragraph 60 of the NPPF relates to design and states, "*Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.*" Paragraph 64 states, "*Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.*"

Relevant Local Planning Policies and Guidance

16. None of the 5 saved policies of the Rushcliffe Borough Local Plan are applicable to this proposal.
17. Policy 1 of the Rushcliffe Local Plan Part 1: Core Strategy reinforces the positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. Policy 10 states, inter-alia, that all new development should be designed to make a positive contribution to the public realm and sense of place and reinforce valued local characteristics.
18. Whilst not part of the development plan the Borough Council has adopted the Rushcliffe Borough Non-Statutory Replacement Local Plan for the purposes of development control and this is considered to be a material planning consideration in the determination of planning applications. Policy GP2 is concerned with issues of design and amenity and the effect of proposals on neighbouring properties.
19. Policy GP2 states that planning permission for new development, changes of use, conversions or extensions will be granted provided that the scale, density, height, massing, design, layout and materials of proposals are sympathetic to the character and appearance of neighbouring buildings and

the surrounding area; that they do not lead to an over-intensive form of development; and that they are not overbearing in relation to neighbouring properties, and do not lead to undue overshadowing or loss of privacy.

20. Consideration should also be given to supplementary guidance provided in the Rushcliffe Residential Design Guide. In relation to extensions to existing dwellings, the guide provides the following advice, *“Extensions to existing dwellings need to adhere to many of the design principles set out in this guide, notably those addressing scale, proportion, building and roof lines and privacy. Extensions should be designed so that they are not readily perceived as 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.”* In particular, the guide advises that, *“The extension should never dominate the original dwelling unless there are exceptional circumstances.”*

APPRAISAL

21. The main considerations when determining this application relate to whether the proposal would have any material impact on the character and appearance of the site or wider locality, as well as whether the proposal would have any material influence on neighbouring residential amenity.
22. The proposed extension would have a more modern flat roofed design with grey powder coated aluminium eaves detailing 0.4m in depth, large glazed areas and timber framing to the porch feature to the south western side of the house. The body of the extension would have a brick finish to match the house and overall it is considered that in general the more modern finish and detailing would seem sympathetic to the setting, location and original dwelling.
23. The plot has some prominence, set higher than the Main Street which wraps around the house with a boundary set at the lower road level that enables good public visibility across the rear of the property. The extension would create a new entrance to the property which would help attain a greater sense of place and entrance to the property in particular.
24. The original cottage, minus the existing rear extension, has a ground floor footprint of some 8.1m in depth and 4.5m in width, based on the submitted plans. The extension proposed would represent a 163% increase on this original ground floor footprint with a footprint of 8.19m in depth and 6.9m in width, and a wraparound side element of 2.29m in width and an extra 1.28m in depth. The development would thus have a south west elevation, visible from the road, of 9.47m in depth. Although the height and general design style would seem broadly appropriate to the location, the scale of the south western elevation, where highly visible in the locality, would be out of context with the original modest cottage and would not represent a subservient scale of development to the host property. The proposal is, therefore, considered to conflict with advice in the Residential Design Guide. Given the visibility of the site and scale of the extension, it is also considered that the development would be over dominant in the locality, detracting from the more rural character of the area.

25. Page 48 of the Rushcliffe Residential Design Guide gives examples of types of development that may have overbearing impacts on neighbours and notes one form of development that may have impacts is *“if the extension projects a long way beyond the neighbours dwelling”*. The proposed development would extend some 8.19m beyond the rear of the neighbouring dwelling, Farley Cottage, which has no existing rear extensions. The neighbour has a private patio located to the back of the house and has located a fenced bin store adjacent the boundary with the neighbours store room.
26. The development would be set 0.5m inside the existing offset boundary with Farley Cottage, with a roof overhang of 0.4m leaving just 0.1m to the shared boundary. The proposed extension would double the length of the existing 4m deep extension, with a roof set at 3m in height from ground level, taller than the top parapets on the existing extension (2.7m) and much taller than the existing lean to store adjacent to the boundary. The neighbour letters of support are noted, however, consideration needs to be given to protecting the amenities of existing and future residents of the neighbouring property and in assessing the above it is considered that the proposed extension, by virtue of its depth along the boundary, would have an undue overbearing impact on the amenities of the neighbouring occupants at Farley Cottage.
27. The development would not impact the privacy of the direct neighbour at Farley Cottage and given the single storey stature and flat roofed design would not be likely cause any undue or unacceptable overshadowing impacts.
28. In terms of residential amenities the proposed works would not impact the amenities of any neighbours to the west along the opposite side of Main Street given the separation distance and lack of any main habitable windows facing these sites.
29. In conclusion, there are no significant concerns with the design approach for the development as proposed, with a more modern extension considered likely to improve the character of the property given the existing extension in situ. However, whilst bringing the property up to modern standards of sustainability and living is both desirable, encouraged and supported where appropriate, it cannot accept that every small cottage needs wide scale extension simply to provide adequate accommodation for the ‘modern’ family, as suggested by the agent in supporting correspondence.
30. Despite the positive elements highlighted, it is considered that the impact on the amenities of the adjoining neighbour at Farley Cottage and scale of the development when viewed from the street would be contrary to design and amenity considerations highlighted within Policy 10 of the Core Strategy, policy GP2 of the NSRLP and guidance contained within the NPPF and the Rushcliffe Residential Design Guide.
31. The application was not the subject of pre-application discussions. Fundamental concerns have been raised by officers, during the consideration of the application, in relation to design and amenity impacts of the scheme and correspondence exchanged with the agent to try and identify options to address the concerns raised. Despite these discussions no revisions to the scale of the extension were submitted to address concerns and in order to

avoid further abortive costs to the applicant, the application was recommended for refusal without further negotiation.

RECOMMENDATION

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

1. The rear extension, by reason of siting, massing, size and design, would have an overbearing impact upon the rear elevation and private amenity area of the adjoining property, Farley Cottage. Given the visibility of the site the depth of the extension to the south west would be out of proportion with the host property, failing to remain subservient to the character of the host property and representing an over dominant feature on approach to the site from the north west. Therefore, the development would be contrary to Policy 10 (2b) of the Rushcliffe Local Plan Part 1: Core Strategy which states:

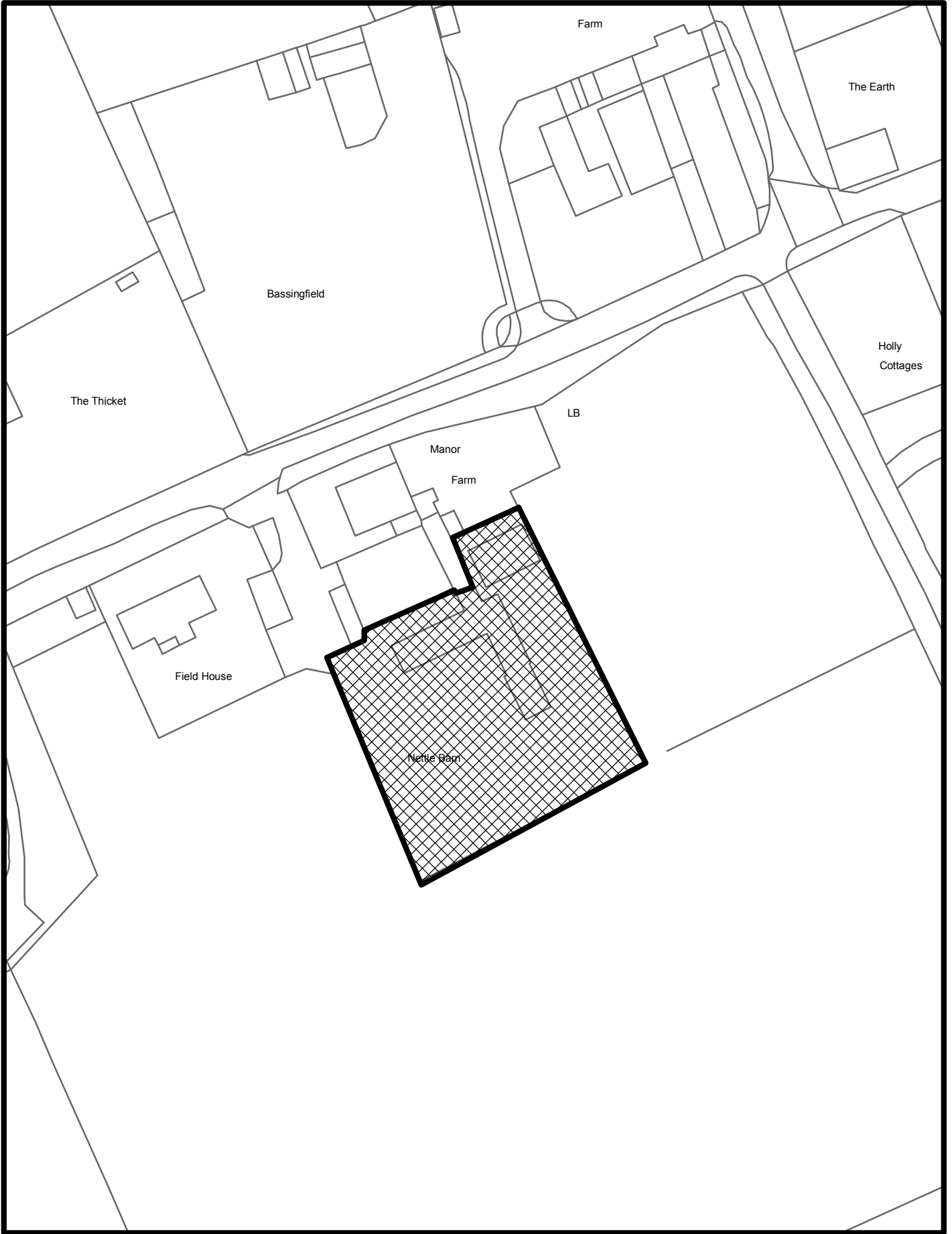
Development will be assessed in terms of its treatment of the following elements:

b) impact on the amenity of occupiers or nearby residents;

The proposal is also considered to be contrary to Policy GP2 (d) of the Rushcliffe Non Statutory Replacement Local Plan which states, inter alia:

Planning permission for new development, changes of use, conversions or extensions will be granted provided that, where relevant, the following criteria are met:

- d) The scale, density, height, massing, design, layout and materials of the proposals are sympathetic to the character and appearance of the neighbouring buildings and the surrounding area. They should not lead to an overintensive form of development, be overbearing in relation to neighbouring properties, nor lead to undue overshadowing or loss of privacy and should ensure that occupants of new and existing dwellings have a satisfactory degree of privacy.



Application Number: 17/02455/FUL
Nettlebarn, Bassingfield



scale 1:1000

17/02455/FUL

Applicant Mr & Mrs Senior

Location Nettle Barn Bassingfield Lane Bassingfield Nottinghamshire NG12 2LG

Proposal Single storey extensions to side and rear, first floor/two storey extensions to front and rear, new porch and construction of car port.

Ward Gamston North

THE SITE AND SURROUNDINGS

1. The application property is a red brick and pantile single and two storey dwelling converted from former farm buildings within a relatively large residential curtilage in a tandem/backland position on the south side of Bassingfield Lane. Bassingfield is a hamlet comprising late 18th/early 19th century and 20th century dwellings and farm buildings in Green Belt countryside. Manor Farm adjacent to the north is a white rendered traditional farm house, and Field House to the north west is a red brick late 20th century suburban house. A public footpath from Bassingfield Lane runs in a southerly direction around 60m to the east of the site, and the Grantham Canal is around 110m to the south.

DETAILS OF THE PROPOSAL

2. The single storey extensions would accommodate a living room and glazed link to an existing annexe. The first floor/two storey extension would be constructed where the single storey part of the dwelling meets the two storey part to accommodate a master bedroom with a balcony to the front and a rear first floor section supported by pillars. This extension would be attached to a new flat roofed porch. A detached car port incorporating a garden store would be constructed adjacent to the western boundary. The materials for the single storey side extension would be brickwork and glazing with a glass roof, for the rear link extension predominantly glazing with some zinc cladding and for the first floor/two storey extension timber & zinc cladding for the walls and roof.
3. The Design & Access Statement states the following:
 - The first floor bedroom extension has been designed to sit elegantly over the single storey part of the building at a perpendicular angle supported on thin columns to break up the mass.
 - The glass link would allow the existing house to be viewed through the extension.
 - The materials and architectural detailing would be contemporary and sharp, and the materials have been chosen to visually contrast with the existing house.

- The result is a series of small extensions that create subtle additions to the building which complement and do not overshadow its character and features.
- The car port has been located in a secluded part of the site to not detract from the open nature of the Green Belt, and security represents very special circumstances to justify inappropriate development in the development in the Green Belt.
- The extensions would represent a 2.9% increase in floor space of the original building.

SITE HISTORY

4. Permission was granted in 1993 for alteration and extensions of farm buildings to form a dwelling (ref. 93/00775/FUL). Permission was granted in 1994 for a single storey extension, porch and store (ref. 94/00347/FUL).

REPRESENTATIONS

Ward Councillor(s)

5. One Ward Councillor (Cllr J Wheeler) objects on the following grounds.
 - a. He does not believe there is justification for a car port in the green belt.
 - b. The design is not in keeping with the village, and he comments that "one person's interesting is another person's eyesore", and he does not believe it is appropriate the change the character of this small village with this house design.

Town/Parish Council

6. No comments have been received.

Statutory and Other Consultees

7. The Design & Conservation Officer comments that the existing dwelling is nominally a barn conversion but that it is difficult to identify any component of the existing building which has not been rebuilt, as much is built of modern engineering brick plinth courses and in stretcher bond masonry typical of cavity wall construction. He comments that some of the alterations previously permitted are typical of a late 80's early 90's approach to barn conversions and include features such as external porches which are best avoided as they significantly detract from the agricultural character of the building which it is desirable to retain as part of a successful barn conversion scheme.
8. He considers that the glazed link extension would be an unusual feature to which he objects on the basis that it would be an inappropriate addition further detracting from the agricultural character of the buildings. He notes that the design and access statement does not draw the advantageous comparison between the proposed metal clad extensions and the historic photographs included with the application which show the pre-'conversion' situation where the barns included portal framed sheet metal clad structures.

He comments that, whilst it would be of a very much higher quality than an agricultural structure, the proposal has many factors in common with portal framed buildings, including external metal cladding to roofs and walls and the inclusion of large openings. Whilst he believes that this is the best way of justifying the proposed design and would represent a reasonably logical justification for this approach, he is not convinced that the scheme respects the retained character and appearance of the building, and the proposals have a significant impact on all of the main elevations of the building and would fundamentally change its character. Rather than a well-designed contrast, he is concerned that the proposal would represent an awkward clash which would detract from the overall design.

Local Residents and the General Public

9. No written representations have been received.

PLANNING POLICY

10. The Development Plan for Rushcliffe consists of the 5 saved policies of the Rushcliffe Borough Local Plan (1996), the Rushcliffe Local Plan Part 1: Core Strategy.
11. Other material considerations include the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG), the Rushcliffe Borough Non-Statutory Replacement Local Plan (2006) and the Rushcliffe Residential Design Guide.
12. Any decision should therefore be taken in accordance with the Rushcliffe Core Strategy, the NPPF and NPPG and policies contained within the Rushcliffe Borough Non-Statutory Replacement Local Plan where they are consistent with or amplify the aims and objectives of the Core Strategy and Framework, together with other material planning considerations.

Relevant National Planning Policies and Guidance

13. The National Planning Policy Framework (NPPF) includes a presumption in favour of sustainable development. Local Planning Authorities should approach decision making in a positive way to foster the delivery of sustainable development and look for solutions rather than problems, seeking to approve applications where possible.
14. There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles. The environmental role refers to 'contributing to protecting and enhancing our natural, built and historic environment'.
15. One of the core planning principles state that planning should, *"Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of buildings and land."*
16. Chapter 7: 'Requiring good design' states that good design is a key aspect of sustainable development and should contribute to making places better for people. Planning policies and decisions should aim to ensure that

developments will function well and add to the overall quality of the area and respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation. Permission should be refused for development of poor design that fails to improve the character and quality of an area. Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.

17. Chapter 9 'Protecting Green Belt land' states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, and that the essential characteristics of Green Belts are their openness and their permanence. A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this include the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Relevant Local Planning Policies and Guidance

18. Policy 10 (Design and enhancing local identity) of the Rushcliffe Local Plan Part 1: Core Strategy.
19. Policies GP2 (Design & Amenity criteria), and EN17 (Alteration or extension of buildings) and EN19 (Impact on the Green Belt and open countryside) of the Rushcliffe Borough Non-Statutory Replacement Local Plan. EN17 allows for extensions to buildings outside settlements where the proposal retains the form and character of the original building, and does not significantly increase its impact on the amenity or character of the surrounding area. EN19 states that it must be demonstrated that there will be no significant adverse impact on the open nature of the Green Belt or countryside.
20. The Rushcliffe Residential Design Guide (RRDG) states that, although it is important that developments respect local character, pastiche designs incorporating poor imitations of other styles should be avoided and that contemporary and imaginative solutions combining individuality can, when related to local character, make a positive contribution to a place.

APPRAISAL

21. In determining whether an extension in the Green Belt is disproportionate the Borough Council's usual informal guidance is that extensions should not result in an increase significantly greater than 50% over and above the original building, in terms of volume/cubic content and footprint, although a judgement must be made with regard to the specific circumstances of the case. In this case it appears that the original conversion from farm buildings to a dwelling referred to in paragraph 4 involved the demolition of a substantial portal framed building and that extensions, including a pitched roof over the two storey section, were relatively limited. The extension approved in 1994 (the existing annexe) replaced an outbuilding on a similar footprint. The scale of the extensions now proposed is relatively small in

relation to the original building, and it appears that they would not represent a disproportionate increase in the size of the original buildings. Consequently, it is considered that the proposed extensions would not represent inappropriate development in the Green Belt.

22. As the Design and Conservation Officer has pointed out, it appears that the original conversion of the buildings to a dwelling involved a substantial amount of re-building, and that the conversion was typical of that era when there was less emphasis on preserving the traditional agricultural form and character of this type of building, and conversions often included what are now usually regarded as inappropriate/unsympathetic features such as new openings with domestic style windows, and porches. The building still broadly retains the simple form of the original building, however, it appears that the conversion and subsequent extensions/alterations eroded much of the original character.
23. The proposed single storey side and rear extensions would be relatively small and would not be prominent in views from the public domain. The Design and Conservation Officer's concerns regarding the first floor and two storey extension incorporating a balcony are acknowledged. It is also acknowledged that the design and materials would represent a contrast to the traditional character of the building. However, it is considered that the proposal would represent an interesting and imaginative addition to the building, and that the contrasting materials would help to retain the original form of the building. Whilst Bassingfield Lane around the site has a strong rural character, there are a number of 20th century suburban dwellings in the vicinity. In view of this, as the existing building is not the best example of a barn conversion and as the site is in a tandem/backland position and not highly prominent in the public domain, it is considered, on balance, that the proposal would not be unsympathetic to the character of the surroundings. Furthermore, as the Design and Conservation Officer has pointed out, the extension would reflect the portal framed sheet metal clad structures which were demolished as part of the original conversion.
24. The NPPF does not allow for curtilage buildings in the list of exceptions to the presumption against new buildings in the Green Belt and, therefore, it is considered that they should be regarded as inappropriate development. Consequently very special circumstances would have to be demonstrated to justify the car port. In this case the applicant suggests that security represents very special circumstances to justify inappropriate development in the Green Belt. Whilst crime and security is a planning consideration, it is considered that these issues could only be given limited weight in this case. However, the scale of the car port would be relatively modest (the size of a typical double garage) and, in view of this and its siting adjacent to the boundary, it is considered that there would be no significant adverse impact on the openness of the Green Belt. Furthermore, although in this instance, permitted development rights were restricted by condition when permission was granted for the barn conversion, curtilage buildings can potentially be constructed pursuant to permitted development rights and this can potentially result in buildings which would be significantly larger and more prominent. Such rights are not constrained by Green Belt designation. In view of the above, and as the car port would be within the residential curtilage and would be associated with the residential use of the site, it is considered that it would be very difficult to justify refusal of the car port on grounds of inappropriate

development in the Green Belt.

25. In view of the siting and scale of the extensions and distance from neighbouring and nearby properties, it is considered that there would be no significant adverse impact on residential amenity.
26. The proposal was subject to pre-application discussions and it was not necessary to contact the applicant during processing of the application.

RECOMMENDATION

It is RECOMMENDED that planning permission be granted subject to the following conditions.

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

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

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

- 17009-00-10
- 17009-00-11
- 17009-00-12
- 17009-00-13 revision A
- 17009-00-14

[For the avoidance of doubt and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

3. Prior to construction of the extensions hereby permitted reaching Damp Proof Course level, details of the facing and roofing materials to be used on all external elevations shall be submitted to and approved in writing by the Borough Council, and the development shall only be undertaken in accordance with the materials so approved.

[To ensure the appearance of the development is satisfactory and to comply with policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan].

NOTES TO APPLICANT

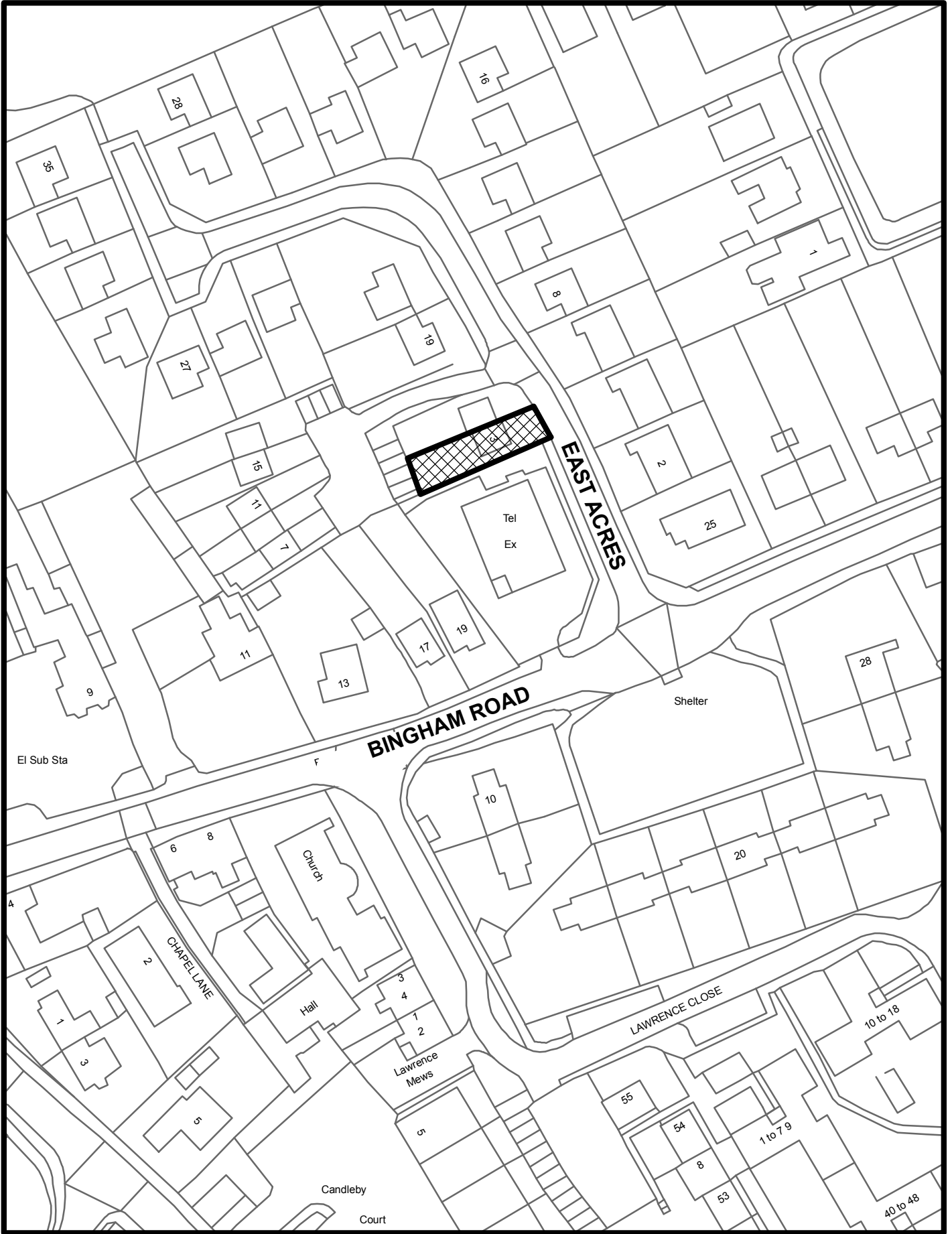
This Authority is charging for the discharge of conditions in accordance with revised fee regulations which came into force on 6 April 2008. Application forms to discharge conditions can be found on the Rushcliffe Borough Council website.

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.

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

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.

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



Application Number: 17/02707/FUL

3 East Acres, Cotgrave

scale 1:1000



17/02707/FUL

Applicant Mr & Mrs Chewings

Location 3 East Acres Cotgrave Nottinghamshire NG12 3JP

Proposal Single storey extension to rear.

Ward Cotgrave

THE SITE AND SURROUNDINGS

1. The application relates to a two storey semi-detached dwelling situated on a cul-de-sac of 1970's properties. There is an open 6.8 metre deep front garden and 13.6 metre deep rear garden. The boundary with the adjoining property at 5 East Acres consists of a timber fence approximately 1.8 metres high. This property has a single storey rear extension with a side wall on the common boundary, about 3 metres deep with a conservatory to the rear of this. The site abuts garages and a parking area to the rear, and a telephone exchange to the south.
2. The dwelling is faced in buff brick with a concrete tile pitched roof. The frontage is staggered with the dwelling set forward approximately 0.7 metres relative to the adjoining property at 5 East Acres. There is a flat roof dormer in the rear roof slope.

DETAILS OF THE PROPOSAL

3. The application seeks permission for a 3.7 metre deep single storey rear extension with a monopitch roof measuring 2.35 metres to the eaves and adjoining the rear of the property at a height of 3.4 metres. The extension would measure 5.1 metres in width, set off the boundary with 5 East Acres by 0.15 metres. The facing and roofing materials would match the existing dwelling. There would be a set of bi-fold doors in the rear elevation and two rear roof lights. A new window would be created at ground floor level within the side elevation of the existing dwelling to serve the living room.

SITE HISTORY

4. No relevant planning history.

REPRESENTATIONS

Ward Councillor(s)

5. One Ward Councillor (Cllr Chewings) has declared a pecuniary interest in the application.
6. One Ward Councillor (Cllr) Butler does not object

Town/Parish Council

7. The Cotgrave Town Council does not object

Statutory and Other Consultees

8. No responses received.

Local Residents and the General Public

9. No representations received.

PLANNING POLICY

10. The Development Plan for Rushcliffe consists of The Rushcliffe Local Plan Part 1: Core Strategy and the 5 saved policies of the Rushcliffe Borough Local Plan 1996. Other material planning considerations include the National Planning Policy Framework (NPPF), the Rushcliffe Borough Non Statutory Replacement Local Plan (2006) and the Rushcliffe Borough Residential Design Guide (2009).

Relevant National Planning Policies and Guidance

11. 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. The proposal should be considered under section 7 of the NPPF in terms of promoting good design, particularly the criteria outlined in paragraph 58 of the NPPF. Development should function well and add to the overall quality of the area, not just in the short term but over the lifetime of the development. In line with NPPF paragraph 64, permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Relevant Local Planning Policies and Guidance

12. Policy 1 of the Core Strategy sets out the need for a positive and proactive approach to planning decision making that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. The proposal should be considered under Core Strategy Policy 10 (Design and Enhancing Local Identity). Development should make a positive contribution to the public realm and sense of place, and should have regard to the local context and reinforce local characteristics. Development should be assessed in terms of the criteria listed under section 2 of Policy 10, and of particular relevance to this application are 2(b) whereby development should be assessed in terms of its impacts on neighbouring amenity; 2(f) in terms of its massing, scale and proportion; and 2(g) in terms of assessing the proposed materials, architectural style and detailing.
13. None of the five saved policies from the 1996 Local Plan apply to this application.

14. Whilst not a statutory document, the policies contained within the Rushcliffe Borough Non-Statutory Replacement Local Plan should be given weight as a material consideration in decision making. The proposal falls to be considered under the criteria of Policy GP2 (Design and Amenity Criteria) of the Rushcliffe Non-Statutory Replacement Local Plan. Of particular relevance is GP2(d) whereby development should not have an overbearing impact on neighbouring properties, nor lead to a loss of amenity. The scale, density, height, massing, design and layout of the proposal all need to be carefully considered, and should not lead to an over-intensive form of development.
15. The Residential Design Guide (2009) is a material consideration in determining applications. This refers to previously established guidelines for rear garden sizes whereby semi-detached and terraced properties should be served by rear gardens with a depth of 10 metres and an area of 90 sq m. Where these guidelines are not met, developers should demonstrate why smaller garden are acceptable.

APPRAISAL

16. The adjoining property at 5 East Acres is set back 0.7 metres relative to the application property, with a 3 metre deep rear extension. The proposed 3.7 metre deep extension would, therefore, run to level with the rear of this neighbouring extension, beyond which is a further 3 metre deep conservatory. The proposal development would not, therefore, have an overbearing or overshadowing impact on this neighbouring property. There would be no loss of neighbouring privacy. There are no other immediate neighbouring dwellings.
17. The extension would appear subservient to the host property and would be faced in materials to match. The development would be largely hidden from the street scene.
18. In considering the guidance on garden sizes contained within the Rushcliffe Residential Design Guide (2009), the proposal would retain a garden area of 77 square metres, falling below the recommended garden size of 90 square metres. In this instance the smaller garden size is justified on the basis that it is comparable to that of the adjoining and nearby dwellings and a rear garden depth of 9.6 metres would be retained. It is not considered that the proposal would result in an over-intensive development of the site.
19. The application was not the subject of pre-application discussions. The scheme is, however, considered acceptable and no discussions or negotiations with the applicant or agent were considered necessary, resulting in a recommendation to grant planning permission.

RECOMMENDATION

It is RECOMMENDED that planning permission be granted subject to the following conditions:

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No. 02 (Planning Drawing), received on 13 November 2017; and Drawing No. 03 (Block Plan), received on 17 November 2017.

[For the avoidance of doubt and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

3. The extension hereby permitted shall be constructed in suitable facing and roofing materials to match the elevations of the existing property.

[To ensure the appearance of the development is satisfactory and to comply with policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan].


Notes to Applicant

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

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.

RECOMMENDATION

It is RECOMMENDED that the Radcliffe on Trent No.1 TPO 2017 be confirmed without modification.

 <p>Planning Committee 11 January 2018 Radcliffe on Trent No.1 TPO 2017</p>	<h1>5</h1>
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Report of the Executive Manager – Communities

Objector Mr George Machin

Location 7 Cliff Drive, Radcliffe on Trent, NG12 1AX

Objection The inclusion of T3, Horse Chestnut, within the Tree Preservation Order

Ward Radcliffe on Trent

THE SITE AND SURROUNDINGS

1. The Radcliffe on Trent No.1 Tree Preservation Order (TPO) protects 3 roadside trees at 7 Cliff Drive, an Oak, Walnut and Horse Chestnut. The site contains an unoccupied dwelling which is barely visible from the road due to an overgrown garden which contains a range of trees and shrubs, the majority are poor quality and are not significant, but the protected trees are prominent mature specimens. The property is located in a corner plot opposite to the turning for Trent View Gardens and the end of Footpath No.9 which links Cliff Drive to Cliff Walk. Cliff Drive contains a range of property styles and ages dating back to the 1940's; it has a leafy suburban character with roadside grass verges, hedges and scattered trees.

DETAILS OF THE TREE PRESERVATION ORDER

2. The TPO was made following a request for pre-application advice from a firm of planning and property consultants for the construction of 3 dwellings. The layout plan required the majority of the site to be cleared and would have required the removal of all 3 of the large roadside trees. As the trees on the site were visible to the public, not protected and there was a reasonably foreseeable chance they could be felled a TPO was made.
3. The TPO was made on the 7 August 2017. Under the Town and Country Planning (Tree Preservation)(England) Regulations 2012 the TPO takes effect provisionally and needs to be confirmed within 6 months of the date it was made. An objection has been received and the Council is required to consider it before deciding whether the TPO should be confirmed or not, if it is confirmed it is possible to modify it to make changes.

4. Following the making of the TPO planning permission has been granted for 2 dwellings, reference 17/01818/FUL. The application showed all 3 of the protected trees to be retained.

OBJECTION

5. An objection has been made to the inclusion of T3, a Horse Chestnut tree located in the northern corner of the site. The grounds for the objection are that it is not in the interests of public amenity and does not justify long term protection for the following summarised reasons:
 - The tree has an infestation of Horse Chestnut leaf miner, an insect pest which causes severe damage to the leaves on an annual basis. The impact of repeated infestations will lead to an overall energy loss and negative impact on the tree's long term vitality and growth.
 - It is reasonable to assume the tree has, or will eventually succumb to, Bleeding Canker of Horse Chestnut, a serious and widespread problem of Horse Chestnut trees. When the associated cankering lesions become extensive the entire trunk may be girdled and the tree will inevitably die and have to be removed.
 - The tree is a multiple-stemmed specimen and the form will have led to tight branch unions with partially included bark. Such weak unions are more prone to failure, and failure at weak forks is frequent in this tree species. The tree is currently sheltered by existing buildings and other trees which are to be removed as part of development works. This will lead to an increase in the likelihood of branches or stems snapping.
 - The crown of the tree is more dominant to the north and is overhanging into the adjacent footpath and road. As such, the tree will require ongoing crown pruning to avoid obstructions with pedestrians and vehicles. This work will reduce the visual amenity provided by the tree and the associated pruning wounds may lead to decay. The tree species has a very soft heart wood with poor resistance to fungal decay.
 - The tree is not a particularly large or mature specimen and suitable replacement plantings of semi-mature trees would make for more suitable and robust long-term tree cover. The retention and protection of the Walnut T2 and Oak T1, which are situated closer together and form a more distinct landscape feature, will further mitigate the tree's removal and collectively they provide much better amenity value and contribution to the landscape with better long-term prospects.

APPRAISAL

6. Guidance on the Forestry Commission website notes that *“Although Chestnut Leaf Miner can cause severe damage to Horse Chestnut leaves on an annual basis, and discolouration and defoliation before normal autumn leaf-fall, on its own the pest does not significantly impair trees' health, and they will usually flush normally the following spring.”* A study published in the Agriculture and Forest Entomology Journal showed leaf miner had no influence on stem radial growth or general tree condition. Leaf miner is common in this area and we normally expect Chestnut's

affected by it to be retained as most of the damage to leaves occurs too late in the growing season to cause harm to healthy trees.

7. The objection doesn't specifically claim the tree has bleeding canker, but only that 'it is reasonable to assume that the tree has, or will eventually succumb to, Bleeding Canker.' This is a common disease that is regularly seen on Horse Chestnuts to a greater or lesser extent. If the canker lesions entirely girdle a branch or trunk it will cause it to die, but Forestry Commission advice is not to fell trees as disease progression is very slow and significant numbers of trees do recover. Advice is to remove major branches which are affected and show signs of dieback or recently dead branches.
8. The tree does have multiple stems, ivy growth restricts detailed inspection to a degree, but there are some signs of acute forks. It is recognised that this can increase the risk of failure, but the TPO allows applications to be made to prune it and this could mitigate the risk. The AWA report, prepared on behalf of the owner of the site and which forms the basis of the objection, raises concerns about the tree's ability to tolerate changes in its local environment following the removal of the existing dwelling and the majority of the other trees and shrubs in the garden. However, it is considered that the risk of failure due to this is relatively low as currently the Chestnut is the tallest tree in this part of the garden and the proposed dwelling to the west will provide a degree of shelter in the future, the tree is also young enough to adapt to changes to its environment.
9. It is considered that the canopy is not overly unbalanced and there is currently no obstruction to the road or the pavement. If such issues arise in the future it is considered that they could be resolved through sensitive pruning, the approved planning application proposed a crown lift to 4m which should further mitigate the risk of obstruction. Chestnuts do have poor defences against decay, but as many of the branches in the canopy are still small, pruning could be achieved without the need to create large pruning wounds which would struggle to heal properly.
10. All 3 trees have strong public amenity value; the Chestnut is particularly visible from the junction of Trent View Gardens and the end of footpath 9 which links the Cliffside walk to Cliff Drive. Given that the majority of unprotected trees and shrubs within the main part of the site will be removed to facilitate the approved planning permission, it is in the interests of the local amenity to retain the protected trees for the foreseeable future whilst the site is developed and any new planting around the new houses is given time to establish.
11. The objection from AWA, on behalf of the owner of the site, makes valid points, but overstates them somewhat, particularly as the tree survey produced by AWA for the planning application to develop the site points out that "*The site's most significant trees are the large Walnut and Horse Chestnut. The trees are in relatively good condition and are situated in prominent positions, being visible from the roads to the north east and north west.*" The tree survey also classifies the Chestnut as a BS5837 Category B tree. These are trees of moderate quality with an estimated remaining life expectancy of at least 20 years, the retention of such trees is considered to be desirable when considering the layout of a development site.

12. It is considered that the Horse Chestnut tree makes a positive contribution to the local amenity. Whilst the tree is not perfect and has some minor faults common with Horse Chestnuts, it is currently healthy and suitable for long term retention. Given that permission has been given to develop the site, the continued protection of the tree is advantageous as it will advise future purchasers and occupiers of the property of its value.

RECOMMENDATION

It is RECOMMENDED that the Radcliffe on Trent No.1 TPO 2017 be confirmed without modification.