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Our reference:
Your reference:
Date: Wednesday, 4 April 2018



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

To all Members of the Planning Committee

Dear Councillor

A Meeting of the Planning Committee will be held on Thursday, 12 April 2018 at 6.30 pm in the the Council Chamber, Ruscliffe Arena, Rugby Road, West Bridgford 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 15 March 2018 (Pages 1 - 20)
4. Planning Applications (Pages 21 - 50)

The report of the Executive Manager - Communities is attached.
5. Planning Appeals (Pages 51 - 54)

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

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

By telephone
Monday to Friday
8.30am - 5pm

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**MINUTES
OF THE MEETING OF THE
PLANNING COMMITTEE
THURSDAY, 15 MARCH 2018**

Held at 6.30 pm in the Council Chamber, Rushcliffe Arena, Rugby Road, West
Bridgford

PRESENT:

Councillors R Butler (Chairman), J Stockwood (Vice-Chairman),
B Buschman, S Hull, R Jones, J Greenwood, Mrs C Jeffreys, Mrs M Males,
S Matthews, M Edwards and J Thurman

ALSO IN ATTENDANCE:

Councillors R Upton, S Bailey, R Inglis and Mrs M Stockwood
60 members of the public

OFFICERS IN ATTENDANCE:

M Elliott	Constitutional Services Team Leader
I Norman	Legal Services Manager
A Pegram	Service Manager - Communities
H White	Area Planning Officer

APOLOGIES:

Councillors N Clarke, S Mallender and Mrs J Smith

37 Declarations of Interest

17/02907/FUL – White House, Nicker Hill, Keyworth – Councillor Butler declared a non-pecuniary interest as he personally knew the applicant.

38 Minutes of the Meeting held on 15 February 2018

The Minutes of the meeting held on 15 February 2018 were confirmed as a correct record and signed by the Chairman.

39 Planning Applications

Councillor Buschman, as Ward Councillor for Abbey withdrew from the Committee at this point and did not take part in the subsequent discussion and vote.

Item 1 - 17/02658/FUL - Demolition of bungalow and erection of 10 apartments with associated parking - 21 Kendal Court, West Bridgford, Nottinghamshire, NG2 5HE

Updates

Representations received from the applicant, three local residents objecting to

the application and a member of the public in support of 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 Kevin Hard (the applicant), Jack Chambers (objector), and Councillor Brian Buschman (Ward Councillor) addressed the meeting.

Comments

Members of the committee were concerned that the proposed development would have an unacceptable adverse impact on the amenity on neighbouring residents with regard to loss of light and outlook due to the height and mass of the proposed development. Members of the committee were also of the view that the proposed development would be an overdevelopment of the site.

DECISION

REFUSE PLANNING PERMISSION FOR THE FOLLOWING REASONS

1. The proposed development by reason of its excessive height, scale and massing would have an undue overbearing impact on the neighbouring residential properties, in particular 9-12 Kendal Court, causing loss of outlook and light to habitable room windows. It would, therefore, be contrary to policy GP2 of the Rushcliffe Borough Non-Statutory Replacement Local Plan which states:

"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."

2. The proposed building due to its scale, height and massing would be excessively dominant and would result in overintensive development of the site, leading to a loss of privacy and amenities of nearby dwellings and the adjacent canal towpath and would be out of character with the area in general. It would, therefore, be contrary to policy GP2 of the Rushcliffe Borough Non-Statutory Replacement Local Plan which states:

"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."

Councillor Buschman re-joined the committee at this point.

Item 2 - 17/02871/OUT - Outline application for the erection of up to 9 dwellings together with associated access, landscaping and other infrastructure works - Land To North Of Cliffhill Lane, Aslockton, Nottinghamshire

Updates

There were no updates reported.

In accordance with the Council's Public Speaking protocol for Planning Committee, Ben Holmes (agent for the applicant), Mansfield Barker (objector), and Councillor Mrs Maureen Stockwood (Ward Councillor), addressed the meeting.

DECISION

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

1. Application for approval of reserved matters must be made not later than three years beginning with the date of this permission and the development must be begun not 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. Application for approval of reserved matters shall be in accordance with the parameters set in the Development Framework Plan (Drawing No. 7112-L-04 D) and the Illustrative Masterplan (Drawing no. 7112-I-02I).

[In order to establish the parameters of the development in the interests of amenity and to comply with policies 10 (Design and enhancing local identity) of the Rushcliffe Local Plan Part 1: Core Strategy and GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

3. 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 detailed layout plan of the whole site;
- The means of enclosure to be erected on the site;

- The finishes for the hard surfaced areas of the site;
- The layout and marking of car parking, servicing and manoeuvring areas;
- The design and external appearance of the proposed buildings;
- The means of access; and
- Sections and cross sections of the site showing the relationship of the proposed development to adjoining land and premises.

[To ensure the development will be satisfactory and in the interests of visual amenity and to comply with policies 10 (Design and enhancing local identity) of the Rushcliffe Local Plan Part 1: Core Strategy and GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

4. Prior to construction of the buildings 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 development will be satisfactory and in the interests of visual amenity and to comply with policies 10 (Design and enhancing local identity) of the Rushcliffe Local Plan Part 1: Core Strategy and GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

5. No dwellings shall be occupied 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]

6. No operations shall commence on site until the 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 shall be stored or temporary buildings 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 hedges are adequately protected during the development and to comply with policy EN13 (Landscaping Schemes) of the Rushcliffe Borough Non Statutory Replacement Local Plan. This condition needs to be discharged before work commences on site to ensure that no

damage is caused to the hedges]

7. No dwellings shall be occupied until details of the proposed vehicular access/accesses and visibility splays of 43m x 2.4m together with a new footpath link connecting the site to the existing footpath have been submitted to and approved in writing by the Borough Council, and the approved facilities have been provided in accordance with the approved details. The facilities shall be retained for the life time 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. The development shall not be occupied until facilities for the disposal of foul and surface water drainage have been provided, in accordance with details to be submitted to and approved in writing by the Borough Council. The details shall be informed by the report 'Cliffhill Lane, Aslockton – Flood Risk Assessment, dated March 2016 by BWB' (submitted with application ref. 16/00733/OUT) and the following measures:

- Provision, implementation and maintenance of a Sustainable Drainage (SuDs) System with storage provided up to the 100 year plus climate change allowance and surface water run-off limitation to existing greenfield run-off rates.
- Provision to prevent the unregulated discharge of surface water from the driveways and parking areas to the public highway. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.

[To ensure that adequate drainage facilities are provided to minimise the risk of flooding and pollution, and to comply with policies WET2 (Flooding) and WET3 (Groundwater Resources) of the Rushcliffe Borough Non-Statutory Replacement Local Plan]

9. The finished floor levels of the dwellings shall be set no lower than 150mm above the existing ground level.

[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]

10. With the exception of the sections to be removed to provide vehicular and pedestrian access, the hedgerow located along the southern boundary of the application site shall be retained at a minimum height of 2m (unless a lower height is required to provide adequate visibility), and any part of the hedgerow removed, dying, being severely damaged or becoming seriously diseased shall be replaced, with hedge plants of such size and species, details of which shall be submitted to and approved in writing by the Borough Council, within one year of the date of any such loss being brought to the attention of the Borough Council.

[The hedgerow is an important feature in the area 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.

With regard to works affecting the highway you are advised that Nottinghamshire County Council are the Highway Authority and it is suggested that you contact the Highways Area Office by telephoning 08449 808080 for further information.

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

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

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

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

This 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.

Item 3 - 17/02703/OUT - Erection of 3no. residential dwellings and associated vehicular access - Land East Of 6 Orston Lane, Orston Lane, Whatton, Nottinghamshire

Updates

There were no updates reported.

In accordance with the Council's Public Speaking protocol for Planning Committee, James Howlett (on behalf of the applicant) and Councillor Mrs Maureen Stockwood (Ward Councillor) addressed the meeting.

DECISION

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

1. Application for approval of the reserved matters must be made not later than three years beginning the date of this permission and the development must be begun not 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 the requirement of Section 92 of the Town and Country Planning Act 1990 (as amended)].

2. The development 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 means of access.
 - d) Plans, sections and cross sections of access roads and footpaths.
 - e) The means of enclosure to be erected on the site.
 - f) The finished ground levels and floor levels of the dwellings.

[To ensure the development is satisfactory and to comply with policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan. It is considered that these details should be approved prior to commencement of development as they were not submitted with the planning application].

3. No development shall take place 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 (Landscape Schemes) of the Rushcliffe Borough Non Statutory Replacement Local Plan. Commencement of the development in advance of the submission of a landscaping scheme could result in insufficient space being available to carry out a satisfactory scheme].

4. 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. 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.]

5. None of the proposed dwellings shall be occupied until the access and parking facilities have been provided in accordance with the approved details

[In the interest of highway safety; and to comply with policies GP2 (Design & Amenity Criteria) and MOV9 (Car Parking Standards) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

6. The development shall not commence until a Landscape and Ecological Management Plan, which shall include the implementation of the recommendations in the Preliminary Ecological Appraisal, has been submitted to and approved in writing by the Borough Council. Thereafter, the development shall be carried out in accordance with the approved details.

[In the interests of bio-diversity and to comply with policy 17 of the Rushcliffe Local Plan Part 1: Core Strategy. Commencement of development in advance of the submission of a survey could result in habitats or other items of wildlife interest being damaged or destroyed].

7. The development shall not be brought into use until facilities for the disposal of foul and surface water drainage have been provided, in accordance with details previously submitted to and approved in writing by the Borough Council.

[To ensure that adequate drainage facilities are provided in connection with the development and to comply with policy WET3 (Ground Water

Resources) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

8. This planning permission relates to the site shown outlined in red on drawing number 4374/AG/17/001 Rev, A.

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

9. With the exception of the section to be removed to facilitate the formation of the access to the site, the existing hedgerow on the front (southern) boundary of the site shall be retained for the life of the development and shall be protected during the construction of the development in accordance with details submitted to and agreed by the Borough Council pursuant to condition 4.

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

Notes to Applicant

Work impacting on vegetation should preferably be carried out between October and February.

All workers/contractors should be made aware of the potential of protected/priority species being found on site and care should be taken during works to avoid harm, including during any tree works. If protected species are found during works, work should cease until a suitable qualified ecologist has been consulted. The methodology for amphibians and reptiles recommended by the consultant ecologist at para 7.5 and 7.6 Of the Preliminary Ecological Appraisal should be followed.

All work impacting on vegetation or buildings used by nesting birds should avoid the active bird nesting season, if this is not possible a search of the impacted areas should be carried out by a suitably competent person for nests immediately prior to the commencement of works. If any nests are found work should not commence until a suitably qualified ecologist has been consulted. See also para 7.2 of the consultant ecologist report.

The use of external lighting (during construction and post construction) should be appropriate to avoid adverse impacts on bat populations, see http://www.bats.org.uk/pages/bats_and_lighting.html for advice and a wildlife sensitive lighting scheme should be developed and implemented. See also para 7.3 of the consultant ecologist report.

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

If work is required on trees, this should not be carried out unless an ecologist

has checked these trees are not used/being used by bats as roosts.

Where possible new trees/hedges should be planted with native species (preferably of local provenance) and existing trees/hedges should be retained and hedgerows gapped up if necessary. If removal of trees is necessary, they should be replaced with new native trees (preferably of local provenance). Root protection zones should be established around retained trees/hedgerows so that storage of materials and vehicles, the movement of vehicles and works are not carried out within these zones.

It is recommended that consideration is given to installing bird and bat boxes/bricks or lofts and ponds and reptile/amphibian habitat features.

Consideration should be given to energy efficiency, water sustainability, management of waste during and post construction and the use of recycled materials and sustainable building methods.

With regard to works affecting the highway you are advised that Nottinghamshire County Council are the Highway Authority and it is suggested that you contact the Highways Area Office by telephoning 0300 500 8080 for further information.

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 Butler who had declared an interest in this item vacated the Chair, left the room and did not take part in the subsequent discussion and vote. Councillor J Stockwood then took the Chair for this item.

Item 4 - 17/02907/FUL - Erection of a detached, one-bedroomed dwelling with integral garage - White House, Nicker Hill, Keyworth, Nottinghamshire, NG12 5EA.

Updates

Representations received from the agent of the applicant 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, Tony Hill (the applicant) and Councillor Rob Inglis (Ward Councillor), addressed the meeting.

DECISION

REFUSE PLANNING PERMISSION FOR THE FOLLOWING REASONS

1. The existing property at Nicker Hill (White House) currently enjoys a

generous amount of amenity space, which is in keeping with the spacious character of development in the surrounding area that is generally characterised by properties situated within sizeable, elongated curtilages. The proposed development of a single, two-storey dwelling sited between and behind the existing frontage development, in the layout shown would result in a poorly laid out, cramped and over-intensive form of development, which would not respect the character, pattern and density of development in the surrounding area. The backland form of development proposed would detrimentally affect the pattern of development in the surrounding area and create a precedent for similar inappropriate development. The proposal would therefore be contrary to Policy 10 of the Core Strategy which states that:

All new development should be designed to make a positive contribution to the public realm and sense of place which will be assessed in terms of:

- a) Structure, texture and grain, including street patterns, plot sizes, orientation and positioning of buildings and the layout of spaces; and:
- b) Impact on the amenity of occupiers or nearby residents.

The proposal would also be contrary to Policy HOU2 of the Rushcliffe Non-Statutory Replacement Local Plan which states that planning permission for new, unallocated development will be granted provided, inter-alia, that:

- a) The size and location of the site is such that its development would not detrimentally affect the character or pattern of the surrounding area or the settlement as a whole.

The adverse impacts of granting planning permission for the proposed development would significantly and demonstrably outweigh the benefits and the proposal would also be contrary to guidance in the National Planning Policy Framework.

2. The proposed development would result in adverse impacts on the living conditions of occupiers of The White House and The Orchard by way of the scale, bulk and position of the proposed dwelling in relation to site boundaries, resulting in overbearing and overshadowing impacts, and due to increased noise and disturbance from activity associated with its occupation.

The proposal is therefore considered to be contrary Policy GP2 a) of the Rushcliffe borough Non Statutory replacement Local Plan 2006 which states: planning permission for new development will be granted provided that, where relevant, the following criteria are met:

- a) There is no significant adverse effect upon the amenity, particularly residential amenity, of adjoining properties or the surrounding area, by reason of the type and levels of activity on the site, or traffic generated;

- 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 over-intensive 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.

The adverse impacts of granting planning permission for the proposed development would significantly and demonstrably outweigh the benefits and the proposal would also be contrary to guidance in the National Planning Policy Framework.

Councillor Butler re-joined the meeting and re-took the Chair from Councillor J Stockwood.

Item 5 - 17/01855/FUL - Erection of building for the storage of agricultural vehicles, machinery and equipment for the repair of agricultural machinery and implements - OS Field 0004 Partial Flintham Lane, Sibthorpe, Nottinghamshire.

Updates

There were no updates reported.

In accordance with the Council's Public Speaking Protocol for Planning Committee Rob Devereaux (the applicant), Stuart Bramley (objector), and Councillor Sarah Bailey (Ward Councillor), addressed the meeting.

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: Site Location Plan, Block Plan, RB316, Floor Plan of Agricultural Building and Location Plan - Store Building received on 7 August, 19 and 23 November 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. Prior to the commencement of development an Environmental Noise Assessment shall be submitted to and approved by Borough Council. This assessment shall be undertaken in accordance with BS4142:2014 methods for rating and assessing industrial and commercial sound. It shall include representative monitoring positions and measurement parameters, as agreed with the Borough Council. Where noise mitigation measures are identified and required as above a sound mitigation scheme to effectively reduce the transmission of noise from the site shall be submitted to and approved by the Borough Council and fully implemented in accordance with the details specified. Thereafter, the mitigation measures shall be retained and maintained for the life of the development.

[To protect the amenities of neighbouring properties and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan. These details need careful consideration and formally approval. The details are needed prior to the start of work so that measures can be incorporated into the build.]

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

[To protect the amenities of neighbouring properties and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan. The details are needed prior to the start of work to provide protection during the construction of the development.]

5. No development, including site works, shall begin until a landscaping scheme, to include those details specified below, has been submitted to and agreed in writing by the Borough Council:
 - (a) the treatment proposed for all ground surfaces, including hard areas;
 - (b) full details of tree and shrub planting;
 - (c) planting schedules, noting the species, sizes, numbers and densities of plants;
 - (d) finished levels or contours;
 - (e) any structures to be erected or constructed;
 - (f) functional services above and below ground;
 - (g) all existing trees, hedges and other landscape features, indicating clearly those to be removed; and,
 - (h) a landscape management plan and schedule of maintenance.

The approved landscape scheme shall be carried out in the first tree planting season following the substantial completion of the development and 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.

[To make sure that a satisfactory landscaping scheme for the development is agreed and implemented in the interests of the appearance of the area and to comply with policy EN13 (Landscaping Schemes) of the Rushcliffe Borough Non Statutory Replacement Local Plan. The details are needed prior to the start of work so that measures can be incorporated into the build.]

6. Details of all means of enclosure to be erected on the site shall be submitted to and approved in writing by the Borough Council before development commences beyond the level of damp-proof course. The development shall not be brought into use until the approved means of enclosure have been completed, and they shall be retained thereafter.

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

7. No part of the development hereby permitted shall be brought into use until the vehicle access has been surfaced in a bound material (not loose gravel) for a minimum distance of 7.5 metres rear of the adopted highway boundary. The surfaced vehicle access shall thereafter be retained as such for the life of the development.

[In the interests of highway safety to reduce the possibility of deleterious material being deposited on the public highway 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 vehicle access has been constructed with provision to prevent the unregulated discharge of surface water from vehicle access to the public highway. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.

[In the interests of highway safety to ensure surface water from the site is not deposited on the public highway causing dangers to road users and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

9. No part of the development hereby permitted shall be brought into use until the vehicle access has been made available for use and constructed in accordance with the Highway Authority specification to the satisfaction of the Local Planning Authority.

[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. The development hereby permitted shall not be commenced beyond the level of damp proof course 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. Thereafter, the development shall be maintained in accordance with the approved details.

[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].

11. No power tools or machinery shall be operated on the premises outside of the hours of 0700 and 1900 on weekdays and 0700 and 1200 on Saturdays and at no time on Sundays or on Bank Holidays or on the open areas of the site.

[In the interest of protecting the amenity of the neighbouring properties and surrounding area and in accordance with policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan.]

12. Before the use is commenced the noise levels for any externally mounted plant or equipment, together with any internally mounted equipment which vents externally, shall be submitted to and approved in writing by the Borough Council, and the plant/equipment shall be installed in accordance with the approved scheme, and retained in good working order to the satisfaction of the Borough Council.

[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]

13. No open storage of materials, machinery, equipment, parts or refuse shall take place on any open area of the site.

[To ensure that vehicle movements are not obstructed and to ensure that the appearance of open areas of the site is acceptable and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Non-Statutory Replacement Local Plan.]

14. The external doors and windows shall remain shut at all times that machinery and power tools are in operation.

[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]

15. Prior to the installation of security lighting/floodlighting details of any such lighting shall be submitted to and approved in writing by the Borough Council, together with a lux plot of the estimated illuminance. The lighting shall be installed only in accordance with the approved details and no other lighting shall be installed.

[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].

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) the premises shall only be used for the purposes specified in the application as amended by the letter from the applicant dated 12 January 2018 (confirming that the building will not be used for the manufacture of metalwork products), and for no other purpose.

[This use only is permitted and other uses, either within the same Use Class, or permitted by the Town and Country Planning (GPD) Order 2015 are not acceptable to the Local Planning Authority in this location because of the site's location outside of the main built up area of the settlement and its proximity to residential properties, and to comply with Rushcliffe Non-Statutory Replacement Local Plan Policy GP2.]

Notes to Applicant

The development makes it necessary to alter a vehicular crossing over the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact the County Council's Highways Area Office tel. 0300 500 80 80 to arrange for these works to be carried out.

Item 6 - 17/02327/FUL - Single storey extension to north west elevation to create dining area and dormer extension above, addition of small store attached to garage, 2 roof lights to south east roof slope - Bunnistone Cottage, 1 Bunnison Lane, Colston Bassett, Nottinghamshire, NG12 3FF

Updates

A representation received from Colston Bassett Parish Council after the agenda had been finalised, had been circulated to members of the Committee prior to the meeting.

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:

237/01, 237/02, 237/03, 237/04, 237/09, 237/10

With the exception of 2 no. new roof lights and the dormer extension above the proposed single storey extension.

[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 development 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 policies GP2 (Design and Amenity Criteria) and EN2 (Conservation Areas) 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.

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.

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.

You are advised that the site is within a designated Conservation Area and any trees are therefore protected. Prior to undertaking any works to any trees you

should contact the Borough Councils Conservation and Design Officer on 0115 9148243 and/or the Councils Landscape Officer on 0115 914 8558.

Item 7 - 17/02936/FUL - Demolish existing garage and construct two storey side extension. - 5 Harby Lane, Colston Bassett, Nottinghamshire, NG12 3FJ

Updates

A representation received from Colston Bassett Parish Council after the agenda had been finalised, had been circulated to members of the Committee prior to the meeting.

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 amended plans ref. 239/03, 04A and 07 received on 27 February 2018.

[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 development hereby permitted shall not continue beyond the level of the damp proof course until details of the facing and roofing materials to be used on all external elevations, which shall incorporate render to the first floor 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]

4. The opening element of the windows at first floor level in the north west and south east elevations of the proposed extension shall limited to the top half of the windows which shall be top hung opening only and the whole of the window 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. No additional windows shall be inserted in these elevations 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]


40 **Planning Appeals**

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

The meeting closed at 10.22 pm.

CHAIRMAN

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 <p>Rushcliffe Borough Council</p>	<p>Planning Committee</p> <p>12 April 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
<u>17/03015/FUL</u>	54 Park Lane, Sutton Bonington, Nottinghamshire, LE12 5NH Demolition of garage and remodelling of dormer bungalow to form two storey dwelling with side and rear extension.	23 - 34
Ward	Sutton Bonington	
Recommendation	Planning permission be granted subject to conditions	
<hr/>		
<u>18/00327/FUL</u>	99 Wilford Lane, West Bridgford, Nottinghamshire, NG2 7RN	35 - 41
Ward	Compton Acres	
Recommendation	Planning permission be granted subject to conditions	
<hr/>		
<u>18/00491/FUL</u>	44 Nottingham Road, Keyworth, Nottinghamshire, NG12 5GT Single storey rear and two storey side extension.	43 - 49
Ward	Keyworth and Wolds	
Recommendation	Planning permission be granted subject to conditions	
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Application Number: 17/03015/FUL
54 Park Lane, Sutton Bonington



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17/03015/FUL

Applicant Mr & Mrs Hall

Location 54 Park Lane Sutton Bonington Nottinghamshire LE12 5NH

Proposal Demolition of garage and remodelling of dormer bungalow to form two storey dwelling with side and rear extension.

Ward Sutton Bonington

THE SITE AND SURROUNDINGS

1. The application relates to a detached dormer bungalow located towards the southern edge of Sutton Bonington, to the west side of Park Lane, which is defined by linear development of detached properties all set within generous plots. The style and character of properties within the area are typically of post-war style and construction, varying in form and scale ranging between full two storey properties, to bungalows and dormer bungalows. The rear of the site is bounded by open countryside to the west and is situated opposite the junction between Park Lane and Willow Poole Lane to the east.
2. The application site is situated between a hipped roof bungalow to the south at 56 Park Lane and a dormer bungalow of the same form and scale at 52 Park Lane. 50 and 48 Park Lane to the north are full height two storey properties.

DETAILS OF THE PROPOSAL

3. The application seeks planning permission for the complete remodelling of a dormer bungalow to form a two storey dwelling with extensions to the front, rear and side elevations.
4. The proposal would increase the height of the property by 1.7m, measuring 4.9m to the eaves and 7.9m to the ridge, of a hipped roof form with a subservient frontage projection measuring 7.3m to the ridge. A single storey rear extension is proposed, spanning the full width of the rear elevation and projecting a maximum of 6.6m beyond the original rear wall of the dormer bungalow reducing to 1.5m. The proposal also includes a two storey side extension between the south elevation and the southern site boundary, measuring 11.2m in length reducing to 8.3m at first floor.

SITE HISTORY

5. Application ref: 84/01612/P1P – Insertion of bay window to front, approved October 1984.

REPRESENTATIONS

6. The application has been subject to negotiations and amendments during the application process and has, therefore, been subject to re-consultation following the receipt of amended plans.

Ward Councillor(s)

7. The Ward Councillor (Cllr Brown) objects to the proposal and comments, *“I object, this application is too overbearing and out of character with existing properties. The neighbours at no. 52 will be in continuous shadow.”*
8. Following the receipt of amended plans and a period of re-consultation, Cllr Brown provided the additional following comments, *“My objections remain the same as the original application. As well as the neighbouring property being cast in shadow. The application is out of character for the area and is over development of the plot.”*

Town/Parish Council

9. Sutton Bonington Parish Council responded to the initial consultation objecting to the proposal and commenting, *“We object to the proposal on the basis that the scheme does not comply with Rushcliffe Borough Council’s planning policy. The proposal will result in a significant loss of amenity to no. 52 Park Lane and be out of keeping with its context and have a negative impact on local character and distinctiveness.*
10. *The proposal will completely overshadow important parts of the neighbouring property for significant times throughout the year and is contrary to policy on extensions as noted in RBC’s Residential Design Guide. (We would note that whilst the application describes itself as a demolition, remodelling with a side and rear extension, it is fundamentally extending on all sides including upwards and therefore should be considered under RBC’s Residential Design Guidance Document)*
11. *1: Layout Form and Space: Privacy - The policy states that the section on Privacy and Amenity applies equally to extensions.*
12. *In the paragraph on Daylight and Sunlight the guidance states: “the loss of daylight and or sunlight can make a development appear overbearing or dominate existing properties”*
13. *It is our view that the proposal does result in a significant loss of daylight and sunlight and is therefore overbearing and dominates its neighbour no 52 Park Lane.*
14. *The guidance makes reference to the BRE’s publication ‘Site layout planning for daylight and sunlight’. It notes the 25 degree rule as a means of checking to see if daylight will be adversely affected. (We would note that the BRE guidance states that the reference line is from the middle of the lowest window rather than the 2m shown in RBC’s guidance).*
15. *No 52 has two side windows that directly face towards no 54. These windows are both longstanding (over 20 years) and will both be seriously affected by the proposal. If the 25 degree rule is applied to the ground floor side window then the proposal will be shown to cause a serious loss of daylight. We strongly suggest that planning officers should see this for themselves on site. (The Parish Council provided a sketch to illustrate this point which is available on the Borough Council’s website).*

16. *We recognise that a legal right of light is not a specific planning issue but RBC's guidance makes specific reference to it and thus it is a material consideration in this application.*
17. *It should be added that these particular windows are south facing and as such also allow direct sunlight to enter no 52's primary living space and upstairs bedroom. This is particularly relevant in the winter months.*
18. *2: Extensions generally - The policy states that: "extensions should be designed so that they are not readily perceived as '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"*
19. *In our view the proposal makes no reference to the original building and the introduction of gable ends clearly makes it a two storey building rather than a bungalow and as such it fails to follow RBC guidance.*
20. *3: Front extensions - The guidance states that: "front extensions should complement the existing street character..." and "Development proposals should relate to and respect the character of their context"*
21. *The current property is one of a distinctive row of 12 bungalows which together make a strong contribution to the character of the area. Unfortunately, the applicant's streetscape drawing, whilst helpful, does not extend far enough to each side. If it did, it would show how the proposal is out of character and would also highlight how, if the proposal were to proceed, no 52 would be uncomfortably and inappropriately sandwiched between two larger two storey properties.*
22. *4: Side Extensions - The guidance states: "even the construction of a first floor over a garage can have a detrimental effect on the street scene as the sense of light created by views of the sky between the buildings, over the garages, is lost. Issues can also arise where side extensions infill spaces and create a terracing effect where this is not an original characteristic of the street."*
23. *In our view the proposals fail to properly respect the current character in the light of the guidance quoted above.*
24. *5: Rear Extensions - The guidance states: "Overshadowing, loss of privacy, loss of light and any overbearing effect are the key issues when determining applications for rear extensions. The extension should respect the residential amenity of neighbours by ensuring it is not overbearing and does not overshadow their windows or gardens."*
25. *The current bungalow at no 54 is very close to the northern boundary and probably no more than a metre. Despite this, the proposal not only almost doubles the length of the property along this boundary but doubles the area of brick wall and increases the height by over 1.5m.*

26. *This means that the proposal is undoubtedly overbearing on its neighbour at no 52. Its location and size, in very close proximity to the northern boundary, causes a significant loss of both daylight and sunlight to windows, external patio and garden.*
27. *As a result, the proposal is contrary to RBC guidance in that it totally fails to respect its neighbour's amenity.*
28. *The application uses the 45 degree angle recommended within the guidance to set out the line of the proposed extension.*
29. *Unfortunately, the applicant hasn't taken into account the existence of two significant side facing windows at ground and first floor. These windows are original parts of the house and provide daylight and direct sunlight to key rooms. The ground floor window in particular makes a major contribution to the main living space in the house. (We note that the applicant appears to have undersized this side window on their plans)*
30. *In addition to this, the application proposal fails to take into account the ground floor window to the rear of the garage. The current use as a garage does not reduce the significance of this window. Not only has it been in existence for over 20 years it also serves as a space that is used as a workshop and has the ability to be used for a wide range of residential uses. As a result, the 45 degree guidance should be taken from this window.*
31. *6: Conclusion - The proposal for no 54 Park Lane is, in our view, contrary to planning policy and if built would result in a significant loss of amenity to no 52 Park Lane and be out of keeping with its context and have a negative impact on local character and distinctiveness.*
32. *What we fail to understand is why the form of the development has to locate the tallest and widest part of the proposal on the most northern part of the plot only a metre from the boundary. This ensures the worst possible outcome for its neighbour at no 52. A redesign to relocate accommodation close the southern boundary seems to be eminently possible.*
33. *We also note that despite the size of the proposal the applicant has not provided a Design and Access Statement to explain the thinking behind the design and has similarly provided no sunpath analysis showing the impact of the proposal on overshadowing on the neighbouring property through the year."*
34. *Following receipt of amended plans, Sutton Bonington Parish Council provided the following comments, "We object to the proposal on the basis that the scheme does not comply with Rushcliffe Borough Council's planning policy.*
35. *The proposal will result in a significant loss of amenity to no. 52 Park Lane and be out of keeping with its context and have a negative impact on local character and distinctiveness.*
36. *The proposal will significantly overshadow important parts of the neighbouring property throughout the year and is contrary to policy on extensions as noted in RBC's Residential Design Guide.*

37. *(We would note that whilst the application describes itself as a demolition, remodelling with a side and rear extension, it is fundamentally extending on all sides including upwards and therefore should be considered under RBC's Residential Design Guidance Document).*"
38. The Parish Council repeated their assessment of the proposal against the criteria in the Residential Design Guide, as detailed above.

Statutory and Other Consultees

39. No comments have been received.

Local Residents and the General Public

40. During the first period of consultation two letters of objection were received from the occupiers of nos. 52 and 56 Park Lane raising the following concerns:
- a. Loss of light, overshadowing and overbearing due to the height and mass in close proximity to boundaries.
 - b. Overlooking due to the proposal being too close.
 - c. Out of scale and character with neighbouring residential properties.
 - d. Loss of property value.
41. Following the receipt of amended plans and a second consultation period, the following further comments were received from both neighbouring properties at nos. 52 and 56 Park Lane:
- a. No discernible change to the plans as originally submitted.
 - b. The proposal remains too high, too close and too long.
 - c. The proposal does not fit with the neighbouring buildings.

PLANNING POLICY

42. 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

43. 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

44. 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.
45. None of the five saved policies from the 1996 Local Plan apply to this application.
46. 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.
47. The Residential Design Guide (2009) is a material consideration in determining applications. This implies that the style and design of any extension should respect that of the original dwelling and should not dominate over it. Extensions should be designed so that they are not readily perceived as merely 'add-ons' to the original building and therefore scale, proportion, and roof form are key considerations.

APPRAISAL

48. The site is located within the built up area of the village and proposes extensions and alterations to an existing residential property. There is no objection raised to the principle of development. The key considerations are, therefore, the design, scale and appearance and the impact on the character of the area and the amenity of neighbouring residential properties.

Design and Impact on the Character of the Area

49. In terms of considering the impact on the character and appearance of the area, the surrounding area is considered to have an eclectic mix of property

forms, styles and scales. The application site is situated between a hipped roof bungalow to the south and a dormer bungalow to the north. It is noted that full two storey properties are located beyond the neighbouring property to the north at 48 and 50 Park Lane, which are of a similar scale and form as the proposed extended property at 54 Park Lane.

50. Whilst objections have been received with regard to the scale exceeding the height of the immediate neighbouring properties and, therefore, being out of keeping with the surrounding properties, the presence of other two storey properties within the immediate locality mean that it would not be out of character with the scale and form of properties within the wider area. Nor is it considered that the proposal would consume a disproportionate amount of the plot such as to be considered an unacceptable overintensive form of development. It is considered that the amount of development on the plot is comparable to that of neighbouring properties elsewhere along this section of Park Lane.
51. Negotiations and amendments to the design have taken place over the course of the application, most notably the reduction in the mass of the roof form from a gable ended design to a more subservient hipped roof design, that is considered to sufficiently reduce the scale, mass and bulk of the proposal and better integrates the proposed property between the two neighbouring properties. In addition, the scale and design of the two storey front and rear projections have been amended so as to be less dominant. It is considered that the design and appearance of the proposal would not harm the character of the area and, therefore, accords with Policy 10 of the Core Strategy and Policy GP2 of the Non-Statutory Replacement Local Plan.

Residential Amenity

52. Objections have been received due to concerns of loss of residential amenity; specifically loss of light, overbearing, and overshadowing impacts to the neighbouring residential properties.
53. The neighbouring occupiers of 52 Park Lane have objected to the proposal on grounds of loss of light and overbearing, with specific reference made to the side, south facing windows of their property. Sutton Bonington Parish Council has also objected to the proposal, raising concerns over the impact of the proposal on the amenity of the occupiers of 52 Park Lane. The property at no. 52 contains two windows, one at ground floor and one at first floor, in the south elevation positioned 3.5m from the proposed north (side) elevation of the application property. The window at ground floor serves a rear living room which also benefits from a further large glazed window to the west elevation. The first floor bedroom window is also served by a further dormer window to the front elevation. Therefore, the proposal would not unduly impact on the light to the rooms served by these windows in the south facing elevation of no. 52 Park Lane, and given the secondary nature of the windows in question it is not considered that refusal of planning permission on grounds of loss of light to these rooms could be justified.
54. The proposal includes a single storey rear projecting orangery which would project beyond the rear elevation of no 52 Park Lane by 3 metres. The proposed rear element would measure 2.3m in height to the eaves and 3.6m to the ridge, with a hipped roof that falls away towards the boundary, with a

separation distance of 3.5m between side elevations. It is considered that the scale and positioning of the proposed single storey rear orangery would not adversely impact on the living conditions and amenity of the occupiers of 52 Park Lane and the rear extension would not exceed the 45 degree angle when taken from the habitable rear elevation windows to no. 52. Furthermore, the eaves would not exceed 3m in height and the ridge would not exceed 4m in height and the extension would project 6.6m beyond the rear elevation. Therefore, under class A of the Town and Country planning General Permitted Development Order (2015) such an extension would be deemed to be permitted development, subject to a prior notification procedure.

55. Similarly, the front extension would not extend beyond the 45 degree angle taken from the centre line of the front elevation living room window to no. 52 and, therefore, would not unduly impact on access to light or outlook from within these rooms. Reference has been made within objections received that the proposal would result in loss of light to a window within the rear elevation of the attached garage to 52 Park Lane. The objection also states that the garage may in the future be converted to living space. The garage is not a habitable living space at the present time and, therefore, the proposal as considered would not unduly impact on the amenity of the neighbouring occupiers and therefore the application should be determined on its merits at the time of determination. Furthermore, the Parish Council state within their objection that the 45 degree angle should be applied to the rear garage window. Whilst it is accepted that the proposed single storey rear extension would project beyond the 45 degree angle when measured from this window, it is not a habitable room window and, therefore, it could not be reasonably expected that the development should safeguard light or outlook to the garage window as this would not unduly impact on the amenity and living conditions of the neighbouring occupiers at no 52 Park Lane. The Parish Council have also stated in their objection that a Design and Access Statement nor a Sun Path Analysis has been submitted with the application. Neither of these documents are a formal validation requirement for an application of this type and are not considered in this instance to be necessary in order to arrive at an informed judgement when considering the design of the proposal and the potential impact in terms of access to sunlight to the neighbouring property at 52 Park Lane.
56. A first floor side elevation window is proposed within the side (north) elevation to serve a bathroom. It is recommended a condition is imposed on any permission that requires the window be obscure glazed and retained as such in order to safeguard the privacy of the neighbouring occupiers at 52 Park Lane.
57. The application has also attracted an objection from the neighbouring property at 56 Park Lane. It is acknowledged that the two storey side extension would bring the application property up to the boundary shared with no. 56. However, the north elevation of the neighbouring property does not contain any habitable room windows which would be adversely affected by the scale and mass of the south elevation of the extended property. Furthermore, 56 Park Lane is situated south of the application property and, therefore, it would not result in overshadowing of this property. Concerns regarding overlooking are acknowledged, however, the proposal does not include any windows that would allow for any additional unacceptable direct

overlooking. The neighbouring objector at no. 56 raises specific concern over loss of privacy to their conservatory. However, the north elevation of the subject conservatory is enclosed by a brick wall and the roof is covered with opaque glazing and does not afford views directly into the neighbouring property and, therefore, adequately preserves the neighbouring occupiers' privacy.

58. It is not considered that the proposal, if approved, would result in an unacceptable loss of privacy, light, outlook or result in unacceptable overbearing to either of the adjoining neighbouring properties or the occupiers of the application property. It is considered, therefore, that the proposal accords with Policy 10 of the Core Strategy and Policy GP2 of the Non-Statutory Replacement Local Plan in terms of the impacts on residential amenity.

Other Matters

59. Whilst the proposal seeks to increase the size of the property, the property currently benefits from a large area of hardstanding to the front which provides sufficient parking for the increased size of dwelling and potential number of inhabitants. Therefore, there is no objection to the proposal on grounds of highway safety or parking.
60. The grounds for objection raised by neighbouring property occupiers include impact on property value, this is not a material planning consideration and cannot be afforded any weight in the determination of this application.

Conclusions

61. In conclusion, it is considered that the proposal would not represent an incongruous or discordant feature within the street scene as the scale and form relates well to other properties within the immediate locality and, therefore, would respect the character and appearance of the area.
62. Whilst it is acknowledged that the proposal represents a substantial increase in the size of the existing property, it is considered that the proposed size of the building is proportionate to the size of the plot and the surrounding group of buildings.
63. It is not considered that the proposed increase in scale and mass of the building would unduly impact on the residential amenity of neighbouring properties to an extent that would be sufficient to substantiate a robust reason to refuse the application and accordingly does not conflict with Policy 10 of the Core Strategy, GP2 of the Non-Statutory Replacement Local Plan and the Rushcliffe Residential Design Guide Supplementary Planning Document.
64. Negotiations have taken place during the consideration of the application to address adverse impacts identified by officers and to respond to concerns 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 the recommendation to grant planning permission.

RECOMMENDATION

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

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

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

2. The development hereby permitted shall be carried out in accordance with the plans ref. 17/437/02b, 17/437/03b, 17/437/04b received on 8th March 2018

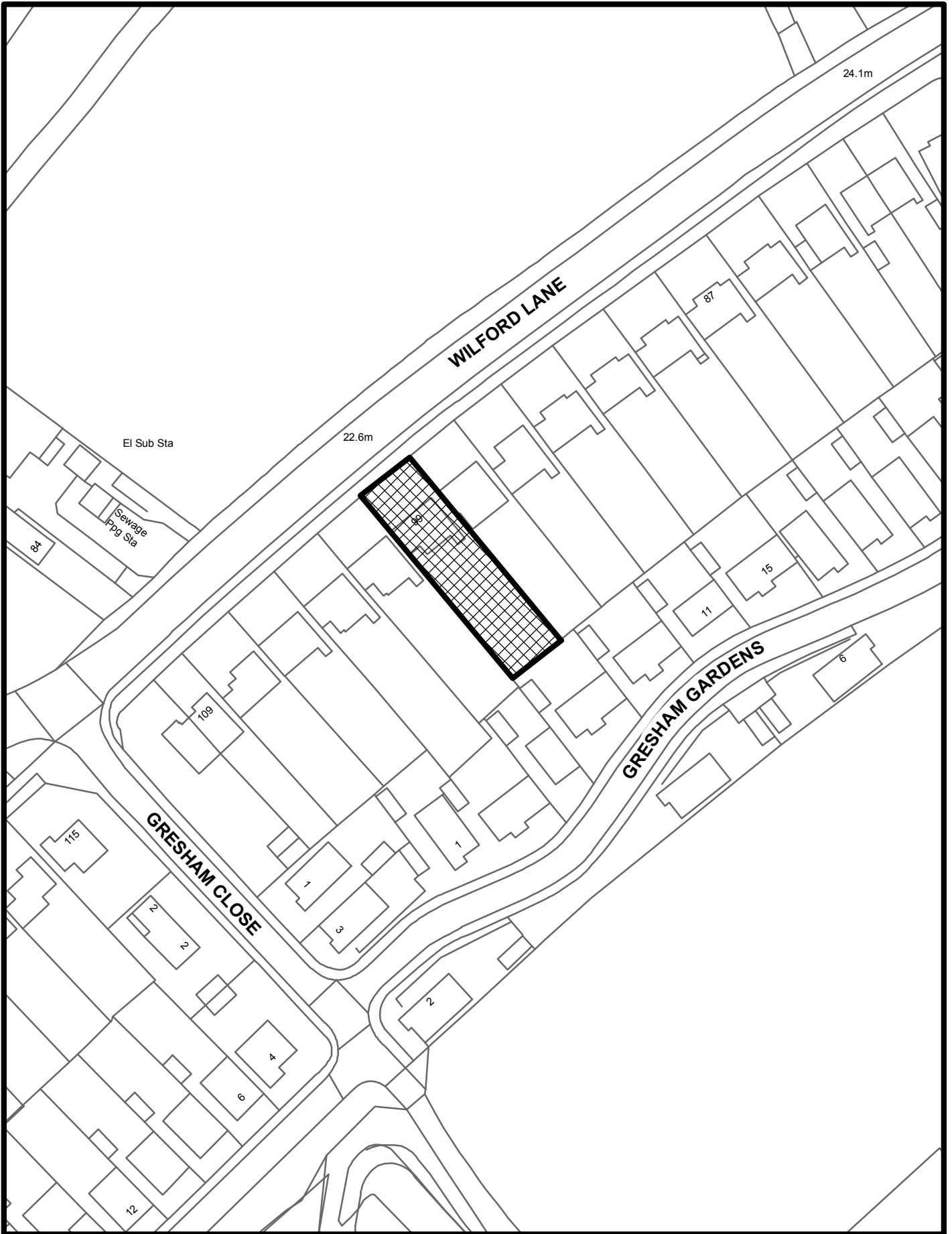
[For the avoidance of doubt and to comply with policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

3. The external materials and finishes shall be as specified within the submitted application and as shown on the approved drawings

[For the avoidance of doubt and 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]

4. The first floor window in the north elevation of the proposed development shall be permanently obscured to Group 5 level of privacy or equivalent. Thereafter, the window shall be retained to this specification unless otherwise agreed in writing by the Borough Council

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



Application Number: 18/00327/FUL
99 Wilford Lane, West Bridgford



scale 1:1000

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18/00327/FUL

Applicant Mr Stephen Duckworth

Location 99 Wilford Lane West Bridgford Nottinghamshire NG2 7RN

Proposal Demolish existing kitchen extension and construct single storey rear extension and garden steps.

Ward Compton Acres

THE SITE AND SURROUNDINGS

1. The application relates to a two storey inter-war detached residential property with a front drive approximately 9 metres deep and rear garden approximately 30 metres deep. The dwelling forms part of a consistent row of similarly proportioned and architecturally styled properties to the south side of Wilford Lane all set within spacious plots. The dwelling is faced in red brick with a pyramidal pitched roof finished in rosemary plain tiles. The frontage is faced in a dark red/brown brick with a render facing to the first floor, the frontage features a double height bay window with a tile hung facing and mock-Tudor gable. A garage adjoins the south west side elevation. The front drive has a dual ungated vehicular access off Wilford Lane which is a classified highway. The front boundary consists of a large hard surfaced parking area set behind a low stone wall.
2. The rear elevation of the dwelling features a 2.2 metre deep rear projecting store/utility room and a ground floor bay window. There is a 4.8 metre deep rear patio, beyond which there is a fall in land levels of approximately 0.8 metres down to the main garden. The garden is enclosed by a closeboard timber fence approximately 1.8 metres high which is stepped in height to follow the levels of the patio and rear garden.

DETAILS OF THE PROPOSAL

3. The application seeks planning permission for the erection of a single storey rear extension, to span the full width of the rear elevation, to provide additional space to the lounge and an enlarged kitchen/utility space. The extension proposed is stepped in its arrangement projecting 4.5m beyond the existing kitchen and 2.5m beyond the existing lounge with a shallow pitched roof. The extension would be externally faced in brick and plaintiles, to match the existing external elevations, with roof lights to the south and east facing roof slopes. The height of the proposed extension from the raised patio level would be 3.5m and would be set within 1.3m from the nearest east (side) boundary. The proposal if constructed would replace an existing insubstantial brick store/utility room.
4. The proposal also includes alterations to the raised patio area which sits 0.8m above the lower lawn level, which is proposed to project a further 2.3m into the garden with steps down to a seating area at the lower level.

SITE HISTORY

5. None relevant

REPRESENTATIONS

Ward Councillor(s)

6. The Ward Councillors (Cllr Phillips and Cllr Wheeler) declared an interest in the application.

Statutory and Other Consultees

7. No comments received.

Local Residents and the General Public

8. No comments received.

PLANNING POLICY

9. 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

10. The relevant national policy considerations for this proposal are those contained within the National Planning Policy Framework (NPPF) and the proposal should be considered within the context of a presumption in favour of sustainable development as a core principle of the NPPF. 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

11. 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.

12. None of the five saved policies from the 1996 Local Plan apply to this application.
13. 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.
14. The Residential Design Guide (2009) is a material consideration in determining applications. This implies that the style and design of any extension should respect that of the original dwelling and should not dominate over it. Extensions should be designed so that they are not readily perceived as merely 'add-ons' to the original building and, therefore, scale, proportion, and roof form are key considerations.

APPRAISAL

15. The application proposes a single storey rear extension to an existing residential property. Therefore, the principle of development is acceptable. The key considerations in the determination of the application are the design and external appearance and the impact on the amenity of neighbouring residential properties.
16. The proposed design form and appearance is of brick construction with a plain tile part gabled and pitched roofing which is of a modest and simplistic style. It is considered the stylistic approach is appropriate and acceptable in so much that it relates well to the style and appearance of the existing property and the surrounding context.
17. The proposed extension is to replace an existing 2.2m projecting store/utility room and is to project 4.5m beyond the rear of the existing kitchen, reducing to 2.5m beyond the rear of the existing living room. The proposed extension would have a shallow pitched roof to a maximum height of 3.65m to the ridge and 2.5m to the eaves. The proposed extension would be positioned 1.3m from the nearest side (east) boundary shared with 97 Wilford Lane. It is not considered, by virtue of the modest scale and sufficient spacing from the nearest boundary, that the proposal would unduly impact on the amenity of the occupiers of 97 Wilford Lane, having specific regard for access to light, overlooking, outlook or overshadowing. Similarly, the proposed extension would be situated 2.8m from the western boundary of the site, shared with 101 Wilford Lane, which has recently had a single storey extension approved measuring 6.2m in projection that would extend beyond the rear wall of the proposed extension at 99 Wilford Lane. Therefore, the proposed extension would not unduly impact on the amenity of either adjoining neighbouring properties and accordingly does not conflict with Policy 10 of the Core Strategy or Policy GP2 of the Non-Statutory Replacement Local Plan.

18. In respect of the proposed raised patio area, this would extend a further 2.5m beyond the existing raised patio. The height of the eastern boundary fence is to be adjusted to prevent overlooking and loss of privacy to 97 Wilford Lane.
19. In considering other comparable developments in the vicinity, it is noted that there is a 6 metre deep single storey rear extension at 95 Wilford Lane (granted under planning ref: 09/01017/FUL). Similarly at 101 Wilford Lane, an application for a single storey rear extension to project 6.2m beyond the rear of the property and an extended raised terrace was approved by the Planning Committee on 15 February 2018 (granted under planning ref: 17/02829/FUL).
20. In conclusion, it is considered that the scale and form of the proposed extension and its positioning relative to site boundaries and neighbouring properties is acceptable in terms of residential amenity. Furthermore, the design of the proposed extension reflects the style of the existing dwelling and would not be seen from within the public realm and, therefore, would have no impact on the street scene or character of the area.
21. The proposal was the subject of a pre-application enquiry and it was confirmed that planning permission would be required due to the height of the extension adjacent to the boundary. Other than contacting the applicant's agent to seek corrections to inconsistencies in the plans, the scheme was considered to be acceptable and there was no need to negotiate changes to the proposal.

RECOMMENDATION

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

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 1802-05 Rev. A, 1802-04 Rev. C received on 12th March 2018, and Site Location Plan and Block Plan received on 6th February 2018

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

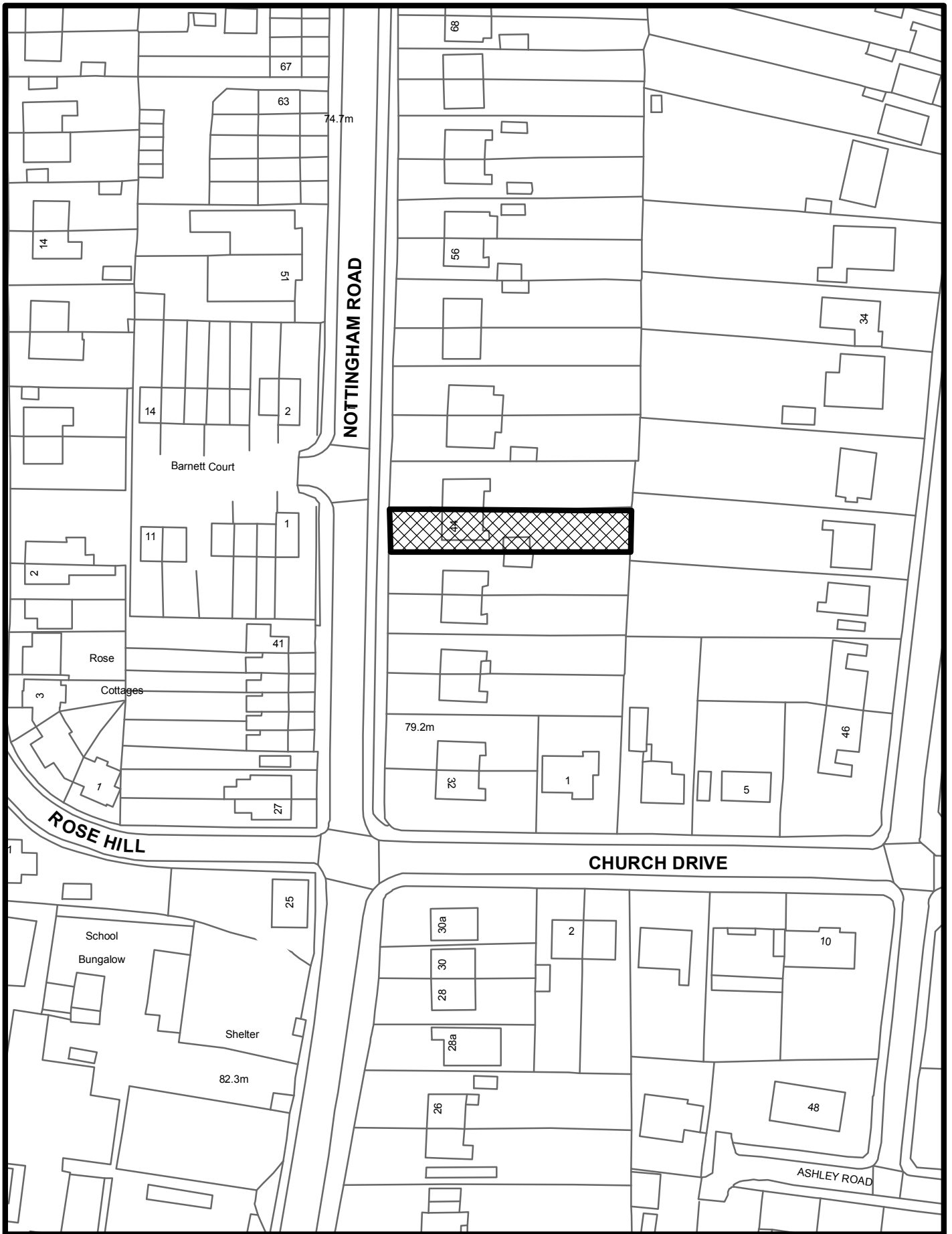
3. The extension(s) hereby permitted shall be constructed in suitable facing and roofing materials as specified in the submitted application to match the elevations of the existing property.

[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].

4. Prior to the extension and raised terrace hereby approved being brought into use, a close boarded fence with a height of 1.8 metres above the level of the terrace shall be erected on the north east boundary as shown on drawing numbers 1802-05 Rev. A and 1802-04 Rev. C. Thereafter the fence shall be retained and maintained for the life 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]

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Application Number: 18/00491/FUL
44 Nottingham Road, Keyworth



scale 1:1000

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18/00491/FUL

Applicant Mr & Mrs Hayden

Location 44 Nottingham Road Keyworth Nottinghamshire NG12 5GT

Proposal Single storey rear and two storey side extension.

Ward Keyworth And Wolds

THE SITE AND SURROUNDINGS

1. The application relates to a 1930's bay fronted brick built semi-detached property located within the built up area of Keyworth, to the east side of Nottingham Road, within a linear row of similarly designed and proportioned semi-detached properties, some of which have been extended and altered to provide additional ground and first floor accommodation to the side elevation.
2. The property is currently a three bedroom property with a detached garage workshop building set within the rear garden. The property has previously been extended at the rear with a glazed conservatory.

DETAILS OF THE PROPOSAL

3. The application seeks planning permission for the replacement of the rear conservatory with a more substantial brick built extension with a tiled roof. This would extend 3.7m beyond the original rear wall to a width of 5.5m, set between the northern boundary and the side wall of the existing detached garage workshop. The single storey rear extension would have a height to eaves of 2.4m and 3.8m to the ridge of a lean-to roof form with two roof lights.
4. The proposal also includes a two storey side extension to be located between the existing side (south) elevation wall and the boundary shared with 42 Nottingham Road. The extension would project 2.6m beyond the side elevation and extend 8.2m in depth, with a single storey element approximately 2.3 metres deep to link with the existing garage workshop to the rear. The first floor front elevation would be set back 0.2m from the front wall of the existing property with a subservient hipped roof. The extension would provide an additional bedroom and bathroom at first floor with a garage, wet room and utility room at ground floor. The extensions would be constructed in brick and concrete roof tile to match the existing external elevations. The proposal also includes the relocation of a first floor side elevation bathroom window to be reinstated on the existing first floor rear elevation.

SITE HISTORY

5. Application ref: 04/00255/FUL - Conservatory to rear, approved April 2004.

REPRESENTATIONS

Ward Councillor(s)

6. No comments received

Town/Parish Council

7. Keyworth Parish Council raises no objection

Statutory and Other Consultees

8. No comments received

Local Residents and the General Public

9. No comments 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). In addition, whilst not yet adopted as part of the development plan, the emerging Keyworth Neighbourhood Plan would be a material consideration.

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 also 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. On the 19th February 2018 The Keyworth Neighbourhood Plan passed independent examination subject to a number of recommended modifications. The Neighbourhood Plan at this stage, therefore, carries moderate weight. None of the policies in the Neighbourhood Plan are of direct relevance to this application.
16. The Residential Design Guide (2009) is a material consideration in determining applications. This implies that the style and design of any extension should respect that of the original dwelling and should not dominate over it. Extensions should be designed so that they are not readily perceived as merely 'add-ons' to the original building and therefore scale, proportion, and roof form are key considerations.

APPRAISAL

17. The application proposes extensions and alterations to an existing residential property. Therefore, the principle of development is acceptable. The key considerations in the determination of the application are the design and external appearance of the additions, the impact on the street scene, and the impact on the amenity of neighbouring residential properties.
18. The application proposes a two storey side extension to be constructed in brick and roof tiles to match the existing external elevations. Extensions of the same form and scale have been approved and constructed within the same locality at nos. 34 - 40 and 48 Nottingham Road. It is not considered that the design or scale of the proposed two storey side extension would be out of keeping with the existing property or other properties that form part of the character of the area along the east side of Nottingham Road. The two storey side extension features a small set back from the existing front elevation and a lower ridge line and is sufficiently subservient to retain the existing principal elevation as the more dominant feature on the site. The single storey replacement extension to the rear would not be seen from within the public realm and, therefore, would have no adverse visual impact on the character of the area. It is therefore concluded that the proposal is of an appropriate design in terms of the scale, form and materials and would not result in harm to the character of the area or constitute a discordant feature to the existing property or within the street scene.

19. The impact on no. 42 Nottingham Road in terms of the height, scale and positioning of the two storey side extension and the impact on the amenity of neighbouring properties is a key consideration in the determination of the application.
20. The site levels drop from 42 to 44 by approximately 0.7m, reducing the perceived scale of the extension on the southern boundary shared with no. 42. This neighbouring property has windows in the side (north) elevation. These windows at ground floor serve an under stairs cupboard, a secondary window to the kitchen and a first floor landing area. The side elevation windows do not serve habitable rooms and, therefore, it is not considered that the scale and presence of the extension would unduly impact on light and amenity provided by these windows, nor is it considered that the two storey side extension would result in an unacceptable overbearing presence. Furthermore, it is not considered that the extensions and alterations proposed would result in any harm to the level of amenity provided by the rear garden to no. 42, which would not suffer any loss of privacy or sunlight as a result of the proposal due to the positioning and orientation of the first floor side extension not projecting beyond the existing rear elevation and its orientation to the north of no. 42. Similarly, it is not considered that the replacement single storey rear extension would result in any loss of amenity to the occupiers of the neighbouring properties to the south or the north by virtue of its modest scale and positioning, which aligns with the existing rear extension at 46 Nottingham Road. It is, therefore, considered that the proposal would not result in unacceptable harm to the amenity of either of the adjacent neighbouring properties and accordingly complies with policy 10 of the Core Strategy and GP2 of the Non Statutory Local Plan.

Conclusions

21. It is considered that the design, appearance and recessive scale of the proposed extension would relate well to the existing property, would not dominate over it and is respectful of the character of the area. It is also considered that the proposal would not harm the amenity of neighbouring properties in terms of access to light, sunlight, privacy, overlooking or result in an unacceptable overbearing impact on neighbouring properties.
22. The application was not the subject of pre-application discussions. The scheme, however, is considered acceptable and no discussions or negotiations with the applicant or agent were considered necessary.

RECOMMENDATION

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

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 1:1250 Site Location Plan, 1:500 Block Plan, Roof plan and 1:50 Floor Plans and 1:100 Elevations all received on 28th February 2018 and "13ccd Technical detail" received on 28th March 2018.

[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(s) hereby permitted shall be constructed in suitable facing and roofing materials as specified in the submitted application 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 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.

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 <p>Rushcliffe Borough Council</p>	<p>Planning Committee</p> <p>12 April 2018</p> <p>Planning Appeals</p>	<h1 style="font-size: 48px; margin: 0;">5</h1>
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LOCATION	The Hall Nottingham Road Keyworth Nottinghamshire NG12 5FD	
APPLICATION REFERENCE	17/01549/FUL	
APPEAL REFERENCE	APP/P3040/W/17/3186110	
PROPOSAL	Change of use from restaurant; conversion to four residential apartments	
APPEAL DECISION	Appeal Allowed Award of Costs Allowed	DATE 23rd February 2018

PLANNING OFFICERS OBSERVATIONS

The Inspector considered that the main issue for consideration was the effect of the development on the provision of community facilities. He noted that the restaurant *‘is reasonably well related visually and physically to the defined village centre, but it is not within it. Therefore, any policies relating to uses within centres do not apply.’*

The Inspector did not consider the premises to be a community use. Having regard to the Local Plan Policies, the emerging Keyworth Neighbourhood Plan and the NPPF the Inspector considered that, *‘The restaurant does not provide a function which is fundamental to the health or well-being of the community, nor does it provide access to goods or services which are critical to meeting everyday needs.’* there was *‘no strong policy support for the restaurant being considered a community use.’*

In recognising that, *‘certain types of local shop, public houses and some leisure facilities often provide important focal points for local communities and/or ensure access to critical services which are needed for everyday life’* the Inspector was not convinced that the restaurant provided the same function. *‘The village is well served by such facilities and thus I would question whether the restaurant performs a critical function in terms of being a place where people meet.’*

The Inspector considered that the *‘number of likely linked trips are not likely to be critical to the vitality or viability of any individual business or the village centre as a whole.’* and commented that *‘the potential loss of jobs would be unfortunate, but there is nothing before me which indicates the economy of the area is reliant on them’* and that the *‘loss of either the restaurant or potential shop unit would not materially harm the vitality and viability of the centre.’* The Inspector gave little weight to the number of comments received on the application relating to the specific nature of the operator, confirming that

the *'planning system does not operate in the interests of individual businesses.'*

In respect of other matters the Inspector considered that, *'The features to be removed are not part of the original building and thus their removal would not have an adverse impact on either the building itself or the street scene. The enclosure would provide a small area of defensible space for future occupants. I am satisfied that the character and appearance of conservation area would be preserved. There is nothing before me to suggest that a development of this scale or in this location would have an unacceptable impact on the living conditions of nearby residents.'*

Considering the planning balance the Inspector commented that, *'Paragraph 7 of the Framework identifies three dimensions of sustainable development. I have found that there would be no conflict with the development plan in terms of the effect on community facilities or the vitality and viability of the nearby centre. The development would be likely to result in the loss of the business and some job losses. However, there is no policy protection for this use and no guarantee it would remain in the long term. There would be social, economic and environmental benefits associated with providing housing in what is recognised as a sustainable location. Four additional residential units would make a small but valuable contribution to the housing land supply. Future occupants would also increase expenditure potential in the area and occupants would have good access to facilities.'*

'Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise. There is no conflict with the development plan.'

The Inspector allowed the award of costs in dismissing the appeal. In determining the application for an award of costs, the inspector commented, *'It is clear to me that based on the evidence provided that the development should not have been considered in the context of the community facilities policies. I consider the misapplication of the development plan to be evidence of unreasonable behaviour. There were no other adopted policies which provided any protection for the use. The Council also found no harm in relation to any other factor. As such, there was no conflict with the development plan and thus permission should have been granted unless material considerations indicated otherwise.'* In addition, he commented that, *'Overall, I consider that the Council prevented or delayed development that should clearly have been permitted, having regard to its accordance with the development plan, national policy and other material considerations... As such, the appeal was unnecessary and the preparation of evidence to support the appeal is likely to have led to unnecessary expense.'*

LOCATION	Shire Farm Flawforth Lane Ruddington Nottinghamshire NG11 6NG	
APPLICATION REFERENCE	17/00929/FUL	
APPEAL REFERENCE	APP/P3040/W/17/3183173	
PROPOSAL	Erection of home care annexe	
APPEAL DECISION	Appeal Dismissed	DATE 23rd February 2018

PLANNING OFFICERS OBSERVATIONS

The development proposed was originally described as residential annexe to Shire Farm for the home-care of an elderly and disabled family member requiring 24 hour nursing care.

The Inspector in dismissing the appeal considered that the main issues were:

- i) The effect of the development on the openness of the Green Belt and the purpose of including land within it; and
- ii) Whether the harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal?

In respect of the openness of the green belt the Inspector commented that:

'The appeal relates to a large detached dwelling set in generous open grounds. The development would be located on an area of open lawn near to a small group of trees. The site is in a corner plot and is the last dwelling in a small grouping of sporadically located dwellings and farms. The character of the site and surroundings is rural in nature, with open fields to the north, south and east of the site.'

Paragraph 79 of the Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, with their openness and permanence being identified as the essential characteristics of the Green Belt. The site forms part of the open and undeveloped grounds of the main dwelling and is currently free from structures of any size. As a consequence, the development would result in this part of the Green Belt being considerably less open than it is at present. This would be harmful.

Notwithstanding the extent of the visual impact, the proposal would still result in further development in the countryside in excess of that which already exists. It would, therefore, be contrary to the non-encroachment purpose of including this land in the Green Belt. This constitutes additional harm to be weighed against the proposal.'

With regard to whether the harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations the Inspector considered that there was

nothing submitted that, *'satisfactorily demonstrates that suitable alternative accommodation is not available on the site which could achieve the same ends without causing harm to the Green Belt.'* or that *'the only two options available are either the main dwelling or the annexe. There is also nothing before me which demonstrates that there are no facilities or opportunities elsewhere in the local vicinity.'* He went on to comment that *'Personal circumstances rarely outweigh general planning matters because the effect of the development would remain long after the personal circumstances no longer apply. Even if controlled as an annexe, the personal circumstances used to justify the development are likely to change over time. However, the harm to the Green Belt would be permanent.'*

In the Inspectors conclusion he commented that, *'The proposal would result in inappropriate development in the Green Belt. By definition, this would be harmful to the Green Belt and the Framework indicates that such harm should be given substantial weight. I have also given substantial weight to the adverse impact on the openness of the Green Belt and the resulting encroachment into the countryside. The very special circumstances necessary to justify the development do not exist.'*

The appeal was dismissed.