

**When telephoning, please ask for:** Tracey Coop  
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**Our reference:**  
**Your reference:**  
**Date:** Wednesday, 7 November 2018



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

To all Members of the Planning Committee

Dear Councillor

A Meeting of the Planning Committee will be held on Thursday, 15 November 2018 at 6.30 pm in the Council Chamber, Rushcliffe Arena, Rugby Road, West Bridgford to consider the following items of business.

Yours sincerely

A handwritten signature in black ink, appearing to read 'S Sull'.

Sanjit Sull  
Monitoring Officer

### **AGENDA**

1. Apologies for Absence and Substitute Members
2. Declarations of Interest
  - a) Under the Code of Conduct
  - b) Under the Planning Code
3. Minutes of the Meetings held on 11 and 25 October 2018 (Pages 1 - 28)
4. Planning Applications (Pages 29 - 76)  
The report of the Executive Manager - Communities.
5. Planning Appeals (Pages 77 - 82)  
The report of the Executive Manager - Communities.

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Monday to Friday  
8.30am - 5pm  
First Saturday of  
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9am - 1pm

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**Postal address**  
Rushcliffe Borough  
Council  
Rushcliffe Arena  
Rugby Road  
West Bridgford  
Nottingham  
NG2 7YG



Chairman: Councillor R Butler

Vice-Chairman: Councillor J Stockwood

Councillors: B Buschman, N Clarke, M Edwards, J Greenwood, R Jones,  
Mrs M Males, S Mallender, Mrs J Smith and J Thurman

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## **MINUTES OF THE MEETING OF THE PLANNING COMMITTEE THURSDAY, 11 OCTOBER 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, M Edwards, R Hetherington (substitute for N Clarke), S Hull (substitute for R Jones), Mrs M Males, F Purdue-Horan (substitute for J Greenwood), Mrs J Smith and J Thurman

### **ALSO IN ATTENDANCE:**

80 members of the public

### **OFFICERS IN ATTENDANCE:**

M Elliott	Constitutional Services Team Leader
D Mitchell	Executive Manager - Communities
A Pegram	Service Manager - Communities
S Sull	Borough Solicitor
L Webb	Constitutional Services Officer

### **APOLOGIES:**

Councillors N Clarke and J Greenwood

### **16 Declarations of Interest**

18/00300/OUT – Land at OS Reference 456332, Asher Lane Ruddington – Councillor Edwards declared a non-pecuniary interest.

18/01772/FUL – 1 Priors Close, Bingham – Councillor Hull declared a non-pecuniary interest as the applicant was her son.

### **17 Minutes of the Meeting held on 13 September 2018**

The Minutes of the meeting held on 13 September 2018 were confirmed as a true record and signed by the Chairman.

### **18 Planning Applications**

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

**13/02329/OUT - Outline application for development of up to 400 dwellings, a primary school, health centre and associated infrastructure including highway and pedestrian access, open space and structural**

**landscaping - Land Off Shelford Road (Shelford Road Farm), Shelford Road, Radcliffe On Trent Nottinghamshire.**

**Updates**

Representations received from Radcliffe on Trent Health Centre, South Nottinghamshire Academy, the Campaign for Better Transport, Councillor Neil Clarke (ward member for Radcliffe on Trent), the applicant's agent, the planning officer for the case and a local resident, received after the agenda had been finalised had been circulated before the meeting.

As ward member for Radcliffe on Trent, Councillor Mrs Smith withdrew from the committee for the consideration of this item.

In accordance with the Council's Public Speaking Protocol for Planning Committee Mr Mark Rose of Define (agent for the applicant), Mr Chris Morffew (objector), Mr Martin Culshaw (Radcliffe on Trent Parish Council) and Councillor Roger Upton (ward member), addressed the meeting.

**DECISION**

**THAT IN ACCORDANCE WITH THE TOWN AND COUNTRY PLANNING (CONSULTATION) DIRECTION 2009, THE APPLICATION BE REFERRED TO THE NATIONAL PLANNING CASEWORK UNIT AND THAT, SUBJECT TO THE APPLICATION NOT BEING CALLED IN FOR DETERMINATION BY THE SECRETARY OF STATE FOR COMMUNITIES AND LOCAL GOVERNMENT, THE EXECUTIVE MANAGER FOR COMMUNITIES BE DELEGATED AUTHORITY TO GRANT PLANNING PERMISSION SUBJECT TO:**

- a) THE PRIOR SIGNING OF A SECTION 106 AGREEMENT AS SET OUT IN THE HEADS OF TERMS TABLE ATTACHED TO THIS REPORT; AND**
- b) THE FOLLOWING CONDITIONS:**
  - 1. Application of the approval of Reserved Matters for Phase 1 (which will include a minimum of 100 dwellings) shall be made to the Borough Council before the expiration of 9 months from the date of this outline permission. The development hereby approved shall be begun before the expiration of two years from the date of approval of the first reserved matters  
  
[To comply with Section 91 of the Town and Country Planning Act 1990, as amended by the Planning & Compulsory Purchase Act 2004 and to ensure appropriate early delivery of the development.]
  - 2. No development shall take place within any phase of the development (other than for the access to Shelford Road approved under condition 6) without the details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") for that phase being submitted to and approved in writing by the local planning authority and the development shall be carried out as approved.

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

3. Application for approval of reserved matters shall be generally in accordance with the parameters set in the Radcliffe Development Framework Plan DE\_085\_003 REV E and design principles and scale and density as set out in Para 5.3 - 5.7 of the Design and Access Statement.

[In order to establish the parameters and design principles of the development in the interests of amenity and to accord Policy 10 ( Design and Enhancing Local Identity of the Local Plan Part 1 Rushcliffe Core Strategy and with emerging Local Plan Part 2 policy 5.3.)]

4. No development shall be carried out until a Phasing Plan including details of phasing for the approved development has been submitted to and approved in writing by the local planning authority. The phasing plan shall include details of:

- the timing of the provision of infrastructure to serve the proposed development (including road improvements and drainage facilities) in relation to the provision of any new residential units;
- the timing of biodiversity, SUDS and landscaping features; and
- the timing of the provision of on-site recreation/open play space provision in relation to the provision of any new residential units.

The development shall be carried out in accordance with the approved phasing plan unless otherwise agreed in writing by the local planning authority.

[To ensure the proposed development is constructed in such a way to ensure that any new units provided are adequately served by infrastructure and recreation facilities and to promote biodiversity on the site. This is a pre-commencement condition to enable consideration to be given in a coordinated manner to all the key components of the scheme]

5. Prior to works commencing on the approved access arrangement as shown on drawing no. 12568/100/S100 there shall be submitted to and approved by the Borough:
  - a) Details of the means of protection of existing hedgerows and trees whilst construction works are being undertaken;
  - b) A construction method statement as required by Condition 16 for the access phase of the development.

The approved means of protection shall be implemented prior to works commencing and retained whilst construction work in relation to the roundabout is taking place and the approved construction method statement shall be adhered to whilst works are taking place.

[In the interests of visual and residential amenity, biodiversity and highway safety]

6. No development shall commence on any part of the application site unless or until a suitable access arrangement as shown on the drawing entitled 'Section 278 Roundabout, Series 100 - General Arrangement', drawing no. 12568/100/S100, revision F (or amended by revised drawings approved in connection with the S278 Agreement and agreed by the Borough Council) has been provided to the satisfaction of the Local Planning Authority.

[To ensure an adequate form of development in the interests of highway safety]

7. No dwelling shall be occupied until an appropriate agreement under Section 278 of the Highways Act 1980 has been entered into with Highways England to facilitate improvements to A52 junctions in accordance with the provisions of the A52/A606 Improvement Package Developer Contributions Strategy Memorandum of Understanding, September 2015.

[To ensure that the A52 trunk road continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980, in the interests of road safety.]

8. No dwelling shall be occupied until an appropriate agreement under Section 278 of the Highways Act 1980 has been entered into with Nottinghamshire County Council to facilitate the provision of a new pedestrian crossing facility (zebra or pelican) to be provided on Bingham Road in the vicinity of the Bingham Road/ New Road junction.

[To ensure improvements to the local road network in the interests of road safety]

9. No development shall take place within each phase of the development (other than for the access to Shelford Road approved under condition 6) until the technical approval under S38 has been agreed with Nottinghamshire County Council for the construction of the roads and associated works within that phase of the site. The development shall thereafter be implemented in accordance with the approved details and no dwelling in that phase shall be occupied until the roads necessary to serve that property have been constructed to base level.

[To ensure a satisfactory development and in the interests of road safety]

10. No dwelling shall be occupied until the driveway and parking areas associated with that plot have been surfaced in a bound material as approved under condition 12. The surfaced drives and parking areas shall then be maintained in such bound material for the life of the development.

[To reduce the possibility of deleterious material being deposited on the public highways in the interest of highway safety]

11. The residential part of the development shall comprise no more than 400 dwellings.

[To clarify the extent of the development and in the interests of highway safety.]

12. No development shall take place within any phase of the development (other than for the access to Shelford Road approved under condition 6) until details of the following have been submitted and approved for that phase of the development:

- i. A detailed layout plan of the phase in context with the whole site;
- ii. The siting, design and external appearance of the proposed buildings;
- iii. details of finished ground and floor levels in relation to an existing datum point, existing site levels and adjoining land
- iv. Cycle and bin storage facilities;
- v. Sections and cross sections of the site showing the relationship of the proposed development to adjoining land and premises;
- vi. The means of enclosure to be erected on the site;
- vii. The finishes for the hard-surfaced areas of the site;
- viii. The layout and marking of car parking, servicing and maneuvering areas;
- ix. Plans, sections and cross sections of any roads or access/service roads or pedestrian routes within the application site, and this shall include details of drainage, surfacing and lighting; and
- x. The means of access within the site.
- xi. Details of the means of foul and surface water drainage.
- xii. The number and location of the affordable dwellings to be provided together with the mix of dwellings in terms of number of bedrooms and proportion of houses and flats and tenure.
- xiii. Details of how renewable/ energy efficiency, climate change proofing has been incorporated into the phased to include for the provision of electric charging points and measures to conserve and recycle water..
- xiv. A statement providing an explanation as to how the design of the development has had regard to the Design and Access Statement submitted with the application together with Policy 14 ( Design and Layout) and Policy 15 ( Local Architectural Styles) of the Radcliffe on Trent Neighbourhood Plan and include an assessment the development against the Building for Life Standards and will allow the .
- xv. Details of on site play and recreation space/facilities to serve the proposed development. Details to be submitted shall include landscaping, planting and equipment to be provided on the proposed amenity spaces.
- xvi. In relation to the school / health centre noise levels from any externally mounted plant or equipment together with any internally mounted equipment which vents externally, details of any security lighting/floodlighting and extraction ventilation systems for kitchen

areas.

The development shall thereafter be implemented in accordance with the approved details.

[To ensure a satisfactory development in accordance with the aims of Policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy, and Policy 14 and 15 of the Radcliffe on Trent Neighbourhood Plan.]

13. Prior to construction of the buildings hereby permitted reaching damp proof course level in each phase, details of the facing and roofing materials to be used on all external elevations within that phase shall be submitted to and approved in writing by the Local Planning Authority, and the development shall only be undertaken in accordance with the materials so approved.

[To ensure a satisfactory development in accordance with the aims of Policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy, and Policy 14 and 15 of the Radcliffe on Trent Neighbourhood Plan.]

14. No development shall take place within any phase of the development (other than for the access to Shelford Road approved under condition 6) without the details of the landscaping scheme for that phase, to include those details specified below, have 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 planting;
- c) planting schedules, noting the species, sizes, numbers and densities of plants. Measure to provide habitat enhancements should be adopted including the use of native fruiting species within landscaping and retention and gapping up hedgerows, new hedgerows, retention of mature trees and the use of bat and bird boxes / tubes.
- d) finished levels or contours;
- e) all existing trees, hedges and other landscape features, indicating clearly those to be removed; and,
- f) details of all boundary treatments including height, design, location, materials and finish.
- g) details of the means of protection of existing hedgerows and trees whilst construction works are being undertaken.

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

[To ensure satisfactory landscape treatment of the site which will enhance the character and appearance of the site and the area in accordance with the aims of Policy 16 (Green Infrastructure, landscape, Parks and Open Space) of the Local Plan Part 1 Rushcliffe Core Strategy.]



15. No development shall take place within any phase of the development (other than for the access to Shelford Road approved under condition 6) until the existing trees and/or hedges which are to be retained have been protected in accordance with the measures approved under condition 14, 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 Local Planning Authority. No changes of ground level shall be made within the protected area without the written approval of the Local Planning Authority

[To ensure protection during construction works of trees, hedges and hedgerows which are to be retained on or near the site in order to ensure that the character and amenity of the area are not impaired.]

16. No development shall take place within any phase of the development (other than for the access to Shelford Road approved under condition 6) until the details of a Construction Method Statement for that phase being submitted to, and approved in writing by the Local Planning Authority. The Statement shall provide for:

- i. Access and parking of vehicles of site operatives and visitors
- ii. Loading and unloading of plant and materials
- iii. Storage of plant and materials used on constructing the development
- iv. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- v. Wheel washing facilities
- vi. Measures to control the emission of noise, dust and dirt during construction
- vii. A scheme for recycling/disposing of waste resulting from construction works
- viii. Hours of operation
- ix. A scheme to treat and remove suspended solids from surface water run-off during construction.
- x. Statement of Risk in relation to the railway line
- xi. An earthworks strategy to provide for the management and protection of soils.

The approved Statement shall be adhered to throughout the construction period.

[In order to minimise the amount of mud, soil and other materials originating from the site being deposited on the highway; to prevent inadequate parking, turning and maneuvering for vehicles; inadequate materials storage and to ensure adequate recycling of materials in the interests of highway safety, visual amenity and environmental management and railway protection.]

17. No development shall take place within any phase of the development (other than for the access to Shelford Road approved under condition 6) until a detailed surface water design and strategy for the whole of the site is submitted to and approved by the LPA. This should include the following considerations:-

- a. Drainage from the site should be via a sustainable drainage system. The hierarchy of drainage options should be infiltration, discharge to watercourse and finally discharge to sewer subject to the approval of the statutory utility. If infiltration is not to be used on the site, justification should be provided including the results of infiltration tests. For greenfield areas, the maximum discharge should be the greenfield run-off rate ( $Q_{bar}$ ) from the area or be in accordance with the approved Flood Risk Assessment (ref BSP 12568/FRA/DS/REV A.)
- b. The site drainage system should cater for all rainfall events upto a 100year + 30% climate change allowance level of severity. The underground drainage system should be designed not to surcharge in a 1 year storm, not to flood in a 30 year storm and for all flooding to remain within the site boundary without flooding new buildings for the 100year + 30% cc event. The drainage system should be modelled for all event durations from 15 minutes to 24 hours to determine where flooding might occur on the site. The site levels should be designed to direct this to the attenuation system and away from the site boundaries.
- c. Consideration must be given to exceedance flows and flow paths to ensure both new properties and areas adjacent to and downstream of the development are neither put at risk or at an increased risk of flooding.
- d. Any proposals to use SUDS must include details showing how these will be maintained to ensure their effectiveness for the lifetime of the development and how their design complies with all relevant CIRIA standards and guidelines.
- e. 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 shall then be retained for the lifetime of the development.

The approved drainage strategy shall therefore be implemented in accordance with these details and those approved under condition 12 part xi for each phase of the development.

[To ensure the proper drainage of the site and to accord with the aims of Policy 2 (Climate Change) of the Local Plan Part 1 Rushcliffe Core Strategy.]

18. Finished floor levels are set no lower than 60mm above the climate change flood level at the adjacent modelled watercourse level or set no lower than 34m above Ordnance Datum ( AOD) whichever level is

higher.

[To reduce the risk of flooding to the proposed development and future users to accord with the aims of Polic2 (Climate Change) of the Local Plan Part 1 Rushcliffe Core Strategy.]

19. The residential development shall not be occupied or be brought into use until the owner has appointed and thereafter continue to employ or engage a travel plan coordinator who shall be responsible for the implementation delivery monitoring and promotion of the sustainable transport initiatives set out in the Travel Plan (TP) (WYG - RT79137- 05 dated 11.4.14) and whose details shall be provided and continue to be provided thereafter to the Local Planning Authority (LPA).

[To promote sustainable travel in accordance with the aims of Policy 14 of Local Plan Part 1 Rushcliffe Core Strategy]

20. The TP Coordinator associated with the residential development shall submit reports to and update the TRICS database in accordance with the Standard Assessment Methodology (SAM) or similar to be approved and to the LPA in accordance with the TP monitoring periods to be agreed. The monitoring reports submitted to the LPA shall summarise the data collected over the monitoring period, and propose revised initiatives and measures where travel plan targets are not being met including implementation dates to be approved in writing by the Local Planning Authority.

[To promote sustainable travel in accordance with the aims of Policy 14 of Local Plan Part 1 Rushcliffe Core Strategy]

21. The TP for the residential development shall be implemented in accordance with the approved timetable and be updated consistent with future travel initiatives including implementation dates to the satisfaction of the Local Planning Authority.

[To promote sustainable travel in accordance with the aims of Policy 14 of Local Plan Part 1 Rushcliffe Core Strategy]

22. The school and medical centre shall not be occupied until the respective owner or occupiers TP Coordinator has produced or procured a full travel plan that sets out final targets with respect the number of vehicles using the site and the adoption of measures to reduce single occupancy car travel to be approved by the LPA. The TP shall be implemented in accordance with the approved timetable and be updated consistent with future travel initiatives including implementation dates to the satisfaction of the Local Planning Authority

[To promote sustainable travel in accordance with the aims of Policy 14 of Local Plan Part 1 Rushcliffe Core Strategy]

23. No development shall take place within any phase of the development (other than for the access to Shelford Road approved under condition 6 until a Employment and Skills Strategy for the construction phase of the

approved development shall be produced in consultation with the Economic Growth team and submitted to and approved in writing by the Borough Council. This strategy will be based on the relevant Citb framework and will provide opportunities for people in the locality to include employment, apprenticeships and training, and curriculum support in schools and colleges. The strategy will be implemented by the developer throughout the duration of the construction in accordance with the approved details and in partnership with relevant stakeholders.

[In order to promote local employment opportunities in accordance with Policies 1 and 5 and 24 of the Rushcliffe Local Plan Part 1: Core Strategy]

24. No demolition of buildings at Shelford Road Farm, as highlighted in orange on the plan provided as Figure 2 of the Written Scheme of Investigation produced by Lanpro Services and dated April 2018, shall be undertaken until such time as the recording has been undertaken in accordance with the details provided at paragraphs 7.3-7.11 of the Written Scheme of Investigation and a copy of the report as detailed in paragraph 7.12 has been formally submitted to, and agreed in writing by, the Borough Council to demonstrate that the recording exercise has been completed as specified.

[To ensure that items of a non-designated historic interest in accordance with para 199 of the NPPF].

25. No development shall take place within 10 metres of the area shown in yellow on the plan provided as Figure 2 of the Written Scheme of Investigation produced by Lanpro Services and dated April 2018 until such time as the strip map and sample archaeological investigation exercise detailed within the Written Scheme of Investigation has been undertaken in accordance with the details and methodology set out within therein

[To ensure that items of archaeological interest are recorded in accordance with para 199 of the NPPF].

26. No dwellings shall be occupied within the area shown in yellow on the plan provided as Figure 2 of the Written Scheme of Investigation produced by Lanpro Services and dated April 2018 until the Updated Project Design (UPD) has been completed and agreed by the Borough Council, as detailed at paragraph 9.4 of the Written Scheme of Investigation, and provision has been made for analysis, publication and dissemination of results and archive deposition has been secured.

[To ensure that items of archaeological interest are recorded in accordance with para 199 of the NPPF].

27. The development shall be carried out in accordance with the precautionary recommendations detailed in the Ecological Appraisal (WYG) dated September 2017 section 6 including the following:

- The submission of bat and barn owl mitigation plans should be

developed, submitted to and agreed by the Borough Council prior to works commencing on site including site clearance or demolition (this may include an updated barn owl survey if considered necessary and the provision of a purpose built barn owl tower with bat loft prior to the demolition of the buildings on site) and these plans should be implemented in accordance with the agreed programme of mitigation.

- An updated badger survey should be carried out immediately prior to commencement of works in each phase (including construction of the access into the site) and its recommendations implemented prior to works commencing.

[To ensure that the proposed development contributes to the conservation and enhancement of biodiversity within the site and for the wider area in accordance with paragraphs 174-175 of the NPPF and Policy 17 of the Local Plan Part 1: Rushcliffe Core Strategy.]

28. In the event that the planning permission is not implemented within 2 years of the date of the planning permission being granted a further protected species survey shall be carried out and submitted to the Local Planning Authority. Any mitigation measures required shall be implemented in accordance with the approved details to the satisfaction of the Local Planning Authority

[To ensure that the proposed development contributes to the conservation and enhancement of biodiversity within the site and for the wider area in accordance with paragraphs 174-175 of the NPPF and Policy 17 of the Local Plan Part 1: Rushcliffe Core Strategy.]

29. Before any work is carried out to any of the trees on the Site, a survey shall be carried out and submitted to the Local Planning Authority to establish the existence of nesting birds. In the event of evidence of nesting birds being found, no works to the trees shall be carried out between the beginning of March and the end of September.

[To ensure that the proposed development contributes to the conservation and enhancement of biodiversity within the site and for the wider area in accordance with paragraphs 174-175 of the NPPF and Policy 17 of the Local Plan Part 1: Rushcliffe Core Strategy.]

30. No development shall take place within any phase of the development (other than for the access to Shelford Road approved under condition 6) until a biodiversity management plan shall be submitted to and approved in writing by the local Planning Authority and should take into account the recommendations of the Ecological Appraisal (Oct 2017) . The plan will detail the formal management agreement, aftercare and monitoring of the retained and newly created habitats on the site and shall their ongoing maintenance cover a 25 year period. The plan shall be carried out as approved unless otherwise agreed in writing by the Local Planning Authority

[To ensure that the proposed development contributes to the conservation and enhancement of biodiversity within the site and for the wider area in accordance with paragraphs 174-175 of the NPPF and Policy 17 of the Local Plan Part 1: Rushcliffe Core Strategy]

31. The mix of market housing within the site shall comply with the housing mix set out in Radcliffe on Trent Neighbourhood Plan Policy 12 'Housing Mix and Density' unless otherwise agreed.

[In the interest of providing a diversity of house types within the Radcliffe Housing market and to ensure the application accords with the Radcliffe on Trent Neighbourhood Plan.]

32. Prior to the occupation of each dwelling submitted as part of the planning application each dwelling shall be provided with ducting to enable the connection to high speed fibre optic Broadband.

[To assist in reducing travel demand by enabling working from home initiatives in accordance with the aims of Policy 24 of the Rushcliffe Local Part 1 - Core Strategy].

33. No development shall take place within any phase of the development (other than for the access to Shelford Road approved under condition 6) until a scheme to demonstrate that the internal noise levels within the residential units will conform to the guideline values for indoor ambient noise levels identified by BS 8233 2014 - Guidance on Sound Insulation and Noise Reduction for Buildings, shall be submitted to and approved in writing by the Local Planning Authority. The work specified in the approved scheme shall then be carried out in accordance with the approved details and be retained thereafter.

[To ensure that acceptable noise levels within the development and its curtilage are not exceeded]

34. No development shall take place within any phase of the development (other than for the access to Shelford Road approved under condition 6) until a Detailed Ground Investigation Report is submitted to and agreed by the Borough Council. In those cases where the Detailed Investigation report confirms contamination exists a remediation report and validation statement will also be required and the development shall be carried out in accordance with the approved details. The detailed assessment should also include ground gas monitoring because of the possible presence of made ground and also possible migration from off site sources.

[Part of the proposed development is on the Councils prioritized list of potentially contaminated land sites, specifically the farm buildings and surrounding yards therefore this condition will ensure that the site is suitable for its proposed use taking into account of ground conditions and any risks arising from potential contamination in accordance Policy 14 (Environmental Protection) of the Local Plan Part 2 Land and Planning Policies and with para 178 of the NPPF.]

35. The reserved matters application that includes the area of land immediately adjacent to the railway to the south of the site shall include details of an area of land to be safeguarded for a potential future pedestrian and cycling bridge designed to take into account disability design requirements across the railway line in a location generally in accordance with the illustrative framework plan DE-085-003 Rev E. This area of land shall thereafter be retained in perpetuity for such purposes.

[To allow for the potential of a pedestrian and cycle route across the railway land in accordance with the aims of Policy 5.3 of the Emerging Local Plan Part 2 : Land and Planning Policies]

### **Notes to Applicant**

This permission is subject to a S106 agreement.

In relation to Condition 16 requiring soil management details you are advised to refer to DEFRA Construction Code of Practice for the sustainable use of soils on Construction sites

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

It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring

In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact Nottinghamshire County Council Highway Development Control (email: [hdc.south@nottscc.gov.uk](mailto:hdc.south@nottscc.gov.uk)) for details.

The applicant should note that notwithstanding any planning permission, if any highway forming part of the development is to be adopted by the Highways Authority, the new roads and any highway drainage will be required to comply with the Nottinghamshire County Council's current highway design guidance and specification for roadworks.

The submitted protected species survey has confirmed that there is evidence of bats and barn owls and no work should, therefore, be undertaken until a license has been obtained from Natural England

It is strongly recommended that the developer contact the Highway Authority at an early stage to clarify the codes etc. with which compliance will be required in the particular circumstance, and it is essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the County Council (or District Council) in writing before any work commences on site.

All correspondence with the Highway Authority should be addressed to:-  
NCC Highways (Development Control, Floor 3)  
Nottinghamshire County Council  
County Hall  
Loughborough Road  
West Bridgford  
Nottingham, NG2 7QP

The Borough Council and Nottinghamshire County Council are keen to encourage the provision of superfast broadband within all new developments. With regard to the condition relating to broadband, it is recommended that, prior to development commencing on site, you discuss the installation of this with providers such as Virgin and Openreach Contact details: Openreach: Nicholas Flint 01442208100 nick.flint@openreach.co.uk Virgin: Daniel Murray 07813920812 daniel.murray@virginmedia.co.uk

Your attention is drawn to the attached letter from Network Rail

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.

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

Swifts are now on the Amber List of Conservation Concern. One reason for this is that their nest sites are being destroyed. The provision of new nest sites is urgently required and if you feel you can help by providing a nest box or similar in your development, the following website gives advice on how this can be done :

<http://swift-conservation.org/Nestboxes%26Attraction.htm>

Advice and information locally can be obtained by emailing :

carol.w.collins@talk21.com

The Advanced Payments Code in the Highways Act 1980 applies and under section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the Highway Authority with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the Highway Authority as early as possible.



Councillor Mrs Smith rejoined the committee at this point.

Councilor Edwards who had declared a non-pecuniary interest in the following item left the room at this point and did not take part in the subsequent discussion and vote.

**18/00300/OUT - Outline planning application for proposed development of 175 dwellings including vehicular access (via 75 Musters Road), pedestrian links, public open space, car parking, landscaping and drainage - Land at OS Reference 456332, Asher Lane, Ruddington, Nottinghamshire.**

### **Updates**

Representations received from Councillor John Lungley (ward member for Ruddington) and three local residents had been finalised had been circulated before the meeting.

In accordance with the Council's Public Speaking Protocol for Planning Committee Michelle Foss (objector), John Lane (objector) and Councillor Martin Buckle (ward member) addressed the meeting.

### **Comments**

Members of the committee expressed concerns regarding the impact of increased traffic movements and the noise and related disturbance that would be caused by the development. Members of the committee considered that the development would give rise to an unacceptable impact on the amenity of local residents, and not just the immediate neighbours of the development, due to increased traffic movements, and of the noise and related disturbance caused by these.

### **DECISION**

#### **REFUSE PLANNING PERMISSION FOR THE FOLLOWING REASON**

The proposed access arrangements to the development would give rise to unacceptable impacts on the amenities of the properties immediately adjacent to the proposed access (73 Musters Road and 1 Western Fields), and properties in the wider area fronting Musters Road and Distillery Street, by reason of noise and disturbance from increased vehicle movements and traffic generation. Therefore, the proposal is contrary to Policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan and policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy. The proposal would also be contrary to paragraph 127 of the National Planning Policy Framework 2018, particularly criterion a) and f).

Councillor Edwards re-joined the meeting at this point.

**18/01097/FUL - Erection of four new dwelling houses with associated access - Land South East Of 75a Wilford Lane, West Bridgford, Nottinghamshire.**

**Updates**

A representation received from a local resident, received after the agenda had been finalised had been circulated before the meeting along with additional information on the planning history for the site that had been submitted by the case planning officer. Five additional representations that had not been included in the schedule of Late Representations were referred to by the Service Manager – Communities, who then addressed the additional points raised in these representations.

In accordance with the Council's Public Speaking Protocol for Planning Committee Mr Robert Bailey (the applicant), Mr Tim Kirby (objector) and Councillor Alan Philips (ward member) 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.

3406 01 Revision M received on 21/9/2018  
3406 07 Revision C received on 14/8/2018  
3406 02 Revision D  
3406 03 Revision D  
3406 04 Revision B  
3406 05 Revision B all received on 12/7/2018

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

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

Replacement Local Plan]

4. Within three months of the commencement of development and prior to the removal of any trees or hedgerows, a landscaping scheme, to include those details specified below, shall be submitted to and agreed in writing by the Borough Council:
- (1) the treatment proposed for all ground surfaces, including hard areas;
  - (2) full details of tree planting;
  - (3) planting schedules, noting the species, sizes, numbers and densities of plants;
  - (4) finished levels or contours;
  - (5) any structures to be erected or constructed;
  - (6) functional services above and below ground; and
  - (7) all existing trees, hedges and other landscape features, indicating clearly those to be removed/retained.
  - (8) details of all boundary treatments

The approved landscaping 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. The boundary treatments and treatment to the ground surfaces shall be in place prior to the occupation of the dwellings.

[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]

5. The development shall only be carried out in accordance with details of finished ground and floor levels in relation to an existing datum point, existing site levels and adjoining land which shall be submitted to and approved in writing by the Borough Council before the development commences and the development shall only be undertaken in accordance with the details so approved.

[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. This information needs to be provided prior to work commencing on site as the floor levels will influence the build from the outset of the development]

6. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) March 2018 Rev B (July 18), SCC Consulting Engineering, and the following mitigation measures detailed within the FRA:

- No habitable rooms are to be placed on the ground floor as stated within section 1 of the FRA.
- Finished habitable floor levels are set no lower than 25.9m above Ordnance Datum (AOD) as stated within section 2b of the FRA.
- Flood resilient design is incorporated in to the design of the development up to a level of 25.76mAOD as stated within section 6 of the FRA.

[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]

7. Prior to the commencement of development, a Detailed Contaminated Land Investigation Report is required, including a site investigation documenting the characteristics of the ground, an evaluation of all potential sources of contamination and a risk assessment, together with an updated conceptual model. Where the Detailed Investigation Report confirms that contamination exists, a remediation report and validation statement confirming the agreed remediation works have been completed, will also be required. All of these respective elements of the report will need to be submitted to and approved in writing by the Borough Council, prior to development commencing, and the development shall be carried out in accordance with the approved details.

[This is a pre-commencement condition because the necessary information was not submitted with the application and to make sure that the site, when developed is free from contamination, in the interests of public health and safety and to comply with policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan]

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

If the use of a crusher is required, this should be sited as far as possible from nearby properties and be operated in accordance with its process permit.

[This is a pre-commencement condition because the necessary information was not submitted with the application and to protect the amenities of the area and to comply with policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan]

8. Occupation of the proposed dwellings shall not take place until the site access as shown for indicative purposes only on drawing number 3406 01 Revision M and 3406 07 Revision C has been provided, and which shall be drained to prevent the discharge of surface water from the driveway to the public highway. The bound material and the provision to

prevent the discharge of water to the public highway shall be retained for the life of the development.

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

9. The development shall not be brought into use until the turning area as shown on drawing 3406 01 Revision M is provided and made available for use. The turning area so provided shall be retained and be available for use thereafter and shall not be used for any other purpose.

[In the interests of Highway safety and to enable vehicles to enter and leave in a forward direction and to Comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

10. The stairwell windows in the north east elevations of plots 1, 3 and 4, and the stairwell window within the south west elevation of plot 2 of the proposed development shall be permanently obscure glazed to group 5 level of privacy and non-opening, and 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 and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan]

### **Notes to Applicant**

The development makes it necessary to undertake re-surfacing works within the public highway. These works shall be constructed to the satisfaction of the Highway Authority. Works will be subject to a design check and site inspection for which a fee will apply. The application process can be found at: <http://www.nottinghamshire.gov.uk/transport/licences-permits/temporary-activities>. Please contact [licences@viaem.co.uk](mailto:licences@viaem.co.uk) for further information.

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

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

then all work should cease and an ecologist should be consulted immediately.

All work impacting on buildings or vegetation 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.

With the time approaching 10pm the Chairman advised that he was using his discretion to extend the meeting past 10pm, but advised that in accordance with the Council's Constitution, the meeting had to finish at 10:30pm at the very latest.

**18/00019/FUL - Demolition of bungalow, erection of 5 apartments and creation of parking area - 85 Chaworth Road, West Bridgford, Nottinghamshire.**

**Updates**

There were no updates reported.

As ward member for Lutterell, Councillor Edwards withdrew from the committee for the consideration of this item.

In accordance with the Council's Public Speaking Protocol for Planning Committee Mr Hasmukh Mistry (the applicant), Mr Colin Woodier (objector) and Councillor Martin Edwards (ward member) 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 following approved plans: CR-17-01 Rev C Location and Block Plan and CR-17-02 Rev B Elevations and Layout.

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

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

[To ensure the appearance of the development is satisfactory and to comply with Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and Policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan]

4. Prior to development progressing above damp proof course level a detailed landscaping scheme for the site shall be submitted to and approved in writing by the Borough Council. The approved scheme shall be carried out in the first tree planting season following the substantial completion of the development. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Borough Council gives written consent to any variation.

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

5. Prior to development progressing above damp proof course level details of all screen fencing/walling and means of enclosure to be erected on the site shall be submitted to and approved in writing by the Borough Council. The scheme shall include noise attenuation fencing along the boundary with no.83 Chaworth Road, as indicated on the approved plans. The development shall not be brought into use until the approved screen fencing/walling and means of enclosure have been completed, and they shall be retained thereafter for the lifetime of the development.

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

6. Before development commences details of finished ground and floor levels in relation to an existing datum point, existing site levels and adjoining land shall be submitted to and approved in writing by the Borough Council before the development commences and the development shall only be undertaken in accordance with the details so approved.

[In the interest of amenity and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan. This is a pre-commencement condition to ensure the levels are appropriate to the character of the area as no details have been submitted]

7. Development shall not proceed beyond foundation level until such time that the following details have been submitted to and approved in writing by the Borough Council. The development shall be carried out in accordance with the approved details prior to the first occupation of any apartment hereby approved:

- a) Details of cills and lintels;
- b) Details of all fenestration including design and confirmation the windows will be set in reveal;
- c) Details of all rooflights;
- d) Details including materials and location of rainwater goods.

[To ensure the appearance of the development is satisfactory and to comply with Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and Policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan]

8. The proposed apartments shall not be occupied until the approved off-street parking area has been provided and the parking area shall thereafter be retained for residents parking.

[To ensure that adequate off-street parking is made to reduce the possibilities of the proposed development leading to on-street parking in the area, in the general interest of highway safety].

9. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) Rev A, 03/11/2016 compiled by Consulting Engineering, and the following mitigation measures detailed within the Flood Risk Assessment:

- 1. Finished floor levels are set no lower than 25.0 m above Ordnance Datum (AOD) as stated in section 2b of the FRA.
- 2. Flood resilient and flood repairable design be utilised in the design of the unit, as discussed in section 6a of the FRA.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

[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]

10. The windows shown on Plan CR-17-02 Rev A as being obscure glazed and non-opening below 1.7 metres from the internal floor level shall be obscure glazed prior to the first occupation of any apartment to group 5 level of obscurity. The development shall not proceed beyond foundation level until such time that these details have been submitted to and approved in writing by the Borough Council. No changes shall be made to the windows without the prior written approval of the Borough Council.

[To ensure the impact of the proposal is acceptable and to comply with Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and Policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan]



11. Notwithstanding the approved plans, and prior to the development being brought into use a scheme detailing the location and construction of a bin store and cycle store shall be submitted to and approved in writing by the Borough Council. The approved bin and cycle store shall be implemented prior to first occupation.

[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]

12. Occupation of the apartments shall not take place until the access driveway has been surfaced in a bound material (not loose gravel) for a minimum distance of 5.0 metres behind the highway boundary, and which shall be drained to prevent the discharge of surface water from the driveway to the public highway. The bound material and the provision to prevent the discharge of surface water to the public highway shall be maintained for the lifetime of the development.

[In the interest of highway safety and to comply with Policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan]

13. Occupation of the apartments shall not take place until the access driveway is fronted by a dropped kerb vehicle crossing.

[In the interest of highway safety and to comply with Policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan]

14. Occupation of the proposed apartments shall not take place until a refuse collection point has been provided in accordance with details first submitted to and approved in writing by the Local Planning Authority. This shall be provided as approved prior to the first use of any apartment hereby approved and thereafter retained for the lifetime of the development.

[In the interest of highway safety and to comply with Policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan]

15. The cill level of the rooflights in the eastern roof slope of the building hereby approved, serving the bathroom and kitchen area to apartment 5, shall be no lower than 1.7 metres above the finished floor level within apartment.

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

### **Notes to applicant**

With respect to the materials condition of this planning permission, please contact the Case Officer to arrange for samples to be viewed on site, giving at

least 5 days' notice. The application for discharging this condition relating to materials, should be submitted prior to this.

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

At 10:15pm, the Chairman advised that there was now insufficient time remaining in order to consider the remaining items on the agenda and that he was closing the meeting. The Chairman advised that all outstanding business would be dealt with at an extra meeting of the Planning Committee which would be held at 6:30pm on Thursday 25 October 2018.

The meeting closed at 10.17 pm.

CHAIRMAN

**MINUTES  
OF THE MEETING OF THE  
PLANNING COMMITTEE  
THURSDAY, 25 OCTOBER 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), N Clarke,  
M Edwards, R Hetherington, (substitute for Councillor J Greenwood) S Hull,  
Mrs M Males, S Mallender, Mrs J Smith and J Thurman

**ALSO IN ATTENDANCE:**

12 members of the public

**OFFICERS IN ATTENDANCE:**

A Pegram  
S Sull  
L Webb

Service Manager - Communities  
Borough Solicitor  
Constitutional Services Officer

**APOLOGIES:**

Councillors B Buschman and J Greenwood

**19 Declarations of Interest**

18/01772/FUL – 1 Priors Close, Bingham – Councillor Hull declared a non-pecuniary interest as the applicant was her son.

**20 Planning Applications**

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

**18/01705/OUT – Outline application for proposed erection of one detached dwelling with new access – Land adjacent to 63 Moor Lane, Gotham, Nottinghamshire.**

**Updates**

Representations from the applicant, Environmental Health and the Trent Valley Internal Drainage Board, received after the agenda had been finalised had been circulated before the meeting.

In accordance with the Council's Public Speaking Protocol for Planning Committee the applicant Mr Simon Horner addressed the meeting.

## **DECISION**

### **PLANNING PERMISSION BE REFUSED FOR THE FOLLOWING REASON**

1. The proposal would result in an inappropriate form of development in the Green Belt, which is harmful by definition, and also to the openness and character of the Green Belt at this location. It is not considered that 'very special circumstances' exist or have been demonstrated to outweigh this harm. Therefore, the proposal is contrary to the policies contained in the National Planning Policy Framework which are applicable to development in the Green Belt and Policy ENV14 of the Rushcliffe Borough Non-Statutory Replacement Local Plan which states:

"Within the green belt as defined on the proposals map planning permission will only be granted for appropriate development for the following purposes:

- a) agriculture and forestry
- b) for other uses which preserve the openness of the green belt, including essential facilities for outdoor sport and recreation and for cemeteries;
- c) alteration and limited extension or replacement of existing dwellings;
- d) limited residential infilling in existing settlements within the green belt.

Planning permission will not be granted for inappropriate development, including the construction of new buildings other than those set out in the criteria, unless very special circumstances can be shown to outweigh the resulting harm to the green belt".

**18/01543/FUL – Demolition of garage, two storey side extension and single storey front and rear extensions – 14 The Rushes, Gotham, Nottinghamshire.**

### **Updates**

Representations from a neighbour objecting to the application and a planning officer update, received after the agenda had been finalised

In accordance with the Council's Public Speaking Protocol for Planning Committee, Joanne Racher (on behalf of the applicant) and Mrs A Mercs (on behalf of the applicant), 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 following approved plans, site plan; Drawing No. 1 – Elevations and Sections and Drawing No. 2 – Floor Plans, dated June 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 materials specified in the application shall be used for the external walls and roof of the development hereby approved and no additional or alternative materials shall be used.

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

4. The ground floor windows and glazing to the door to the utility room in the side (east) elevation of the proposed development shall be permanently obscure glazed to group 5 level of privacy and no additional windows shall be inserted in this elevation without the prior written approval of the Borough Council.

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

**18/01772/FUL – Alter boundary fence to 1.5m including trellis and 1.2m high at corner (revised scheme) – 1 Priors Close, Bingham, Nottinghamshire.**

### **Updates**

There were no updates.

### **DECISION**

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

1. Within three months of the date of this permission, boundary fencing shall be altered/lowered so as to accord with the plans and details received 16 and 22 August and amended plan received on 20<sup>th</sup> September, 2018. Thereafter, the boundary treatment shall be retained in accordance with the approved plans.

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

21 **Planning Appeals**

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

The meeting closed at 7.50 pm.

CHAIRMAN



## Planning Committee

15 November 2018

## Planning Applications

### 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 <https://democracy.rushcliffe.gov.uk/ieListMeetings.aspx?Committeeld=140> Once a decision has been taken on a planning application the decision notice is also displayed on the website.
4. Reports to the Planning Committee take into account diversity and Crime and Disorder issues. Where such implications are material they are referred to in the reports, where they are balanced with other material planning considerations.
5. With regard to S17 of the Crime and Disorder Act 1998 the Police have advised they wish to be consulted on the following types of applications: major developments; those attracting significant numbers of the public e.g. public houses, takeaways etc.; ATM machines, new neighbourhood facilities including churches; major alterations to public buildings; significant areas of open space/landscaping or linear paths; form diversification to industrial uses in isolated locations.
6. Where the Planning Committee have power to determine an application but the decision proposed would be contrary to the recommendation of the 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."

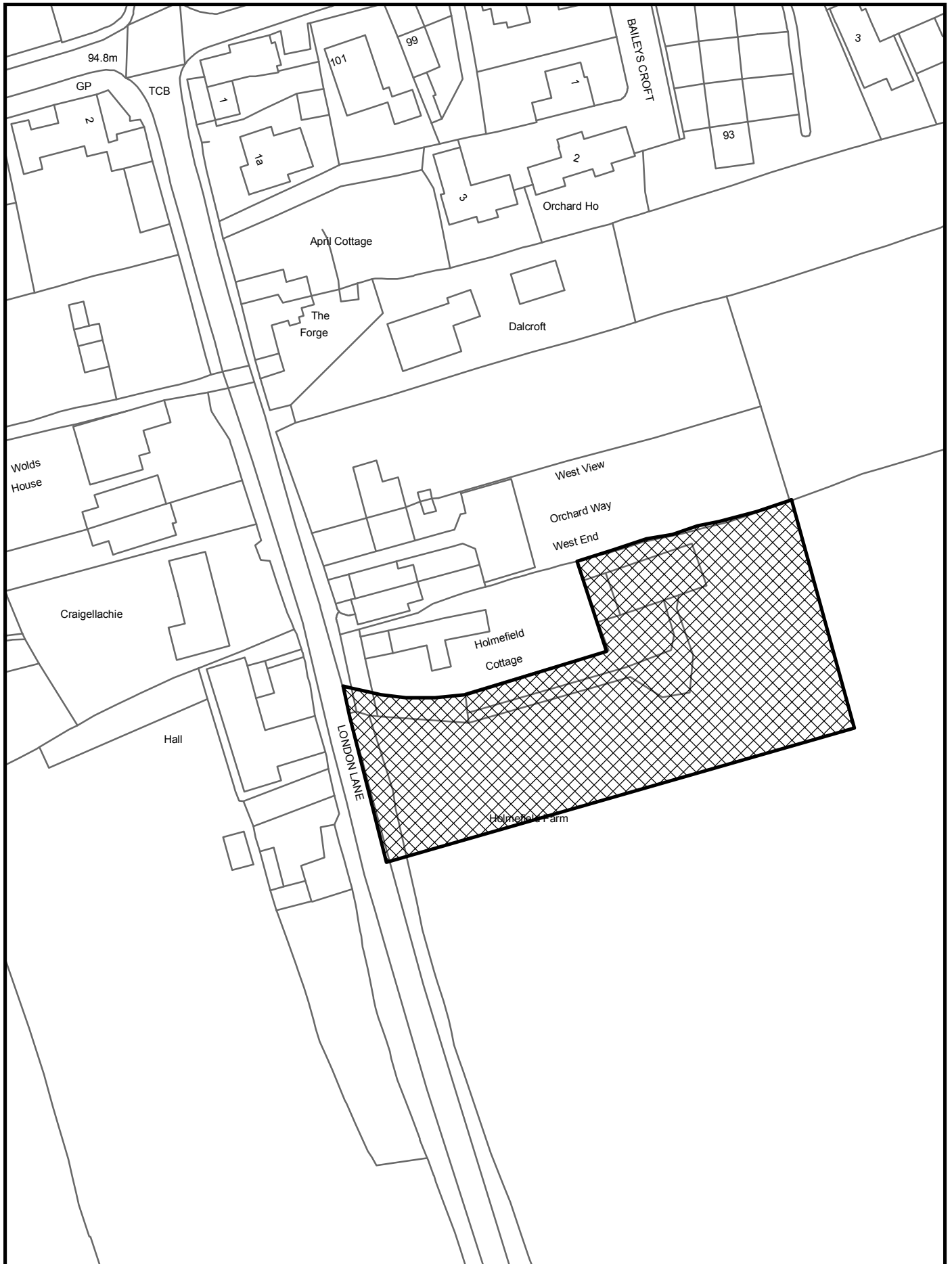
If you have not already made a Building Regulations application we would recommend that you check to see if one is required as soon as possible. Help and guidance can be obtained by ringing 0115 914 8459, or by looking at our web site at <http://www.rushcliffe.gov.uk/planningandbuilding/buildingcontrol>

<b>Application</b>	<b>Address</b>	<b>Page</b>
<a href="#">18/02020/FUL</a>	Holmefield Cottage, London Lane, Willoughby on the Wolds, Nottinghamshire  Demolition of existing farm building and construction of 4no. new dwellings with garages and shared drive (revised scheme).	33 - 42
<b>Ward</b>	Keyworth and Wolds	
<b>Recommendation</b>	Planning permission be refused	
<a href="#">18/01842/FUL</a>	The Old school House, Gotham Road, Kingston on Soar, Nottinghamshire.  Demolition of 5no. timber sheds and erection of car port/tractor store with games room over.	43 - 53
<b>Ward</b>	Gotham	
<b>Recommendation</b>	Planning permission be granted subject to conditions	
<a href="#">18/01108/ADV</a>	Roundabout at Stragglethorpe, Nottingham Road, Cropwell Bishop, Nottinghamshire  Display 4 no. free standing pole mounted signs on roundabout.	55 - 60
<b>Ward</b>	Cropwell	
<b>Recommendation</b>	Consent to display advertisements be granted	



<b>Application</b>	<b>Address</b>	<b>Page</b>
<a href="#"><u>18/02111/FUL</u></a>	22 Wasdale Close, West Bridgford, Nottinghamshire	61 - 69
	Change of use from open amenity space to private garden space.	
Ward	Gamston South	
Recommendation	Planning permission be granted subject to conditions	
<hr/>		
<a href="#"><u>18/02261/FUL</u></a>	42 Whinlatter Drive, West Bridgford, Nottinghamshire	71 - 75
	First floor front and side extension.	
Ward	Gamston South	
Recommendation	Planning permission be granted subject to conditions	

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**Application Number: 18/02020/FUL**  
**Holmefield Cottage, London Lane,**  
**Willoughby on the Wolds**

scale 1:1000

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Rushcliffe Borough Council - 100019419

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**18/02020/FUL**

**Applicant** Mr James Roy Bradfield-Carrier

**Location** Holmefield Cottage London Lane Willoughby On The Wolds Nottinghamshire LE12 6SX

**Proposal** Demolition of existing farm building and construction of 4no new dwellings with garages and shared drive. (revised scheme)

**Ward** Keyworth And Wolds

## **THE SITE AND SURROUNDINGS**

1. The application site forms the segment of an agricultural field beyond the southern edge of the built up area of Willoughby On The Wolds. The site measures one third of a hectare and incorporates part of the front garden and vehicular access to Holmefield Cottage to the north. The site is currently grazed by horses. The site also currently contains a large sheet metal agricultural barn to the northern boundary. To the south and west is elevated open countryside situated between Main Street and Back Lane. The northern site boundary forms the defined built up edge of the settlement and to the west is London Lane with a dwelling beyond. The site is accessed from London Lane via the existing vehicular access serving Holmefield Cottage. The site rises steeply from London Lane by approximately 1.5m. A public right of way runs through the site which connects with two other public footpaths within the same field. It is proposed to re-direct the public footpath as part of the application.

## **DETAILS OF THE PROPOSAL**

2. The application seeks full planning permission for the construction of four dwellings with associated parking and garaging with access from London Lane. A single tree is proposed for removal within the highway verge and four trees proposed for removal within the site. The proposed detached dwellings are to be externally faced in red brick and clay pantiles and are to consist of 2 no. four bedroom houses and 2 no. three bedroom houses, each set over two floors. Access is proposed through improvements to the existing vehicular access to be shared with Holmefield Cottage.

## **SITE HISTORY**

3. 17/01267/OUT - (Demolition of redundant farm building) erection of 3 detached houses with garages and shared drive. The application was withdrawn.
4. 18/00504/FUL - Demolition of redundant farm building and creation of 4no. detached dwellings with garages and shared drive. The application was withdrawn.
5. Planning permission for two dwellings was granted beyond the northern boundary of the site with outline planning permission granted in 2018 for a

further single storey dwelling.

## **REPRESENTATIONS**

### **Ward Councillor(s)**

6. One Ward Councillor (Cllr Edyvean) does not object to the application. He believes it will provide the type of accommodation that will attract families with school age children to support the village school. He does not consider the development to be outside the village boundary, and he understands that there used to be both farm buildings and a dwelling on the proposed site.

### **Town/Parish Council**

7. Willoughby On The Wolds Parish Council raise no objection to the development.

### **Statutory and Other Consultees**

8. Nottinghamshire County Council as Highway Authority comment that they previously considered the principle of residential development at this site under application reference 18/00504, recommending refusal on grounds of insufficient visibility at the access. Under the current submission, a speed survey has been undertaken to establish 85th percentile speeds from which commensurate splays of 2.4m x 42m (R) and 2.4m x 37m (L) have been derived. Drawing number 10587-001 shows the splays are achievable subject to the removal of a single tree, although it is their opinion a second tree will likely need to be removed. They advise that whilst they have no objection to the principle of removing the affected trees for safety reasons, they are conscious their removal may attract local opposition. It was therefore suggested that the developer approached the parish council to establish whether they would have any objection to the trees being removed, although it was acknowledged that such measures are likely to have wider planning implications.
9. They commented that, with regard to the general site layout, it appears that there is sufficient room for drivers to enter/exit in a forward gear. It should be pointed out that refuse collection wagons will not enter the site, and so a collection point should be provided within the maximum carry distance (25m) of the highway threshold, in a manner that does not compromise access/egress manoeuvres.
10. There is a public footpath running through the site that will need to be diverted under planning legislation to accommodate the new development. The Countryside Access Team have not raised any concerns regarding the proposed alignment, but have requested further clarification of how the way will be formally diverted outside of the red line boundary.
11. It is understood that discussions have taken place with the Parish Council, as suggested by the Highway Authority, and further comments are awaited. These will be reported as part of the schedule of late representations.

12. Nottinghamshire County Council as Public Rights of Way Authority comment that the applicant has taken steps to address the previous concerns about accommodating footpath no 10 – Willoughby into the revised design which would be largely acceptable to the rights of way team. However, it has not been made clear as to whether under the Planning Act required to do this, the section of footpath outside the application area required to connect the diversion, would be diverted under the same Planning Act order. The applicant also needs to be reminded that work cannot begin until the footpath diversion legal order has been certified and confirmed.
13. The Borough Council's Landscape Officer considers the application lacks information in order to make a considered judgement on the impact on trees and that a tree survey in accordance with BS5837 would have assisted in identifying the root protection areas. The proposed grasscrete area and oil tank has the potential to impact on the root protection area of trees across the site frontage. It is recommended that if permission was to be granted, a condition requiring tree protection measures and full landscaping details is applied.
14. The Borough Council's Sustainability Officer considers that the development of this site is unlikely to have an impact on the sustainability of populations of protected and priority species in the area, however, precautions are required for the potential unidentified use of the site. Should permission be forthcoming, a number of recommendations are suggested in line with the submitted Ecological Survey.

#### **Local Residents and the General Public**

15. Four letters of support have been received from four properties on grounds that there is a shortage of modest sized and lower priced housing within the village.

#### **PLANNING POLICY**

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

#### **Relevant National Planning Policies and Guidance**

19. The NPPF carries a presumption in favour of sustainable development and states that, for decision taking, this means "*approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are*

*most important for determining the application are out-of-date, granting permission unless:*

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”*
20. In relation to design and residential amenity section 12 of the NPPF seeks to ensure the creation of high quality buildings and places, and that good design is a key aspect of sustainable development. Paragraph 127 of the NPPF states that *“planning policies and decisions should ensure that developments function well and add to the overall quality of an area, are visually attractive, sympathetic to the local character and history and create places that are safe, inclusive and accessible with a high standard of amenity for existing and future users”*. Paragraph 130 states, *“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.”*
21. In terms of housing, paragraph 73 of the NPPF requires local planning authorities to identify a five year housing supply with an additional 5% buffer to ensure choice and competition. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20%.

### **Relevant Local Planning Policies and Guidance**

22. The Core Strategy sets out the overarching spatial vision for the development of the Borough to 2028. Policy 1 deals with The Presumption in Favour of Sustainable Development, Policy 2 deals with Climate Change, Policy 3 deals with Spatial Strategy, Policy 8 deals with Housing Size, Mix and Choice, Policy 10 with Design and Enhancing Local Identity, Policy 16 deals with Green Infrastructure, Landscape, Parks and Open Spaces and Policy 17 deals with Biodiversity.
23. Policy 3 of the NPPF is considered to be of particular relevance to this application. It sets out the strategy for delivery of housing within the Borough which is to be achieved through an approach of urban concentration. It advocates a settlement hierarchy with growth to be concentrated around the main built up area of Nottingham and then key settlements of Bingham, Cotgrave, East Leake, Keyworth, Radcliffe on Trent and Ruddington (Willoughby On The Wolds is not identified as a key settlement for growth). Beyond the key settlements, development will be for local needs only, to be delivered through small scale infill sites or exception sites.
24. The Local Plan: Part 2 is an emerging document which, whilst not currently part of the development plan, is at an advanced stage in the process and carries some weight at this time. There are a number of policies which are a material consideration in the determination of this application; Policy 11 relates to housing development on unallocated sites within settlements and Policy 22 considers managing development within the countryside.



25. The Rushcliffe Non-Statutory Replacement Local Plan has been used in decision making since 2006 and despite the Core Strategy having been adopted its policies are still a material consideration in the determination of any planning application, where they are consistent with or amplify the aims and objectives of the Core Strategy and have not been superseded. The following policies of the Rushcliffe Borough Non-Statutory Replacement Local Plan (NSRLP) are relevant to the consideration of this application; Policy GP1 (Delivering Sustainable Development), Policy GP2 (Design and Amenity Criteria), Policy EN20 Protection of Open Countryside and Policy HOU2 (Development on Unallocated Sites).
26. The 2009 Rushcliffe Residential Design Guide implies that infill development should respect the existing massing, building form and heights of buildings within their immediate locality. Front and rear building lines should be continued where these are well established and clearly defined as part of the existing settlement pattern. The side spacing to neighbouring properties should also be maintained where a consistent and regular arrangement exists.

## **APPRAISAL**

27. Willoughby is a small village with limited facilities. It does not have a shop, a public house or post office. It has an infrequent off-peak bus service to Keyworth and Ruddington and it has no train station. The nearby settlement of Keyworth does have a wide variety of such facilities; however this is located 4.2 miles away. Providing additional housing in Willoughby, would result in more residents relying heavily upon the private car to access basic facilities such as shopping, health care and employment which would not be sustainable.
28. In order to achieve sustainable development within the Borough, Policy 3 'Spatial Strategy' of The Rushcliffe Local Plan Part 1: Core Strategy (The Plan) identifies a settlement hierarchy for Rushcliffe. Willoughby is not one of the settlements identified for housing growth. Policy 3 goes on to state that in such settlements new housing will be for local needs only.
29. Policy 8 'Housing Size, Mix and Choice' of The Plan states that where there is robust evidence of local need, such as an up to date Housing Needs Survey, rural exception sites or sites allocated purely for affordable housing will be permitted within or adjacent to rural settlements. Whilst the submitted supporting statement claims that the housing proposed will be low cost and meet the needs of local people hoping to stay in the village, no evidence has been submitted to demonstrate how this will be achieved and there is no mechanism in place to secure it. Furthermore, it is not considered that the provision of larger three and four bedroom detached houses would assist the entry level housing market in this area. It is, therefore, not considered that the proposal would meet an identified local need and fails to satisfy Policy 3 and 8 of the Core Strategy and paragraph 77 of the NPPF which seek to support housing in rural locations that meet an identified local need.
30. The application site is located on the edge of the settlement and in open countryside generally comprising moderately large field systems separated by hedgerows with mature standards. The village is based on a ribbon

development pattern with frequent views of the open countryside beyond. The site marks an attractive and important transition point between the built up area of the village and the countryside beyond. Development of the site would result in the loss of a well-defined boundary to the settlement and attractive approach to the village edge, particularly on approach north along London Lane and across the adjacent Field from Back Lane. The rise in site levels from the road and, the open nature of the site and the lack of any established screening to the south, would result in a highly visible form of development that would be detrimental to the rural open character of the area. It is accepted that additional planting to 'hide' the appearance of the new properties could be provided, but it is considered that this would detract from the open nature of this rural approach and would not mitigate against the likely presence of the proposed buildings and their projection into the open countryside.

31. An application for up to 7 dwellings was refused on an adjacent field with access from Main Street to the east (application reference 15/02170/OUT) which was subsequently dismissed on appeal. The inspector concluded in that case that the erosion of the edge of the village which would result from the development would harm the clarity of the boundary between built form and rural hinterland. There are marked similarities between the two proposals in terms of location and impact on the character and appearance of the area. Therefore, it is considered that this appeal decision and the comments of the Inspector should carry significant weight in the determination of this application.
32. As a consequence, not only would the proposal constitute an expansion of the built up area of the village and lead to the loss of a currently well-defined village boundary, but it would also detract from the recreational enjoyment of the countryside, by virtue the public right of way that runs through the site and across the adjacent open fields, due to the visual impact of the development on its setting. The quality of the rural setting is further emphasised by the presence of high quality ridge and furrow within the application site and the wider group of agricultural fields. The extent and quality of Ridge and Furrow which contributes to the undeveloped and natural surroundings would be partly lost if the proposal was approved.
33. Given the above, it is considered that the proposal would cause significant harm to the character and appearance of the local area and that it would therefore be contrary to policies EN20, HOU2, HOU4 and COM11 of the Rushcliffe Borough Non-Statutory Replacement Local Plan that seek, among other things, to ensure that development is not detrimental to local character, does not extend the built up area of a settlement and would not have adverse visual impact. It is also considered that the proposed development would have a detrimental effect on the character and appearance of the approach to the village of Willoughby on the Wolds. It would, therefore, conflict with Core Strategy Policy 10 which seeks to enhance local identity by reinforcing valued local townscape and landscape characteristics, including important views and vistas.
34. The application proposes to utilise the existing vehicular access to Holmeffield Cottage to provide access to the site, to be shared with Holmeffield Cottage. The number of parking spaces for each dwelling and areas for turning within

the site is considered to be sufficient in order to prevent any additional parking pressures on the public highway or be detrimental to highway safety.

35. The application is supported by a transport statement which considers the actual speed of traffic within the vicinity of the access to establish the required visibility. The findings of the survey indicate that real speeds require minimum visibility splays of 37.59m to the south and 42.9 to the north. The required splays can only be achieved if a mature ash tree within the highway verge is removed. The tree forms a group of four trees within the highway verge that contribute to the attractive rural approach to the village. The removal of one tree within the group is not considered to result in unacceptable harm to the character and appearance of the area, which would justify a standalone reason to resist the application. Nonetheless, its removal would contribute to the erosion of the verdant character to this village should the application be approved. The Local Highway Authority raises no objection to the application.
36. It is acknowledged that the council is currently unable to demonstrate a 5 year supply of deliverable housing sites. Paragraph 11 of the framework makes it clear that housing applications should be considered in the context of the presumption in favour of sustainable development and that, where the council cannot demonstrate a five year supply of deliverable housing sites, the relevant policy for the supply of housing should not be considered up to date. Therefore, the 'tilted balance' would be engaged and the presumption in favour of sustainable development means that development should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
37. It is accepted that the proposal would provide a small contribution towards the supply of housing, provide limited support for local services and provide short term employment during the construction phase of the development, therefore providing moderate economic and social benefits. However, it is considered that the harm arising through the unsustainable location and the visual harm to the character of the countryside through extending the built up area of the settlement would significantly outweigh the benefits of the scheme and, therefore, it would not accord with the NPPF or the Development Plan. It is therefore considered that the proposal would not represent a sustainable form of development and it is recommended that planning permission is refused.
38. The proposal was the subject of pre-application discussions and the applicant/agent was made aware of the policy objections and unacceptable impacts of the development. Despite making a number of amendments to the scheme to address some of the unacceptable impacts, the proposal remains unacceptable. In order to avoid further abortive costs to the applicant, the application is recommended for refusal without further negotiation.

## **RECOMMENDATION**

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

1. The proposal, if approved, would result in the erection of four dwellings, garages and associated hardstanding, on land considered to be open countryside beyond the established settlement of Willoughby On The Wolds. The development would have a significant detrimental impact on the rural character and appearance of this open countryside location and could adversely affect the amenity of the adjacent public rights of way. The proposal is therefore contrary to policies EN20, HOU2, HOU4 and COM11 of the Rushcliffe Borough Non Statutory Replacement Local Plan which seek to protect the countryside from inappropriate development. The proposal would also conflict with Core Strategy Policy 10 which seeks to enhance local identity by reinforcing valued local townscape and landscape characteristics, including important views and vistas.
  
2. The proposal is for unallocated residential development on a greenfield site outside of the built up area of a settlement that is not identified within Policy 3 of the Rushcliffe Core Strategy as a sustainable location suitable for further housing growth, except to meet local housing needs. It is not considered that the proposal meets an identified local housing need and in any event it does not comprise a small scale infill site, as required in paragraph 3.3.17 of the Rushcliffe Core Strategy. Any benefits arising from the provision of housing would be outweighed by the harm to the natural, rural environment in this location. The proposal would therefore be contrary to the Council's sustainable development strategy set out in Policy 3. This is also contrary to Policy EN20 (protection of open countryside) of the Non Statutory Replacement Local Plan 2006 and contrary to one of the core principles in the National Planning Policy Framework, which is that planning should recognise the intrinsic character and beauty of the countryside including designated landscapes and also the wider countryside.



**Application Number: 18/01842/FUL**  
**The Old School House, Kingston on Soar**

scale 1:3000

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# 18/01842/FUL

**Applicant** Mr And Mrs D Williams

**Location** The Old School House Gotham Road Kingston On Soar Nottinghamshire NG11 0DE

**Proposal** Demolition of 5no. timber sheds and erection of car port/tractor store with games room over.

**Ward** Gotham

## THE SITE AND SURROUNDINGS

1. The application site forms the curtilage of the grade II Listed building, The Old Schoolhouse. The site is located outside of the village core, approximately 250m north of Kingston On Soar, to the east side of Gotham Road. The site is, therefore, considered to be in the countryside and located within the Nottingham-Derby Greenbelt. The site abuts the Grade II Listed Kingston Park Pleasure Gardens that form part of the grounds to the Grade II Listed Kingston Hall.
2. The building (the Old School House) dates from 1848 and is Grade II listed with its significance derived from its use as the village school and masters house built for Lord Belper. The building was converted to a dwelling in the 1970's. Through its use as a domestic dwelling, a number of non-historic outbuildings have been constructed within the curtilage of the building which have not had the benefit of planning permission, however, evidence suggests that the buildings have been in situ for in excess of 4 years and potentially prior to the building being listed in 2001.

## DETAILS OF THE PROPOSAL

3. The application seeks planning permission for the removal of five domestic timber outbuildings, which are proposed to be replaced with a car port and store with games room above. The proposed cart lodge building is to be sited to the northern side of the listed building beyond the existing parking area. The proposed building footprint would measure 60 square meters with a games room within the roof space at first floor. The building is proposed to measure 5.8m to the ridge and 2.7m to the eaves, of partially open fronted design, externally faced in timber cladding with a slate roof. The proposal includes the provision of three dormer windows to the rear (east) elevation.

## SITE HISTORY

4. 03/00256/FUL and 03/00257/LBC - Single storey rear extension (approved)
5. 13/00075/CLUExD - Siting of a temporary mobile "portacabin" on the land edged on Plan 1 attached to the application for use in connection with the keeping of pigs or other livestock such as chickens and sheep, for the storage and preparation of feed for such livestock, which are kept or graze on the land shown edged black delineated as The Old School on Plan 3 to the

statutory declaration, and for the storage and maintenance of equipment used for such land. The Certificate of Lawfulness was refused and subsequently dismissed at appeal.

## REPRESENTATIONS

### Ward Councillor(s)

6. The Ward Councillor (Cllr Walker) has carefully considered the application, and, on balance, objects to the proposal. He objects on the basis of the strength of feeling in the local community that the development would not be in keeping with, and will have an adverse impact on the immediate surroundings. He acknowledges the views of the Design and Conservation Officer, however, he is of the view that objectors should be able to present their views to the Planning Committee for additional scrutiny should they wish to in the event that the application is heard before members.

### Town/Parish Council

7. Kingston On Soar Parish Council objects to the application due to the size and scale of the building being inappropriate for the area and within close proximity to a grade II Listed building. There is also concern that the plans do not detail the position of trees within the site which could be affected by the proposed development. The Parish Council states that they do not fundamentally oppose a structure on the site to satisfy the applicant's requirements, but would like their concerns to be taken into account.

### Statutory and Other Consultees

8. Rushcliffe Borough Council Conservation Officer states that the proposal is for a timber clad and timber framed building. The materials would be lightweight giving the building a subservient character and would ensure it could not be mistaken as part of the historic function of the site as a school. As such he considered the impact of the proposal would be modest and largely neutral and would not consider the proposal to have an adverse impact upon the settings of nearby heritage assets, including the old school itself and Kingston Hall to the northeast. The proposal would, therefore, 'preserve' the special architectural and historic significance of listed buildings insofar as their settings contribute towards that significance as is described as a 'desirable' objective within section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
9. Rushcliffe Borough Council Tree and Landscape Officer states that he doesn't have any concerns about the proximity of the building to adjacent trees. All the adjacent trees are shown to be retained and would provide a pleasant back drop to the new building. The nearest tree is a twin stem Walnut, (T1 on the tree plan). This tree has a root protection area of 3.2m and would be approximately 4m from the new building so the risk of root damage is low. The canopy would be close to the new building and it might need fencing off during the construction period to protect it, and a tree protection condition may be prudent. If branches needed to be pruned back and construction access required, ground boards should be laid to prevent the ground being compacted. To the rear of the proposed building is a Yew, T2, the building may extend into the root protection area of this tree by 0.8m,



this isn't significant as the building would be constructed in an area of gravel hardstanding and the rest of the tree's root protection area is unsurfaced ground and he believes it would tolerate any changes to its immediate environment. Also to the rear of the building to be constructed is a medium sized Cedar tree, the building would not encroach into its root protection area and there is no risk to the tree.

### **Local Residents and the General Public**

10. 26 representations objecting to the application have been received from raising the following concerns:
  - a. Harm to the setting of Listed Buildings.
  - b. Harm to setting of Kingston Hall Gardens.
  - c. Inappropriate development in the Greenbelt.
  - d. Intensification of use of poor access.
  - e. Easily converted to an independent dwelling.
  - f. Disproportionate in size to the main house.
  - g. Poor choice of materials.
  - h. Safety concern for children during construction.
  - i. Insufficient heritage assessment.
  - j. Impact on trees.
  
11. 10 representations have been received supporting the application for the following reasons:
  - a. The scheme is Architect led and complies with all Rushcliffe policies.
  - b. Good project which enhances the location.
  - c. This is a well-designed single storey building in which it is sensible to utilise the roof space.
  - d. Comparable development approved elsewhere.
  - e. The proposed building is set back from the road, beyond The Old School and screened by trees.

### **PLANNING POLICY**

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

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

### **Relevant National Planning Policies and Guidance**

15. The NPPF carries a presumption in favour of sustainable development and states that, for decision taking, this means *“approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
  - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”*
16. In relation to design and residential amenity section 12 of the NPPF seeks to ensure the creation of high quality buildings and places and that good design is a key aspect of sustainable development. Paragraph 127 of the NPPF states that *“planning policies and decisions should ensure that developments function well and add to the overall quality of an area, are visually attractive, sympathetic to the local character and history and create places that are safe, inclusive and accessible with a high standard of amenity for existing and future users”*. Paragraph 130 states, *“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.”*
17. As the site falls within the Green Belt, the proposal falls to be considered under section 13 of the NPPF (Protecting Green Belt Land) and should satisfy the 5 purposes of Green Belt outlined in paragraph 134 of the NPPF. Paragraph 143 states inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 145 states local planning authorities should regard the construction of new buildings as inappropriate in the Green Belt with certain exceptions. Paragraphs 145 and 146 include a ‘closed’ list of the types of development which should be regarded as not inappropriate within the Green Belt.
18. In relation to conserving and enhancing the historic environment Section 16 of the NPPF requires that applicants *“describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more*

*than is sufficient to understand the potential impact of the proposal on their significance". The Local Planning authority also has a duty under Paragraph 190 to "identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise." The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. In accordance with paragraph 196, "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use."*

19. Section 66 of The Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention is paid to desirability of preserving Listed Buildings and their settings.

### **Relevant Local Planning Policies and Guidance**

20. 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.
21. The site falls within the Green Belt as defined by policy ENV15 of the 1996 Local Plan. None of the other saved Local Plan policies are relevant in the determination of the application.
22. 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. The scale, density, height, massing, design, layout and materials of the proposals should be sympathetic to the character and appearance of the neighbouring buildings and the surrounding area. The proposal also falls to be considered under Green Belt policies EN14 and EN19.

### **APPRAISAL**

23. The key issues to consider in determining this application are whether the proposal would be an acceptable form of development in the Green Belt, the impact on heritage assets and amenity and highway safety issues.

24. The NPPF sets out in paragraph 145 that construction of new buildings in the Green Belt should be regarded as inappropriate, and goes on to list some exceptions to this. One of the exceptions listed is; *“the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;”*
25. Case law surrounding extensions and outbuildings in the Green Belt includes some examples whereby outbuildings are sufficiently closely related to the main dwelling to be regarded as tantamount to extensions and, therefore, to fall within this exception category referred to above.
26. In this case, it is considered that the proposed development would be sufficiently closely related to the main property to be considered as an ‘extension’ for the purposes of Green Belt policy.
27. In determining whether an extension in the Green Belt is disproportionate, the Borough Council’s usual informal guidance is that extensions/additions should not result in an increase significantly greater than 50% over and above the original building, in terms of volume/cubic content and footprint, although a judgement must be made with regard to the specific circumstances of the case. A single storey rear extension has previously been approved at the site, but the size and scale of this would not exceed 50% of the original building.
28. In considering the current application, it is noted that the proposal involves the removal of existing outbuildings, which would offset the building of the proposed car port/tractor store in terms of volume of built development at the site. The scale of the proposed car port would be relatively modest within the context of the host dwelling, the surrounding grounds and landscaped setting. In view of this, the close proximity to the main house and the additional offsetting by removal of existing buildings within the site, it is considered that there would be no significant adverse impact on the openness of the Green Belt. It is recommended that the removal of the existing outbuilding take place prior to the commencement of development, and this should be secured by way of a planning condition.
29. The building is to be timber framed and externally faced in timber with a slate roof covering similar to that of the main house. The design is considered to be lightweight in its construction and appearance and the pitch of the roof is sufficiently steep to be of a more traditional character and form and, therefore, more appropriate within the setting of the Listed Building. Dormer windows are proposed on the rear elevation only and, therefore, would be less prominent and the building as glimpsed from the public highway would appear a simplistic ancillary structure of bucolic form and style which does not compete in style or status with the Listed building and host dwelling. Full details or samples of the external materials to be used in the construction would be required by planning condition prior to the development proceeding beyond foundation level.
30. Legislation and policy adopt slightly different language in respect to how to address the protection of listed buildings. The Planning (Listed Buildings and Conservation Areas) Act 1990 speaks of it being desirable to ‘preserve’ listed buildings, their settings and features of special significance whilst the NPPF speaks of it being desirable to avoid causing harm to heritage assets (which

include listed buildings and their settings amongst other heritage designations).

31. Legal judgements have established that to 'preserve' as used in the 1990 Act is correctly interpreted as 'to cause no harm to'. Anything which causes harm, regardless of how minor that harm may be, must also fail to 'preserve' and anything which succeeds in 'preserving' must, conversely, result in no harm. It is the view of officers that the proposal overall has a neutral impact on listed buildings as heritage assets, including via impact upon their settings, thus preserving listed buildings, their settings and features as advocated in section 66 of the 1990 Act and causing no harm to them or their settings as heritage assets as advocated within the NPPF. The tests outlined in paragraphs 195 and 196 of the NPPF specifically apply in cases where a proposal results in harm (either substantial harm in the case of paragraph 195, or less than substantial harm in the case of paragraph 196) to heritage assets and as such would not apply in respect of the officers recommendation in the case of this application.
32. In view of the siting and scale of the proposed building and distance from neighbouring and nearby properties, it is considered that there would be no significant adverse impact on residential amenity.
33. Objections have been raised on grounds that the site is constrained by a poor vehicular access with limited visibility. Whilst the proposal may result in an intensification of the use of the access during construction, it cannot be conceived that the development would increase the use of the existing access beyond the construction phase and, therefore, it would be unreasonable to refuse the application on grounds of highway safety.
34. Concerns have been raised by members of the public that the building proposed could be used as a separate dwelling and could prejudice the outcome of any future planning application for a change of use to an independent residential unit. The application before the committee is for an ancillary cart lodge and games room. The submitted plans do not detail any kitchen or bathroom facilities that would allow for the building to be used as habitable accommodation. Furthermore, the local planning authority can only consider the application before them at the time of determination. Conversion of the building to an independent dwelling would constitute a change of use and sub-division of the planning unit and as such would require planning permission. Should any such planning application be submitted in the future for a separate residential development, it would be considered at that time on its merits and in respect of local and national planning policies at that time. For the purposes of clarity it is recommended to include a condition on any permission granted to restrict the use of the building for ancillary purposes incidental to the enjoyment of The Old School as the principal dwelling.
35. In conclusion, it is considered that the proposed building is well related to the main house in terms of its position and sufficiently recessive in scale to the host dwelling and its grounds as to not cause harm to the setting of the Listed buildings (The Old School or Kingston Hall and its grounds) or detract from the openness of the Greenbelt. It is not considered that the use or development would be any cause of harm to residential amenity. Whilst the concerns raised in letters of representations from local people are acknowledged, it is not considered that such reasons could substantiate a

robust reason for refusal of planning permission. The application, is therefore, recommended for approval.

36. The proposal was subject to pre-application discussions with the applicant/agent and advice was offered on the measures that could be adopted to improve the scheme and/or address the potential adverse effects of the proposal. As a result of this process, modifications were made to the proposal, in accordance with the pre-application advice, reducing delays in the consideration of the application and resulting in 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:

Elevations and floor plan 18/09-04 and 18/09-05 received on 2<sup>nd</sup> August 2018  
Site layout and roof plan 18-09-06A received on 9<sup>th</sup> August 2018  
Site location plan 18-09-06B received on 22<sup>nd</sup> October 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. Prior to construction of the building hereby permitted proceeding beyond foundation level, details of the facing and roofing materials to be used on all external elevations shall be submitted to and approved in writing by the Borough Council, and the development shall only be undertaken in accordance with the materials so approved.

[To ensure the appearance of the development is satisfactory and to comply with policy GP2 (Design and Amenity Criteria) and with policy EN4 (Listed Buildings) of the Rushcliffe Borough Non-Statutory Replacement Local Plan]

4. The existing building/structures as shown numbered 1-5 on the site/roof plan 18-09-06A received on 9<sup>th</sup> August 2018 shall be removed from the site within 28 days of first commencement of the development hereby approved.

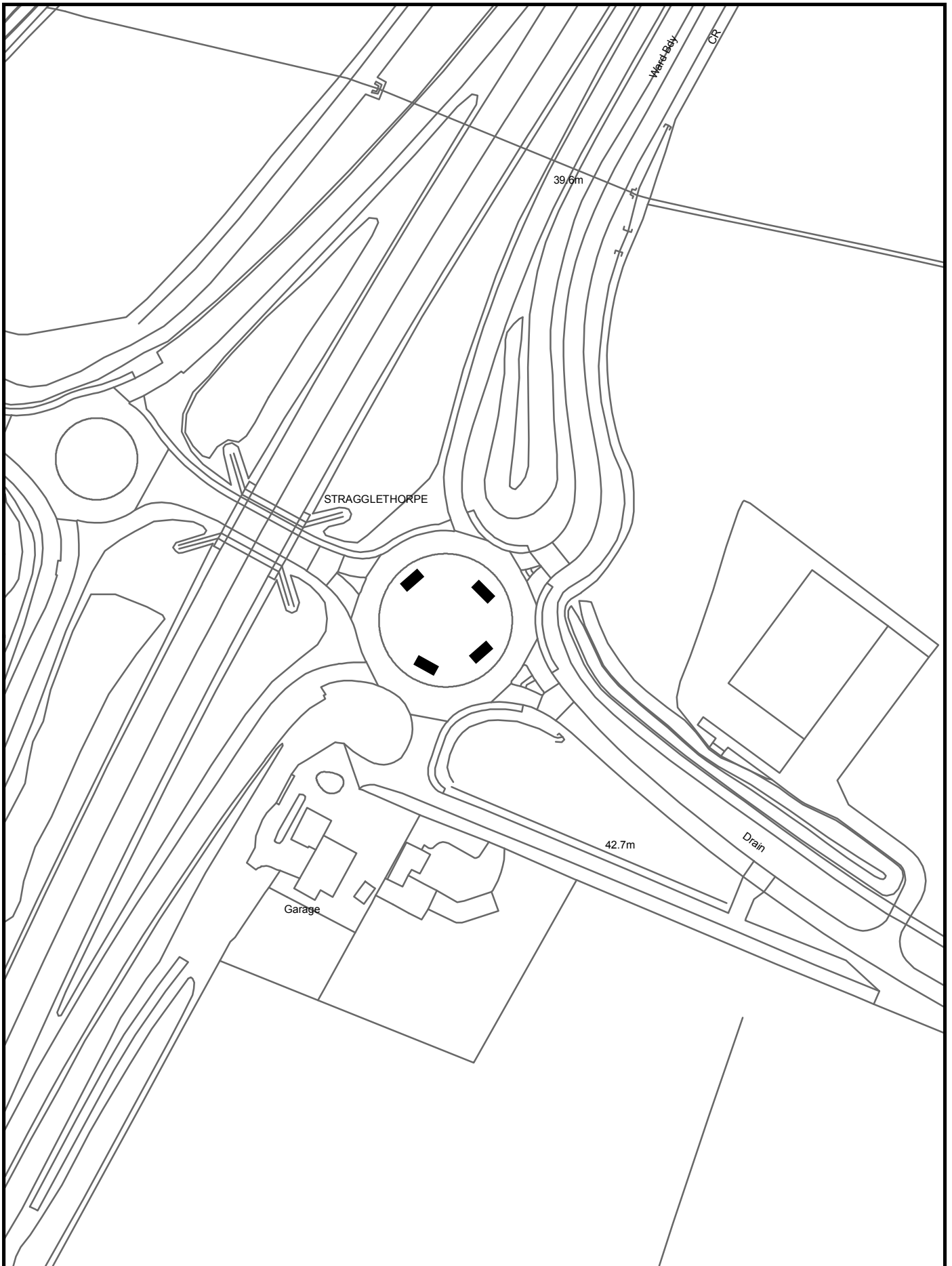
[For the avoidance of doubt and to comply with GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan]

5. The outbuilding hereby permitted shall be used incidental and ancillary to the main dwelling, The Old School House, and shall not be used or let as a separate residential unit or for any other purposes.

[To clarify the extent of the permission and to comply with policies GP2 (Design and Amenity Criteria) and of the Rushcliffe Borough Non-Statutory Replacement Local Plan]

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**Application Number: 18/01108/ADV**  
**Stragglethorpe Roundabout**

scale 1:2000

page 55

Rushcliffe Borough Council - 100019419

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**18/01108/ADV**

**Applicant** Mr Steve Green

**Location** Roundabout At Stragglethorpe Nottingham Road Cropwell Bishop Nottinghamshire

**Proposal** Display 4 no. free standing pole mounted signs on roundabout

**Ward** Cropwell

## **THE SITE AND SURROUNDINGS**

1. The application relates to a roundabout located to the south east of the A46 and connects this road to Cropwell Bishop to the east via Nottingham Road. It forms part of the new A46 road layout.
2. To the south of the site is a petrol filling station which is accessed off the roundabout. This premises has existing signage. There are no residential properties close to the site.

## **DETAILS OF THE PROPOSAL**

3. The application seeks advertisement consent for the erection of 4 free standing pole mounted signs. The signs would measure 1000mm in length by 400mm in height, they would be attached to poles with the bottom edge of the signs 100mm above ground level, giving the signs a total height of 500mm above ground level. They would be non-illuminated.

## **SITE HISTORY**

4. Application ref. 16/01768/ADV to display roundabout sponsorship signage was withdrawn. The reason given for this by the applicant at the time was that there was an agreement in place between Highways and a local land owner with regard the landscaping and upkeep of the roundabout.

## **REPRESENTATIONS**

### **Ward Councillor(s)**

5. The Ward Councillor (Cllr. Moore) objects to the application on the grounds that the advertisements would spoil the approach to the village and the applicant has made no contribution to the planting on the roundabout. The Ward Councillor comments that a local farmer carried out the planting on the island.

### **Town/Parish Council**

6. Cropwell Bishop Parish Council object to the application and make the following comments:

- *“Highway obstruction – Dangerous + distracting to road users. Road Safety Issue*
- *Roundabout already enhanced the roundabout in conjunction with N.C.C. by Samworth Farms at great expense*
- *Previous application for advertising here was withdrawn”*

### **Statutory and Other Consultees**

7. Highways England has no objections to the proposal.
8. Nottinghamshire County Council as Highway Authority does not object to the application as they do not envisage that the proposal will compromise highway safety subject to the inclusion of a condition to ensure that *“no part of the proposed signs shall obstruct the oncoming view of the chevron roundabout markings.”*

### **Local Residents and the General Public**

9. No comments have been received from members of the public in response to the publicity carried out.

### **PLANNING POLICY**

10. The Development Plan for Rushcliffe consists of the 5 saved policies of the Rushcliffe Borough Local Plan (1996) and the adopted Rushcliffe Local Plan Part 1: Core Strategy (December 2014).
11. Other material considerations include the National Planning Policy Framework 2018 (NPPF), the National Planning Practice Guidance (NPPG) and the Rushcliffe Borough Non-Statutory Replacement Local Plan (2006).
12. Any decision should therefore be taken in accordance with the Core Strategy, the NPPF and NPPG, policies contained within the Rushcliffe Borough Non-Statutory Replacement Local Plan where they are consistent with or amplify the aims and objectives of the Framework, together with any other material planning considerations.

### **Relevant National Planning Policies and Guidance**

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

## Relevant Local Planning Policies and Guidance

15. Policy EN8 of the Rushcliffe Non-Statutory Replacement Local Plan seeks to protect the visual amenity of area in which it is proposed to display signage and to ensure that public safety is not endangered. The policy states inter-alia that: *“Advertisement Consent will not normally be granted unless:*
- a) *The number of advertisements and signs are no more than necessary to inform the public of the business carried on, the goods sold or the service provided;*
  - b) *Advertisements respect the traditional visual elements of the area;*
  - c) *Advertisements do not obscure architectural details or clash with the symmetry or sense of design of a building;*
  - d) *Advertisements do not prejudice or detract from and existing or proposed regeneration or enhancement scheme;*
  - e) *Consent to display advertisements will not be granted where the Borough Council considered that public safety will be endangered.”*

## APPRAISAL

16. The key issues to consider are the design and appearance of the adverts and impacts on public safety, as set out in Policy EN8.
17. The purpose of the signs is to advertise the sponsors of the roundabout. It is considered that their siting, scale and design would be proportionate to their purpose and the site context and they would not, therefore, be detrimental to visual amenity or harm the approach to the Cropwell Bishop. The signage does not contain directional information that would be distracting to road users, and is fairly discrete and low level. It would be sited so as not to obscure the chevron signage on the roundabout and this would also be controlled through the recommended conditions (condition 5).
18. Both the Ward Councillor and the Parish Council have noted that the roundabout was planted and is currently maintained by a local landowner. This appears to be part of an informal arrangement and is not a material consideration to the determination of the application for advertisement consent.
19. The Parish Council has raised highway safety concerns. The proposed signs would be small in their size and scale and low in height and would be proportionate to their purpose and the site context. There is no objection from NCC Highways or Highways England, however comments made by NCC Highways are noted and a condition has been suggested for inclusion to ensure this. It is therefore considered that the proposal would not have a detrimental impact upon public including highway safety.
20. On balance it is considered that the proposal would not result in detrimental harm to amenity or safety, including highway and pedestrian safety, in accordance with Rushcliffe Non-Statutory Replacement Local Plan Policy EN8 and the aims of the NPPF, and there are no material considerations which outweigh these policies.

## RECOMMENDATION

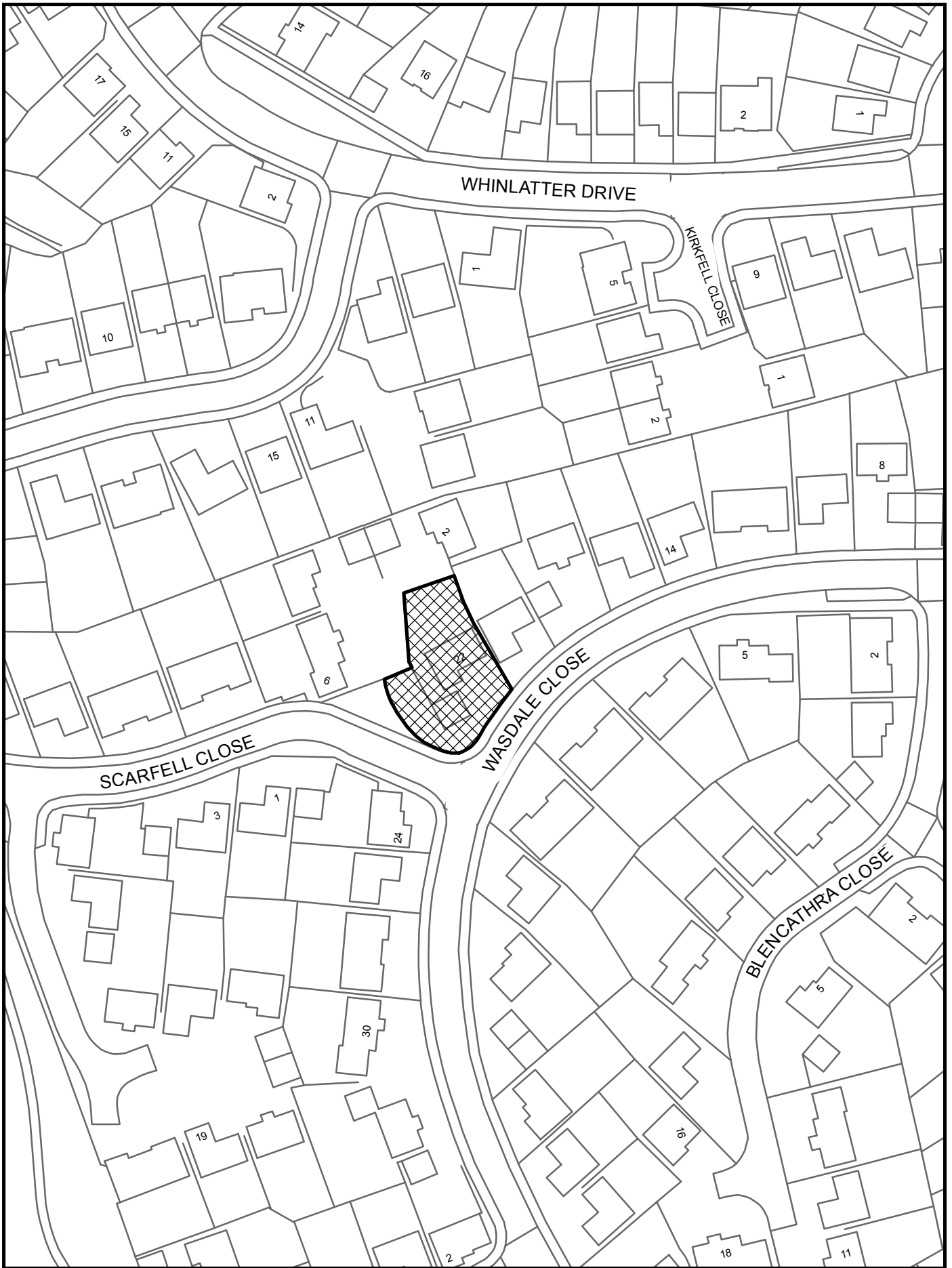
It is RECOMMENDED that consent for the display of advertisements described in the application be granted for a period of five years from the date of this consent subject to compliance with the following conditions:

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

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

7. The development hereby permitted shall be carried out in accordance with the plans received on 10 May 2018.

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



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**Application Number: 18/02111/FUL**  
**22 Wasdale Close, West Bridgford**

scale 1:1000



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# 18/02111/FUL

**Applicant** Dr W M K Amoaku

**Location** 22 Wasdale Close West Bridgford Nottinghamshire NG2 6RG

**Proposal** Change of use from open amenity space to private garden space.

**Ward** Gamston South

## THE SITE AND SURROUNDINGS

1. 22 Wasdale Close is a large detached property constructed from red brick with concrete interlocking tiles to the roof. The property is located on a large corner plot with Wasdale Close to the south east and Scafell Close to the south west. A private driveway serving 3 further properties (2; 4 & 6 Scafell Close) runs to the western boundary. The house itself is located within a wider residential area that consists of larger detached properties set back from the road with open green frontages, a notable characteristic.
2. The application site is orientated with the front elevation of the property facing south east towards the road whilst the corner plot location provides an unusually large frontage. There is an original detached double garage to the front of the house, located off centre to the plot and located directly south of the dwelling, this is accessed from Wasdale Close via the driveway which provides two off street parking spaces. The property has a modest rear dormer with a pitched roof and a small conservatory to the rear elevation built in line with the eastern (side) elevation of the house. It is also noted that the works approved in 2017 (17/01731/FUL) for a single storey rear extension, two storey side extension and front porch are largely complete, awaiting internal fit out.
3. To the south and west of the existing garage is an open grassed area containing 5 trees that falls within the applicant's ownership but has no boundary with the footpath or private access from the dwelling.

## DETAILS OF THE PROPOSAL

4. This application seeks permission for a change of use of part of the open amenity space to the south west of the dwelling into private residential gardens, with associated fence movements and landscaping to follow the new (enclosed) boundary.
5. The existing approved boundary and fence line to the south west side of the house sits some 1.25m from the external south western wall of the dwelling, running parallel to the house up to the side of the detached garage. It is proposed to move this fence line out a further 0.8m to the north westernmost extent, 1m out where adjacent the house and 1.7m out where adjacent the garage, with the new fence to match existing in terms of height (circa 1.8m height). On the external south western side of the fence a replacement Pyracantha hedge would be planted. The proposed fence line would extend around half the width of the garage, stopping some 2.6m short of the garages

external south eastern (side) elevation. The land within the fence line is proposed to be used as private residential grounds.

## **SITE HISTORY**

6. The application property was first constructed under permission of a 1994 reserved matters scheme that formed part of the wider Gamston development area. Since then a 2006 application (06/01726/FUL) for alterations and extensions to the roof in the form of a full width flat roofed dormer were refused by reason of the extension being out of character with the locality. The existing small dormer was confirmed as permitted development in 2007 (07/00983/FUL). In 2017 an application for a single storey rear extension, two storey side extension and front porch was permitted by planning committee (17/01731/FUL). There is no further planning history for the site.

## **REPRESENTATIONS**

### **Ward Councillor(s)**

7. One Ward Councillor (Cllr Cooper) objects in principle to the development as it proposes encroachment onto open ground public amenity space.

### **Statutory and Other Consultees**

8. Nottinghamshire County Council as Highways Authority responded to the consultation only to state that no observations from the highway authority are required.
9. The Landscape and Design Officer does not object, noting the specification is one usually seen for native hedgerow planting and is therefore more intensive than perhaps required for Pyracantha.

### **Local Residents and the General Public**

10. 3 public comments were received, all objecting to the development proposal. The grounds for objection can be summarised as follows:
  - a. The application proposes further encroachment onto open space which will have a negative impact on the general character of the area.
  - b. The proposed hedge could overhang the driveway and therefore obstruct the view of and access to the neighbouring property (2 Scaffell Close).
  - c. If the fence and hedge are moved out further compared to the original plans then this will restrict vehicular access to the garages and parking spaces at 6 Scaffell Close.
  - d. The architect's plans are not accurate enough to reflect the encroachment on to open land.
  - e. Loss of public amenity open space.

- f. The original 2017 approval included a 0.5m incursion into the open space, and now an additional 1m is sought, this is without regard to the neighbours it will affect.
- g. The architect's plans are completely misleading as the plans show a 0.5m deep hedge where existing, whereas it is indeed 1.7m deep. This will make a major difference to the extent to which any fence/hedge move will take up land to the left of the plan.
- h. The plan also shows a large amount of area as being free on the left hand side but the line drawn on the far left is inaccurate.
- i. The left hand side of the plan should show the shared access drive, which is very close to the retained hedge in the top left corner and continues in this basic direction, cutting through the area described above.
- j. It can be observed/measured on site that if the fence is allowed to move not 0.5m but 1.5m, and then a 1.7m hedge is replanted, the hedge will overhang the shared driveway in a considerable manner and make access to the properties it serves much less easy. The hedge may be planted close to the road and may cause root damage.

## **PLANNING POLICY**

- 11. The Development Plan for Rushcliffe consists of the 5 saved policies of the Rushcliffe Borough Local Plan (1996) and the Rushcliffe Local Plan Part 1: Core Strategy.
- 12. Other material considerations include the National Planning Policy Framework (NPPF) (Revised 2018), the National Planning Practice Guidance (NPPG) and the Rushcliffe Borough Non Statutory Replacement Local Plan (NSRLP) (2006).
- 13. Any decision should therefore be taken in accordance with the Rushcliffe Core Strategy, the NPPF and NPPG and policies contained within the Rushcliffe Borough Non-Statutory Replacement Local Plan where they are consistent with or amplify the aims and objectives of the Core Strategy and Framework, together with other material planning considerations.

## **Relevant National Planning Policies and Guidance**

- 14. The NPPF (Revised 2018) contains the presumption in favour of sustainable development. Sustainable development has 3 overarching objectives; economic; social and environmental.
- 15. Section 12 - 'Achieving Well Design Spaces' of the NPPF states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 127 states that planning policies and decisions should ensure that developments, inter alia:

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

### **Relevant Local Planning Policies and Guidance**

- 16. Under the Rushcliffe Local Plan Part 1 - Core Strategy, there are two policies that relate to the proposal. 'Policy 1: The Presumption In Favour Of Sustainable Development', states "*When considering development proposals the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.*" The proposal should also be considered under Policy 10; 'Design And Enhancing Local Identity' which states that all new developments should be designed to make a positive contribution to the public realm and reinforce valued local characteristics.
- 17. The Rushcliffe Borough Non-Statutory Replacement Local Plan was adopted in December 2006 and although the Core Strategy has since been adopted, its policies still hold weight as a material consideration in the decision making process. The relevant policy from this document is GP2 - Design and Amenity Criteria. This Policy states that planning permission for new development, changes of use, conversions or extensions will be granted provided that the scale, density, height, massing, design, layout and materials of proposals are sympathetic to the character and appearance of neighbouring buildings and the surrounding area; that they do not lead to an over-intensive form of development; and that they are not overbearing in relation to neighbouring properties, and do not lead to undue overshadowing or loss of privacy.

### **APPRAISAL**

- 18. The main issue in the determination of this application is whether the partial enclosure of the parcel of land in question and the associated change of use would have a detrimental impact on the character and appearance of the area as a whole and whether it raises any residential amenity concerns or highway safety issues.
- 19. With regard to amenity, the location of the feature would be set well away from the closest neighbours to the south and west of the site with a minimum separation distance of some 10m from the closest property at 6 Scafell Close. The proposed new fence incorporating replacement Pyracantha hedge planting would, therefore, not be considered to raise any undue amenity concerns.
- 20. In relation to design and character, it is acknowledged that Gamston was developed with a comprehensive soft landscaping scheme which now contributes to the definable character and appearance of the area. The site occupies a prominent corner location and the open grassed and landscaped area undoubtedly contributes positively to the character of the locality.

21. The scheme as proposed does not seek to enclose all of this area, but a small section, within the existing tree line. The open space area that wraps around the garage has an area of circa 150 sqm, with the proposed area the subject of this application for a change of use, inclusive of the small 0.5m area previously approved under the 2017 application, taking an area of circa 17.5 sqm.
22. The new fencing line would retain the publically visible trees to the external areas, maintaining their contribution to the character of the public realm. It is also considered that the limited size of the area and limited extent to the south east would ensure views from the surrounding roads and footpaths across the open space would not be unduly infringed upon.
23. Although the Ward Councillor's 'in principle' objection to the change of use is noted, there is no single policy specifically protecting open spaces from 'in principle' changes. The assessment of this proposal must be considered in relation to material planning considerations and in this case lies in an assessment of scale and degree, considering whether the proposed alterations would have a demonstrably harmful impact on the character and appearance of the locality.
24. Given the considerations above, it is not considered that the development currently proposed would cause any demonstrable impact to the character and appearance of the area. This conclusion is reached in noting the larger proportion of green space retained, the location of the existing trees within the space which are to be retained within the public realm and not enclosed, and the size, scale and shape of the land to be enclosed which is set back from the key and prominent southern corner, not infringing upon key vistas across the corner plot. A landscaping proposal would also ensure any scheme would blend into the surrounding environment.
25. From a highway safety perspective, the highways authority confirmed they had no comments to offer on the matter. In considering the impact on the access to the neighbouring properties, it should be noted that the shared access for 2, 4 & 6 Scafell Close pulls away from the hedge line to the south. The main access to the shared drive would not be impacted by the proposed change of use and fencing/hedge planting given its location further to the south west of the proposed site. Although the works would undoubtedly bring the fence and hedge closer to the shared driveway at the north western fringe, this would not be on a corner where visibility is limited and it is not considered that this would cause any disturbance to vehicles using the drive.
26. In terms of landscaping, the new hedge proposed would be above and beyond the specification normally required for such a feature in terms of numbers of plants. However, this would not be a detrimental factor and it is not considered the unusual specification would be one worthy of raising any additional concern over. It is further noted that this landscaping scheme was previously agreed under application reference 18/01192/DISCON for the originally approved fence line and extension works. In conclusion it is considered the planting scheme would be appropriate, and should be secured by condition.

27. A neighbour has commented in relation to the accuracy of the proposed plans, suggesting that they contain some inaccuracies. The site and plans have been checked carefully by officers and no errors have been identified with the proposals. The red line plan is more difficult to interpret given the Ordnance Survey base surveys however the 'Landscape Survey' site plan is considered to accurately represent the site situation. The only note for this plan is that the western boundary does not indicate the true size of the green space as it cuts out part of the land (outlined in blue) which forms part of the open space. Given the measurements from the side of the house and the location of the trees this does not provide any obvious grounds for misinterpretation.
28. Overall, and following careful consideration of the proposal, it is considered that the development would successfully respect the character of the area and not cause any undue harm to the open public character of the area. After examining the above proposal and assessing it against the policies set out in the development plan for Rushcliffe, the scheme is considered acceptable and it is recommended that planning permission is granted.
29. The proposal was subject to pre-application discussions with the applicant and agent and advice was offered on the measures that could be adopted to improve the scheme and/or address the potential adverse effects of the proposal. As a result of this process, modifications were made to the proposal, in accordance with the pre-application advice, reducing delays in the consideration of the application and resulting in 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 following approved plan:

Landscape Drawing - 'GA267/10B' - received on 06/09/2018.

[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 landscaping scheme as detailed on the approved 'landscape drawing - GA267/10B' 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].

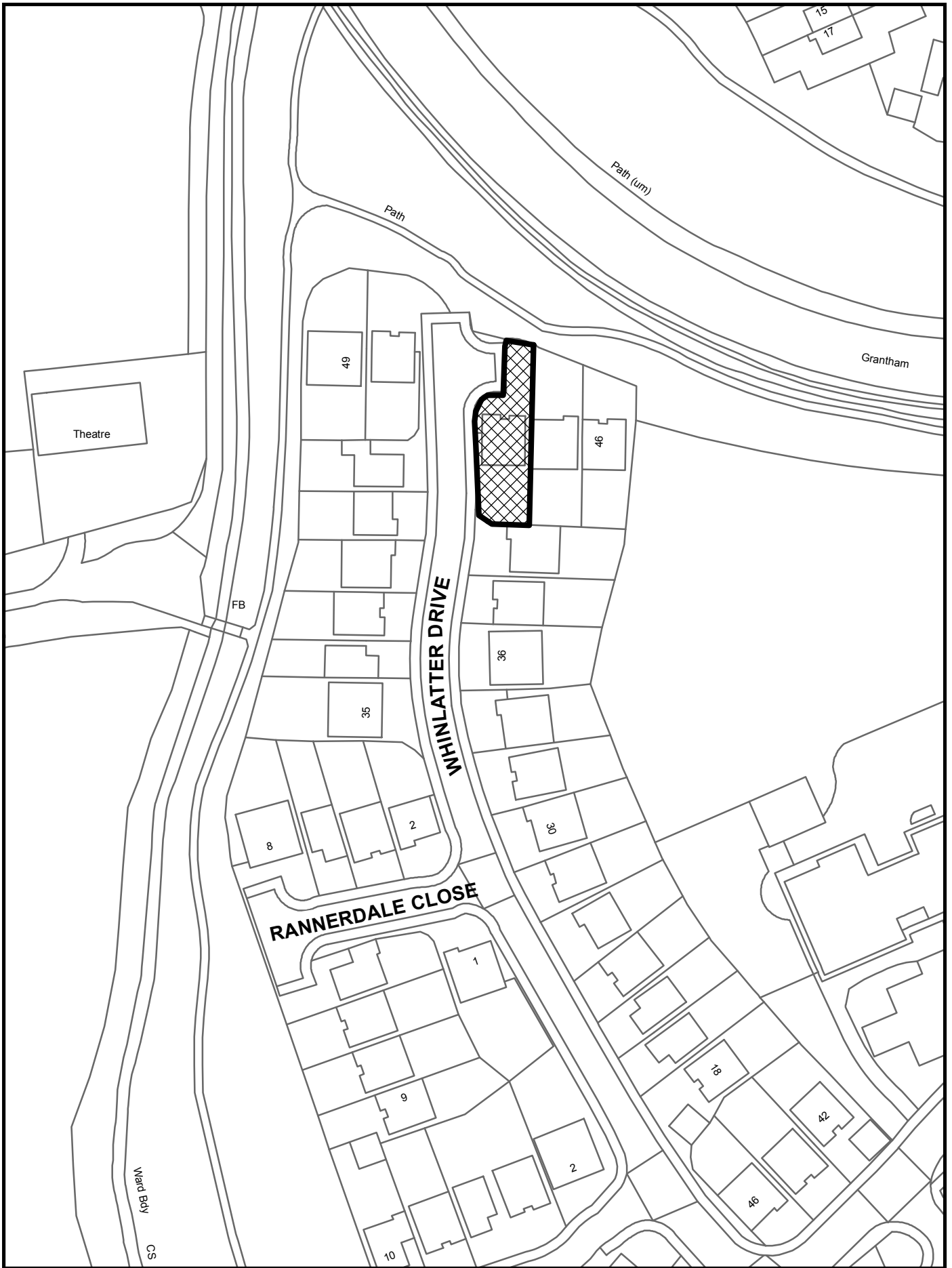
### **Notes to Applicant**

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.

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.

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**Application Number: 18/02261/FUL**  
**42 Whinlatter Drive, West Bridgford**

scale 1:1000

page 71

Rushcliffe Borough Council - 100019419

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# 18/02261/FUL

**Applicant** Mr And Mrs Dodd

**Location** 42 Whinlatter Drive West Bridgford Nottinghamshire NG2 6QS

**Proposal** First floor front and side extension.

**Ward** Gamston South

## THE SITE AND SURROUNDINGS

1. 42 Whinlatter Drive is a detached property constructed from red brick with concrete interlocking tiles to the roof. The property is located at the end of a cul-de-sac on a private driveway also serving 2 further properties. The house itself is located within a large residential area that consists of detached properties set back from the road with open green frontages.
2. The application site is orientated with the front elevation of the property facing north towards public open space and the Grantham Canal. The property has a projecting front gable and varying roof heights. The integral garage and porch have a flat roof.

## DETAILS OF THE PROPOSAL

3. The proposal seeks planning permission for a first floor front extension over the existing garage. It would be set back from the main gable at the front of the dwelling by 0.8m being flush with the remaining set back front elevation. It would have the same eaves and ridge height as the main front gable, 4.7m and 6.5m respectively, 1.4m lower than the main ridge line of the dwelling.

## SITE HISTORY

4. The application property was first constructed under the grant of a 1996 reserved matters scheme that formed part of the wider Gamston development area. There is no further planning history for the site.

## REPRESENTATIONS

5. No representations have been received in respect of the application

## PLANNING POLICY

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

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

### **Relevant National Planning Policies and Guidance**

9. The National Planning Policy Framework (NPPF) includes a presumption in favour of sustainable development and states that housing applications should be considered in the context of the presumption in favour of sustainable development. Local Planning Authorities should approach decision on proposed development in a positive and creative way and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible. There are three dimensions to sustainable development: economic, social and environmental.
10. One of the Core Principles states that planning should “...*always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.*”
11. Paragraph 64 of the NPPF states, “*Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.*”

### **Relevant Local Planning Policies and Guidance**

12. The proposal falls to be considered foremost under The Rushcliffe Local Plan Part 1: Core Strategy. Under Core Strategy Policy 1, a positive and proactive approach to planning decision making should be taken that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. The proposal should also 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. The development should be assessed in terms of the criteria listed under section 2 of Policy 10, specifically 2(b) whereby the proposal 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 5 saved policies of the Rushcliffe Borough Local Plan 1996 apply to this application.
14. Whilst not part of the development plan, 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 section 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.

## **APPRAISAL**

15. There is one small obscure glazed window in the side elevation of the adjacent dwelling at first floor level, most likely serving a bathroom, and given the presence of the larger gable on the western side of the dwelling and the set back and lower height of the proposed extension, it is not considered that the proposal would lead to any additional unacceptable over-shadowing of the adjacent dwelling.
16. There are no windows proposed in the side elevation of the first floor extension, the proposal would actually remove the existing first floor side window in the dwelling, thereby reducing any overlooking.
17. There is one window proposed in the front elevation of the proposed first floor extension, and it is considered that this would have a similar impact to the existing front facing first floor windows and would not unduly impact upon the residential amenities of neighbouring properties, especially given that the dwelling faces public open space and the Grantham Canal and no other dwellings.
18. Overall the proposal is considered to be sympathetic to the original property in terms of its scale, finish, design and location. The development would not cause any notable impact on the wider street scene.
19. The application was not the subject of pre-application discussions. The scheme, however, is considered acceptable and no discussions or negotiations 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 plan(s) received on 21 September 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 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].

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**Planning Committee**

**15 November 2018**

**Planning Appeals**

## **Report of the Executive Manager - Communities**

<b>LOCATION</b>	21 Kendal Court, West Bridgford, Nottinghamshire, NG2 5HE		
<b>APPLICATION REFERENCE</b>	17/02658/FUL		
<b>APPEAL REFERENCE</b>	APP/P3040/W/18/3202198		
<b>PROPOSAL</b>	Demolition of bungalow and erection of 10 apartments with associated parking.		
<b>APPEAL DECISION</b>	Appeal Dismissed	<b>DATE</b>	6th August 2018

## **PLANNING OFFICERS OBSERVATIONS**

The Inspector considered that the main issues were:

- The effect on the living conditions of neighbouring occupants of Rutland Road with regards to overlooking, and the occupants of 9-12 Kendal Court with regards to outlook, overlooking and light.
- The effect on the character and appearance of the area
- The effect on the Grantham Canal Local Wildlife Site (LWS).

Noting that the impact on views across privately owned land is not a material planning consideration, the Inspector correctly observes that this is separate from the provision of adequate outlook. They were of the opinion that the proposal would create a restrictive and oppressive outlook for the occupiers of 9-12 Kendal Court. This would be due to the overbearing relationship between the proposed buildings as a result of the height, scale and continuous massing of the development in close proximity to its neighbours. This would dominate the outlook from the sole windows of habitable rooms where residents are likely to spend much of their time during the day.

Looking at the impact of the proposal on properties on Rutland Road the inspector did not agree that the development would lead to material harm to the living conditions of the occupiers of these dwellings with regards overlooking due to the significant separation distance of the proposal from these dwellings.

Similarly they did not agree that the proposal would result in a loss of privacy to the

neighbouring properties on Kendal Court due to the use of the proposed adjacent rooms and the inclusion of obscure glazing.

The inspector observed that the proposal would stand some 3.3 metres above the height of nearby dwellings 9-12 Kendal Court. However, a detailed Sunlight Shadow study submitted by the appellant demonstrates that the proposal would not lead to any undue loss of light to the habitable room windows of Nos 9-12 as a result of the location and orientation of the development.

The prevailing matter identified by the inspector was the impact of the proposed development on the outlook of 9-12 Kendal Court to which, in their view, would be significant harm. Consequently, the proposal would conflict with the NPPF which seeks to secure a good standard of amenity for all existing and future occupants of land and buildings. It would also conflict with Policy GP2 of the Rushcliffe Borough Non-Statutory Replacement Local Plan (Replacement Local Plan) which, amongst other things, requires that development should not be overbearing in relation to neighbouring properties.

Looking at the impact upon the character and appearance of the area, the Inspector was of the opinion that whilst the wider area has examples of high density development, the proposal would represent over development in the context of its immediate surroundings within Kendal Court. The proposed 3 storey development would fill much of the plot which would create a massing of development that would be at odds with the 2 storey residential properties, which stand within more spacious grounds, and dominate the character of the area.

The Inspector observed that the development would be located very close to the canal towpath. They viewed, as a consequence of the massing created by its width and height, the proposal would create a dominating urbanising effect in contrast to, and exacerbated by its edge of countryside location. Landscaping in the form of a hedge would only go some way in softening the impact of the development given the striking height of the building when viewed in close proximity from the towpath.

The existence of other buildings close to the towpath was noted by the Inspector, however, in their view the differing orientation and absence of a significant amount of glazing and the presence of balconies substantially reduces the existing buildings impact and distinguishes them from the dominating presence that would be created by the development.

In addition, the level of glazing proposed would notably increase the amount of overlooking of the canal and the existence of balconies would lead to an increased opportunity for dwell time by the residents of the development. Therefore, the inspector considered that even if the impact on the privacy and tranquillity of canal users would be short lived as they pass by the development, the development would have a notable impact on the character of the area.

The Inspector agreed that the proposal would harm the character and appearance of the area and as such would conflict with the NPPF which seeks to ensure the design of development responds to local character and reflects the identity of its surroundings. It would also conflict with the part of Policy GP2 of the Replacement Local Plan which states that the scale, density, height, massing and design of proposals should be sympathetic to the character and appearance of neighbouring buildings and the surrounding area.



Despite the concerns raised by the Canal and River Trust regarding the impact of the proposal on the adjacent Local Wildlife Site, the Inspector was satisfied that it would be possible to address the matter through appropriately worded conditions to secure provision, implementation and retention of a satisfactory landscaping scheme including control over the height of the northern hedge boundary.

The Inspector acknowledged that the Council is unable to demonstrate a 5 year supply of deliverable housing sites. Paragraph 11 of the NPPF sets out that where the relevant policies in the development plan are out of date, the presumption of sustainable development means that for decision taking planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole or specific policies in the NPPF indicate that development should be restricted.

The benefits of the development were identified by the Inspector, including the utilisation of previously developed land in an appropriate location for residential development that has access to services and facilities. It would also make a positive contribution to the housing land supply of the Borough, generating some social benefit. The development would provide natural surveillance over the canal towpath and the Inspector saw no reason to suggest that it would pose a risk to the safety of canal users or those on the towpath. However, the Inspector identified significant harm to the character and appearance of the area and the living conditions of the occupants of the 9-12 Kendal Court and concluded that these adverse impacts would significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies in the NPPF as a whole and accordingly dismissed the appeal.

<b>LOCATION</b>	140 Browns Lane Stanton On The Wolds Nottinghamshire NG12 5BN	
<b>APPLICATION REFERENCES</b>	17/02495/FUL 18/00164/FUL	
<b>APPEAL REFERENCES</b>	APP/P3040/W/18/3203806 APP/P3040/W/18/3203816	
<b>PROPOSAL</b>	Construct	replacement dwelling
<b>APPEAL DECISION</b>	Appeals Dismissed	<b>DATE</b> 1st October 2018

## PLANNING OFFICERS OBSERVATIONS

A joint appeal was submitted in relation to two applications for a replacement dwelling on the site. The size and scale of the replacement dwelling considered under appeal B was slightly smaller than the replacement dwelling considered under appeal A.

The appeal site is located on Browns Lane, Stanton on the Wolds, an area which is washed over by Green Belt. The key considerations were;

1. whether the proposal was inappropriate development within the Green;
2. the effect of the proposal on the openness of the Green Belt;
3. the effect of the proposal on the character and appearance of the area; and,
4. if the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to very special circumstances necessary to justify the development.

The Inspector concluded that;

The existing dwelling is a detached two bedroom hipped roof bungalow with a conservatory attached and an adjacent garage. It has no accommodation within its restricted roof space. The proposed flat roofed replacement dwelling would have a larger footprint than the bungalow and at first floor would repeat the volume of its ground floor with four large bedrooms and accompanying bathrooms. The first floor of this house would occupy a space considerably larger than that occupied by the bungalow's hipped roof. As a result, the scale and mass of the dwelling would be considerably greater than the existing bungalow. The Inspector noted that the dwelling would be lower than the highest part of the roof of the existing bungalow, however, he concluded that height alone is not an accurate way of comparing the size of dwellings of such different shapes. For those reasons he considered that the replacement dwelling proposed in each of the appeals would be 'materially larger' than the one it would replace and the proposals therefore constituted inappropriate development in the Green Belt.

In terms of openness, he stated that the increase that would occur in the quantum of development overall, if either of the proposals were built, would be considerable and would adversely affect openness.

In terms of design, he noted that the flat roofed design with extensive glazing and contrasting use of render and cedar cladding would be quite different to the existing dwelling. However, he considered that the horizontal emphasis of the flat roofs and balconies would be offset by the vertical emphasis in the main elevations of floor to ceiling glazing resulting in well-balanced dwellings in both schemes.

No other considerations were put forward by the appellant in support of the proposed developments, therefore, it was not necessary to determine if there were any 'very special circumstances' to outweigh the identified harm to the Green Belt.

The appeals were dismissed.

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