

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

Our reference:
Your reference:
Date: Wednesday, 3 April 2019



**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, 11 April 2019 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 Meeting held on 14 March 2019 (Pages 1 - 6)
4. Planning Applications (Pages 7 - 56)
The report of the Executive Manager - Communities.
5. Planning Appeals (Pages 57 - 60)
The report of the Executive Manager - Communities.

Membership

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

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

By telephone
Monday to Friday
8.30am - 5pm

Telephone:
0115 981 9911

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



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MINUTES OF THE MEETING OF THE PLANNING COMMITTEE THURSDAY, 14 MARCH 2019

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,
N Clarke, M Edwards, S Hull, Mrs M Males, S Mallender, F Purdue-Horan,
Mrs J Smith and J Thurman

ALSO IN ATTENDANCE:

Councillors Khan, Jeffreys

OFFICERS IN ATTENDANCE:

M Dunne
D Mitchell
I Norman
A Pegram

Principal Area Planning Officer
Executive Manager - Communities
Legal Services Manager
Service Manager - Communities

APOLOGIES:

There were no apologies.

36 Declarations of Interest

There were no declarations of interest.

37 Minutes of the Meeting held on 14 February 2019

The minutes of the meeting held on Thursday 14 February 2019 were declared
a true record and were signed by the Chairman.

38 Planning Applications

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

**18/02821/FUL – Development of a crematorium and memorial gardens
with associated access, parking and landscaping – Land East of Main
Road and South of Stragglethorpe Road, Cotgrave, Nottinghamshire.**

As ward Councillor for Cotgrave, Councillor Richard Butler left the committee at
this point and Councillor John Stockwood took the role as Chairman.

Updates

A representation from the applicant providing additional information regarding site sections between application site and Thorntons Holt was received after the agenda had been published and was circulated before the meeting.

In accordance with the Council's Public Speaking Protocol for Planning Committee Andy Marshall (applicant), Simon Jones (objector) and Councillor Christine Jeffreys (ward councillor) addressed the committee.

Comments

Members of the Committee thought that the quantitative and qualitative data provided did not meet the criteria of basic need required to amount to 'very special circumstances' that would outweigh the harm caused by the proposal which is deemed inappropriate development in the green belt.

DECISION

THE ABOVE PLANNING APPLICATION WAS REFUSED PLANNING PERMISSION FOR THE FOLLOWING REASON.

1. The site falls within the Green Belt as defined by Saved Rushcliffe Borough Local Plan 1996 Policy ENV15 . The proposal would involve a new building in the Green Belt and a form of development which does not feature as one of the exceptions to inappropriate development within the closed lists in paragraphs 145 and 146 of the National Planning Policy Framework. Therefore, the proposal amounts to inappropriate development, which is harmful by definition. The Borough Council, as Local Planning Authority, does not consider that it has been adequately demonstrated that very special circumstances exist, including quantitative and qualitative need for a crematorium at this location, to outweigh the harm to the Green Belt. A decision to refuse planning permission would accord with paragraph 143 of the NPPF which states that 'inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances' and would be contrary to the objectives of Chapter 13 'Protecting Green Belt Land' of the National Planning Policy Framework and the objectives of Policy 4 'Nottingham - Derby Green Belt' of the Rushcliffe Local Plan Part 1: Core Strategy.

Councillor Butler re-joined the committee at this point and regained his position as Chairman.

18/02894/OUT – Outline planning permission for construction of a 3/4 bedroom bungalow and access (with all other matters reserved)

Updates

There were no updates reported.

DECISION

PLANNING PERMISSION BE REFUSED FOR THE FOLLOWING REASONS SET OUT IN THE REPORT.

1. The proposal would extend the built up area of a sporadic ribbon of properties and an encroachment into the open countryside, resulting in significant harm to the character and openness of the open countryside and the character and appearance of the area. The site falls outside of the key settlements for growth identified under Policy 3 of the Rushcliffe Local Plan Part 1: Core Strategy and the site would not constitute a small scale infill or exception site for local needs as set out in 3.3.17 of the Core Strategy. Paragraph 3.9 of the emerging Local Plan Part 2 lists a number of smaller settlements which are capable of accommodating a limited number of dwellings. Paragraph 3.10 states that beyond these allocations, development will be limited to small scale infill development, defined as development of small gaps within the existing built fabric of the village or previously developed sites whose development would not have a harmful impact on the pattern or character of the area. The proposed dwelling sits outside any village and would not constitute infill development as envisaged in 3.3.17 and would, therefore, be contrary to policy 3 of the Core Strategy.

The proposal is also contrary to Policy HOU2 (Development on Unallocated Sites) of the Rushcliffe Borough Non Statutory Replacement Local Plan (2006) which states: *"Planning permission for new unallocated development within settlements will be granted providing that:*

- a) *the development of the site would not extend the built-up area of the settlement;*
- b) *the development would not have an adverse visual impact or be prominent from locations outside the settlement*
- c) *the proposal does not fall within an area of sporadic or ribbon development outside a settlement, nor is situated in the countryside"*

The proposal is contrary to Policy EN19a (Impact On The Green Belt And Open Countryside) of the Rushcliffe Borough Non Statutory Replacement Local Plan (2006) which states, inter alia, that development must demonstrate that: *"there will be no significant adverse impact upon the open nature of the green belt or open countryside, or upon important buildings, landscape features or views"*

The proposal would not fall within any of permitted uses set out under Policy 22, para. 2 of the emerging Local Plan Part 2 and it would be contrary to para. 3 of this policy which states that development will be permitted where:

"c) it does not create or extend ribbon development"

The proposal would be contrary to paragraph 127 c) of the National

Planning Policy Framework where development should be sympathetic to local character and history, including the surrounding built environment and landscape setting. A decision to refuse planning permission would accord with paragraph 130 of the NPPF which states that *"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, taking into account any local design standards or style guides in plans or supplementary planning documents"*.

19/00172/FUL – Increase roof height of bungalow to create first floor living accommodation and external alterations - 6 Haileybury Road, West Bridgford, Nottinghamshire

Updates

A representation from the applicant which stated their intent to withdraw their current appeal for the previously refused application (18/02185/FUL) should this current application be approved was received after the agenda had been published and was circulated before the meeting.

In accordance with the Council's Public Speaking Protocol for Planning Committee Nick Grace (applicant's representative), Ian Jones (objector) and Councillor Karrar Khan (ward councillor) addressed the committee.

DECISION

GRANT PLANNING PERMISSION FOR THE FOLLOWING 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;

Proposed floor plans, site block plan and OS plan 623 002 revision I updated 21.01.2019

Proposed elevations, street scene, site block plan and OS plan 623 003 revision B updated 21.01.2019

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

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 and Policy 10 (Design and Enhancing Local Identity) of the Local Plan Part 1: Rushcliffe Core Strategy.]

Notes to Applicant

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

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

19/0013/FUL – Resubmission of applications 18/02305/FUL for the erection of a two storey side extension – 2 Bishops Road, Bingham, Nottinghamshire

As ward Councillor for Bingham West, Councillor John Stockwood left the committee at this point.

Updates

There were no updates reported.

In accordance with the Council's Public Speaking Protocol for Planning Committee Christina Pankiw (objector) and Councillor John Stockwood (ward councillor) addressed the committee.

Comments

Members of the committee expressed concerns that the proposed extension would have an overbearing impact on the house and garden at 19 Hill Drive, to the detriment of the amenities of occupants of this property.

DECISION

THE ABOVE APPLICATION WAS REFUSED PLANNING PERMISSION FOR THE FOLLOWING REASONS.

1. The proposed extension would have an overbearing effect on the house and garden of 19 Hill Drive resulting in a significant adverse impact on the residential amenities of the occupiers of this property. The proposal would, therefore, be contrary to Policy 10 (Design and Enhancing Local

Identity) of the Rushcliffe Local Plan Part 1: Core Strategy, Policy GP2 (Design and Amenity Criteria) of The Rushcliffe Non-Statutory Replacement Local Plan and guidance contained within the National Planning Policy Framework specifically paragraphs 127 and 130.

The meeting closed at 9.22 pm.

CHAIRMAN



Planning Committee

11 April 2019

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."

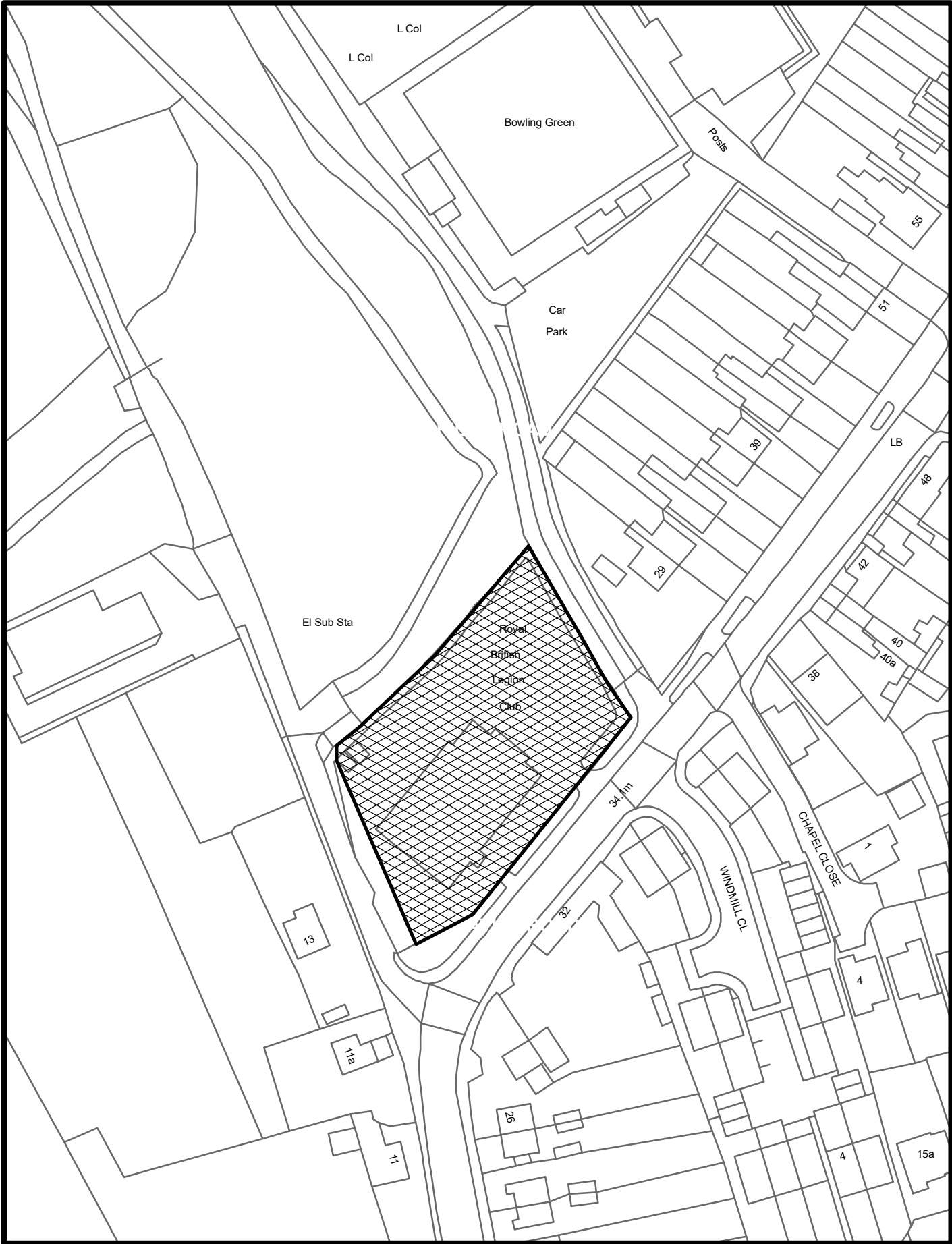
If you have not already made a Building Regulations application we would recommend that you check to see if one is required as soon as possible. Help and guidance can be obtained by ringing 0115 914 8459, or by looking at our web site at

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

Application	Address	Page
18/01491/FUL	R O Royal British Legion Nottingham Road Gotham Nottinghamshire Demolition of existing buildings and erection of 8 dwellings with associated parking and new access.	11 - 25
Ward	Gotham	
Recommendation	Planning permission be granted subject to conditions.	
<hr/>		
19/00112/FUL	17 Elterwater Drive Gamston Nottinghamshire Construction of two storey side extension.	27 - 33
Ward	Gamston North	
Recommendation	Planning permission be granted subject to conditions.	
<hr/>		
18/02841/FUL	4 Yew Tree Close Radcliffe On Trent Nottinghamshire Single storey side extension with raised patio, new hipped roof to existing dormer, new infill garage and replacement open porch (revised scheme).	35 - 41
Ward	Radcliffe On Trent	
Recommendation	Planning permission be granted subject to conditions.	
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Application	Address	Page
<u>18/02187/FUL</u>	4 Nursery Road Bingham Nottinghamshire Two storey rear and side extension, erection of new entrance porch.	43 - 48
Ward	Bingham East	
Recommendation	Planning permission be granted subject to conditions.	
<hr/>		
<u>19/00529/FUL</u>	72 Boxley Drive West Bridgford Nottinghamshire First floor extension and roof	49 - 55
Ward	Lutterell	
Recommendation	Planning permission be granted subject to conditions.	
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Application Number: 18/01491/FUL
Royal British Legion Nottingham Road Gotham



scale 1:1000

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18/01491/FUL

Applicant 1NA Ltd

Location R O Royal British Legion Nottingham Road Gotham Nottinghamshire

Proposal Demolition of existing buildings and erection of 8 dwellings with associated parking and new access.

Ward Gotham

THE SITE AND SURROUNDINGS

1. The site is located in the village of Gotham, which is currently washed over by Green Belt. The site is located on a bend on the main Nottingham Road that runs through the village, this part of Gotham in particular has a strong linear character with houses fronting onto Nottingham Road with pitched roofs. The site itself is currently occupied by a single storey building, the former British Legion, and the remainder of the site is hard surfaced to provide car parking with some trees and shrubs to the boundaries. The vehicular access is roughly central to the front of the site, but the site is currently secured so there is no access via vehicle.
2. The southern corner of the site is located adjacent to a wide, triangular section of highway verge on which is sited the Parish sculpture and cricket club noticeboard.
3. To the south-west of the site is a vehicular access road which appears to be in private ownership and leads to the British Gypsum land at the rear. This also gives access to the electricity substation to the immediate rear of the application site. The site is also bounded to the north-east by the access to the Memorial Hall and playground.
4. Immediately opposite the site, on the other side of Nottingham Road, is a white rendered and thatched roof cottage, which, whilst appearing to be fairly historic is not Listed. Slightly further to the north-east along the opposite side of Nottingham Road is a relatively new development of housing.

DETAILS OF THE PROPOSAL

5. The application as originally submitted sought full planning permission for 9 dwellings, parking and access, following demolition of the existing British Legion building. Following negotiations, and several revisions, the scheme has been reduced to 8 dwellings.
6. The proposed layout would comprise 3 x 4 bedroom detached houses and 1 x 3 bedroom detached house facing Nottingham Road and a further 4 dwellings comprising a pair of 3 bedroom semi-detached houses to the north-east facing into the site and two detached 3 bedroom dwellings to the south-west side of the site facing inwards. The proposed access road would be roughly central to the site with all parking and garages accessed off this road rather than directly from Nottingham Road, and pedestrian access to four properties at the front is

proposed to be over the highway verge. The plans show two trees to be retained to the eastern corner of the site and boundary hedge to the rear of the site being retained and infilled to create a more robust boundary feature. The plans include an area of land edged blue along the western side of the site which is to be retained for future potential widening of the access road to the side if required.

7. Parking is on plot with each property having a minimum of two spaces although plots 1-3 would have one of these spaces provided within a garage.

SITE HISTORY

8. Planning permission was granted in 2015 for the change of use of the building to a retail shop and café with ancillary storage for community organisations (15/02205/FUL).
9. The site was granted the status of Asset of Community Value in July 2015.

REPRESENTATIONS

Ward Councillor(s)

10. The Ward Councillor (Cllr Walker) objects to the scheme on the basis that the scheme comprises 3 and 4 bedroom house types and therefore fails to provide needs-based housing. The village has a lack of smaller properties, which this site would be ideal to provide.

Town/Parish Council

11. Gotham Parish Council object to the scheme on the basis that the *“proposal fails to meet Gotham’s housing need”*.

Statutory and Other Consultees

12. The Nottinghamshire County Council as Highways Authority did not consider the originally submitted scheme to be satisfactory and it was not to an adoptable standard. On receipt of the revised layout for 8 dwellings further comments were received that there should be a clear transition between the shared surface and the conventional highway e.g. a ramp. Amendments were also required to the scheme to demonstrate the swept path for refuse vehicles. Following the receipt of amended plans the Highway Authority have confirmed no objections subject to conditions regarding surfacing, drainage and provision of access prior to occupation.
13. The Borough Council’s Planning Policy Officer has commented that the site lies within the area covered by the Gotham Neighbourhood Plan, this is subject to examination and therefore can be given limited weight. The Neighbourhood Plan does allocate the site for residential development and also recognises the negative impact the site currently has on the village centre. The officer goes on to comment that Policy EN14 of the Rushcliffe Borough Non-Statutory Replacement Plan does allow for limited infill in the Green Belt and Policy COM2 refers to re-use of community facilities. It is considered that as the site has been disused for several years it can be assumed the redevelopment for

an alternative use would be appropriate. This is supported by Policy 30 of the emerging Local Plan Part 2.

14. The Borough Council's Community Development Officer has commented that the number of dwellings proposed would fall below the threshold for contributions for sport/leisure.
15. The Nottinghamshire County Council Rights of Way Officer comments that Bridleway no.3 Gotham is adjacent to the site but is not affected by the proposed development.
16. The Borough Council's Environmental Health Officer notes the nearby presence of an electricity substation which may give rise to low frequency noise. As such a sound insulation scheme is recommended and, if appropriate, a complimentary ventilation scheme. The Combined Phase 1 and Phase 2 Contaminated Land Report methodology is agreed, however it is noted that there is no specific analysis for the electricity substation and it is requested whether sampling for this was undertaken. The agent has confirmed no PCB testing was undertaken with regard to the substation but they are happy to accept a reasonable condition in regard to this. Conditions are also recommended for a Construction Management Statement.
17. The Borough Council's Environmental Sustainability Officer notes that a Protected Species Survey has been submitted that is in date and has been carried out according to best practice. Birds are expected to forage on site and there is foraging activity by at least 5 species of bat. The proposal as originally submitted involved removal of the trees/hedges at the rear of the site and would therefore be likely to have a small negative impact on the favourable conservation of a European Protected Species. Subsequently a bat emergence survey has been submitted and revised plans have been received securing the retention and gapping up of the tree/hedgeline. As such, the Officer is of the view that this should be sufficient to mitigate the potential harm. The recommendations contained within the supplied reports should be secured by condition, including an updated report to be submitted if the permission is not implemented within a year and a sensitive scheme of lighting for the site.
18. The Borough Council's Conservation and Design Officer has commented that the site does not lie within a Conservation Area, there are no listed buildings within the site or in near proximity to it. The existing building lacks sufficient architectural or historical significance to consider it a non-designated heritage asset. The site is prominent by virtue of its position near a bend in the main road, historically the corner of the site near the village sign was a blacksmith's shop long since demolished. The surrounding area has a mix of housing ages/styles, including an 18th century thatched cottage opposite. This is not listed but is architecturally distinctive in its context. On the basis of the originally submitted plans the officer commented that the proposed hipped roofs were out of character.
19. Following receipt of revised plans, the officer commented that the 4 units presenting frontages to Nottingham Road would relate better to the established character of the area. He suggests that the side boundaries of plots 4 and 5 are highly prominent and boundary treatments should be conditioned. The proposal introduces eaves level decorative brickwork to each of the houses, which adds visual interest and character to the scheme. It is suggested that

structural polychromy is a more striking feature, and there is a missed opportunity to provide this. Considers there remain opportunities to improve the design of the units but would not advocate a reason for refusal on design grounds.

20. Severn Trent Water comment that their records do not show any public sewers at the site, and therefore recommend a condition for details of drainage plans for foul and surface water to be submitted for approval.
21. The Royal British Legion (Gotham and District Branch) comment that the club has been for sale for the past 3 years and they will be pleased to see the near derelict site finally put to some use for the benefit of the village. They hope some of the houses will be affordable for first time buyers.

Local Residents and the General Public

22. One local resident has objected on the basis of parking (concerned residents parking could overspill onto the street and cause obstruction on the bend). They were also concerned about the potential overbearing nature of Plot 6 on the previously submitted plans.

PLANNING POLICY

28. 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). The publication version Local Plan Part 2 (LPP2): Land and Planning Policies is also a material consideration, although the policies within this document do not currently carry as much weight as those that are adopted, as they are still subject of an examination and have not yet been adopted. Local Plan Part 2 was submitted for examination on 10 August 2018 with the hearing taking place in November/December 2018.
29. Other material considerations include the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG) and the Rushcliffe Residential Design Guide.

Relevant National Planning Policies and Guidance

23. The National Planning Policy Framework (NPPF) (updated in 2018) includes a presumption in favour of sustainable development. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area. In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development. There are three dimensions to sustainable development, economic, social and environmental.
24. As such, the following national policies in the NPPF with regard to achieving sustainable development are considered most relevant to this planning application:

- Policy 11 “Making effective use of land, particularly paragraph 118 c) which states; *“give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;”*
- Policy 12 “Achieving well-designed places” in particular paragraph 127 and 130
- Policy 13 “Protecting Green Belt Land”

Relevant Local Planning Policies and Guidance

25. Saved Rushcliffe Borough Local Plan 1996 Policy ENV15 states that; ‘A *Green Belt is proposed as defined on the proposals map*’. This plan defines the extent of the current Nottinghamshire – Derby Green Belt. None of the other saved policies of the Rushcliffe Local Plan are relevant to this application.
26. The Rushcliffe Local Plan Part 1: Core Strategy was formally adopted in December 2014. It sets out the overarching spatial vision for the development of the Borough to 2028.
27. The following policies in the Rushcliffe Local Plan Part 1: Core Strategy are relevant:
- Policy 1 – Presumption in Favour of Sustainable Development
 - Policy 3 – Spatial Strategy
 - Policy 4 – Nottingham-Derby Green Belt
 - Policy 8 – Housing Size, Mix and Choice
 - Policy 10 – Design and Enhancing Local Identity
28. The Rushcliffe Borough Non-Statutory Replacement Local Plan (RBNSRLP) is a material consideration. Whilst not part of the Development Plan, the Borough Council has adopted the RBNSRLP for development management purposes in the determination of planning applications. The following policies are relevant in considering this application:
- Policy GP2 (Design and Amenity Criteria)
 - Policy HOU2 (Development on Unallocated Sites)
 - Policy COM3 (Loss of Community Facilities)
29. The emerging Local Plan Part 2, Land and Planning Policies, has undergone its necessary preparation including the identification of preferred housing sites and extensive consultation. This has now been submitted for examination and the hearing took place in Nov/ Dec. An initial view from the Inspector has been received suggesting minor changes to a few of the policies. Some weight should, therefore, be given to this emerging policy document. In particular the following planning policies are considered material to the consideration of this application;
- Policy 1 - Development Requirements
 - Policy 11 – Housing Development on Unallocated Sites within Settlements
 - Policy 21 – Green Belt
 - Policy 30 – Protection of Community Facilities

30. The Gotham Neighbourhood Plan has been submitted and is awaiting examination, it can therefore be afforded limited weight.
31. The Rushcliffe Residential Design Guide has been adopted as Supplementary Planning Guidance.

APPRAISAL

32. The key issues to consider are, firstly, the principle of development in terms of Green Belt, housing on unallocated sites and re-use of a site that was previously a community building. It then falls to consider the highway safety aspects of the scheme, whether the proposed layout and design is acceptable in relation to the surrounding area and the amenity impact on any existing residential properties, and the potential future occupiers of the houses themselves.

33. In terms of Green Belt, paragraph 145 makes clear that the construction of new buildings in the Green Belt is inappropriate development, and goes on to list some exceptions to this, including:

“limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

- *not have a greater impact on the openness of the Green Belt than the existing development; or*
- *not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.”*

34. It is considered that the current proposal would constitute the complete redevelopment of previously developed land in redundant use. In terms of openness, it would, arguably, have no greater impact on the Green Belt than the present building. The site is already hard surfaced, and some of this would be returned to garden land, the built form would be more spread out across the site, but would have the advantage of being broken up into smaller dwelling houses rather than one large mass of the British Legion building. The proposed development is, therefore, not considered to represent inappropriate development in the Green Belt. It is also worth noting that through Policy 21 (Green Belt) of Part 2 of the emerging Local Plan (Land and Planning Policies) this area would be inset from the Green Belt along with the rest of Gotham.

35. The existing British Legion building is an existing community facility and as such its loss must be justified. The site is also listed as an Asset of Community Value. The agent for the scheme has provided supporting information which in summary states that:

- a. The site has been vacant in excess of 5 years
- b. There is an existing village hall, church hall, pub and shop in the village
- c. The Asset of Community Value process has effectively tested the market for any potential community re-use

- d. The marketing agents for the site have confirmed there has been no interest from existing local community groups
36. In accordance with the provisions of the Localism Act, where it is proposed to dispose of a building which has been designated as an Asset of Community Value, the community must first be given the opportunity to bid for the property and to raise the necessary funds to purchase it. In this instance, the Borough Council was notified of the owner's intention to dispose of the building in October 2015. A moratorium was triggered on the disposal of the building which ended in April 2016, during this time a bid to purchase the asset was not forthcoming. On the conclusion of the moratorium, the owners again indicated their intention to dispose of the site but in the absence of any bids to acquire the asset, no moratorium was triggered. In these circumstances the owner is free to dispose of the property on the open market.
37. Overall, it is therefore considered the proposal meets the policy criteria to demonstrate that its loss as a community facility is justified. In terms of its status as an Asset of Community Value, this is a material planning consideration. However, the site has been on the list since 2015 with an unsuccessful bid from the Parish Council and the submitted Neighbourhood Plan supports the redevelopment of the site for housing.
38. The proposed development would result in housing on an unallocated site, Policy 3 (Spatial Strategy) of the Local Plan Part 1 (Core Strategy) does not define Gotham as an area for growth and sets out that any new homes in "other villages" will be solely to meet local need. In terms of development on unallocated sites, the proposal is considered to be of an appropriate scale and in a sustainable location within walking distance of the school, play area and village hall and the existing building on site is not architecturally or historically worthy of retention. In principle, the redevelopment of the site accords with local policy.
39. The site layout has been the result of negotiation to arrive at the current scheme, which has reduced the overall number of dwellings at the site to 8. The scheme as revised allows for four properties fronting onto the main road which reflects the existing pattern of development along Nottingham Road. The internal layout of the site is quite dominated by the roads and car parking, however, on balance it is considered this can be accepted as it provides a good level of parking for future residents and it is also proposed that, notwithstanding the submitted plans, a condition is added to any grant of planning permission requiring details of 'green' boundary treatments and landscaping of the site.
40. The garden sizes are slightly smaller than set out in the Rushcliffe Residential Design Guide. The Guide requires rear gardens with a depth of 10m measured to the rear boundary but the plots have a rear garden sizes of 6.3m (plot 4) to 9.3m (plot 7). The garden area requirements are also approximately 25% below that recommended in the Guide. However, the gardens are not directly overlooked and there is good access to open green spaces at the rear of the site and the local play park. On balance, it is not considered that the proposal results in overdevelopment of the site and the layout is considered to be acceptable.

41. The proposal does not significantly impact on any neighbouring residential properties given that it is bounded on three sides by roads and to the rear by open Green Belt land.
42. The Gotham Neighbourhood plan proposes this site as a brownfield site for housing, of up to 11 dwellings. The plan also includes reference to housing need being predominantly for smaller homes. In principle, therefore, the redevelopment of this site is supported by the neighbourhood plan, although the mix does not reflect the survey work undertaken. However, given that this plan has not yet been adopted, limited weight can be given to the policies within the plan and it is not considered this could be supported as a reason for refusal.
43. On balance, it is considered that significant weight should be given to the benefit of redevelopment of this sustainable village centre site and the additional housing stock created and it is recommended that planning permission be granted.
44. Following concerns raised by officers and consultees regarding the scheme, as originally, submitted negotiations have taken place and several iterations of revised plans have been considered before arriving at the final scheme, thereby resulting in a more acceptable scheme and the recommendation to grant planning permission.

RECOMMENDATION

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

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plan(s): Layout Plan 7249 P 100K and House Types 7249 P 111, 112, 113, 114, 115 & 116.

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

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

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

4. Notwithstanding the submitted details, and prior to occupation of any of the dwellings, details of the proposed boundary treatments shall be submitted to

and approved in writing by the Borough Council. The boundary treatments shall be implemented in accordance with the approved details prior to first occupation.

[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].

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

[To ensure existing trees are adequately protected during the development and to comply with policy EN13 (Landscaping Schemes) of the Rushcliffe Borough Non Statutory Replacement Local Plan. This condition is required to be implemented prior to commencement of development to protect the trees and hedges during construction.]

6. Prior to occupation, the site shall be landscaped in accordance with a detailed landscaping scheme for the site, to be first submitted to and approved in writing by the Borough Council. The submitted scheme shall detail the proposed gapping up/infilling of the hedge to the rear (north western boundary of the site). The approved scheme shall be carried out in the first tree planting season following the substantial completion of the development. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Borough Council gives written consent to any variation.

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

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

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

8. Prior to occupation a scheme for external lighting shall be submitted to and approved in writing by the Borough Council, the lighting shall be implemented in accordance with the approved scheme and maintained in perpetuity.

[To ensure the lighting is sensitive to local wildlife including protected species and to comply with policies GP2 (Design & Amenity Criteria) and EN12 (Habitat

Protection) of the Rushcliffe Borough Non Statutory Replacement Local Plan

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

[To ensure that adequate drainage facilities are provided in connection with the development and to comply with policy WET3 (Ground Water Resources) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

10. Notwithstanding the provisions of Schedule 2, Part 1 Classes A - E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) there shall be no enlargement or alteration of the proposed dwelling(s), no alteration to or insertion of windows or rooflights other than those shown on the approved plans, and no outbuildings or other buildings incidental to the enjoyment of the dwelling house constructed without the prior written approval of the Borough Council by way of planning application.

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

11. The garages and parking spaces shall be maintained in accordance with the approved plans and the garages shall not be converted to habitable living accommodation but shall be kept available for the parking of cars for the lifetime of the development.

[To ensure sufficient car parking remains to serve the development and in accordance with Policy GP2 (Design and Amenity) of the Rushcliffe Borough Non-Statutory Replacement Local Plan]

12. No development, including any demolition and site clearance, shall take place until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- a. the means of access for demolition and construction traffic;
- b. parking provision for site operatives and visitors;
- c. the loading and unloading of plant and materials;
- d. the storage of plant and materials used in constructing the development;
- e. the erection and maintenance of security hoarding, including decorative displays and facilities for public viewing, where appropriate;
- f. wheel washing facilities (including full details of its specification and siting);
- g. measures to control the emission of dust and dirt during construction; and
- h. a scheme for recycling/disposing of waste resulting from and construction works;
- i. the location and layout of the site compound and cabins.
- j. the days and times of construction activity and of materials delivery and disposal activity.
- k. The siting and appearance of contractors compounds including heights

of stored materials, boundaries and lighting together with measures for the restoration of the disturbed land and noise mitigation;

- I. A scheme for temporary signage and other traffic management measures, including routing and access arrangements.

[In the interests of highway safety 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 and Policy 10 of the Rushcliffe Core Strategy. This is a pre-commencement condition due to the need to establish acceptable construction methods and working arrangements before such works commence]

13. The development hereby permitted shall not progress beyond foundation level until a sound insulation scheme to effectively reduce the transmission of noise from external sources shall be submitted to and approved by the Local Planning Authority having regard to BS8233:2014 Sound Insulation and Noise Reduction for Buildings. If appropriate a complimentary ventilation scheme shall be designed to ensure that the windows can remain closed. The upper limit for living rooms shall be an LAeq, 16h of 35dB and for bedrooms an internal LAeq, 8h of 30dB and an LAmax of 45dB. Furthermore, the Noise Rating Curve of 30 shall not be exceeded in any octave band. The scheme shall be implemented in full prior to occupation of the dwellings and thereafter retained for the life of the development.

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

14. Occupation of the proposed dwellings shall not take place until their respective driveways have been surfaced in a bound material (not loose gravel) for a minimum distance of 5m 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 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. Occupation of the proposed dwellings shall not take place until the site access arrangement as shown for indicative purposes on the approved plan has been provided.

[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]

16. Before development is commenced, an addendum shall be made to the supporting Phase II investigation from BSP Consulting (Report Ref 16-0320 dated July 2018) to cover further soil testing for possible Polychlorinated biphenyls, PCBs associated with the electrical substation to the North of the site. The resulting revised Phase II Investigation Report shall be submitted to and approved by the Borough Council. If this report confirms that

"contamination" exists, a remediation report and validation statement will also be required. In such instances, all of these respective elements of the report will need to be submitted to and approved by the Borough Council and the agreed measures shall be implemented in full before the development is occupied.

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

Notes to Applicant

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

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

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

Asbestos may be present in the building and the applicant is reminded of their duty under the Control of Asbestos Regulations and must ensure that a qualified asbestos contractor is employed to remove all asbestos and asbestos containing materials and arrange for the appropriate disposal of such materials.

The applicant should note that notwithstanding any planning permission that 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.

- a) 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.
- b) 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.

Correspondence with the Highway Authority should be addressed to:
hdc.south@nottscc.gov.uk

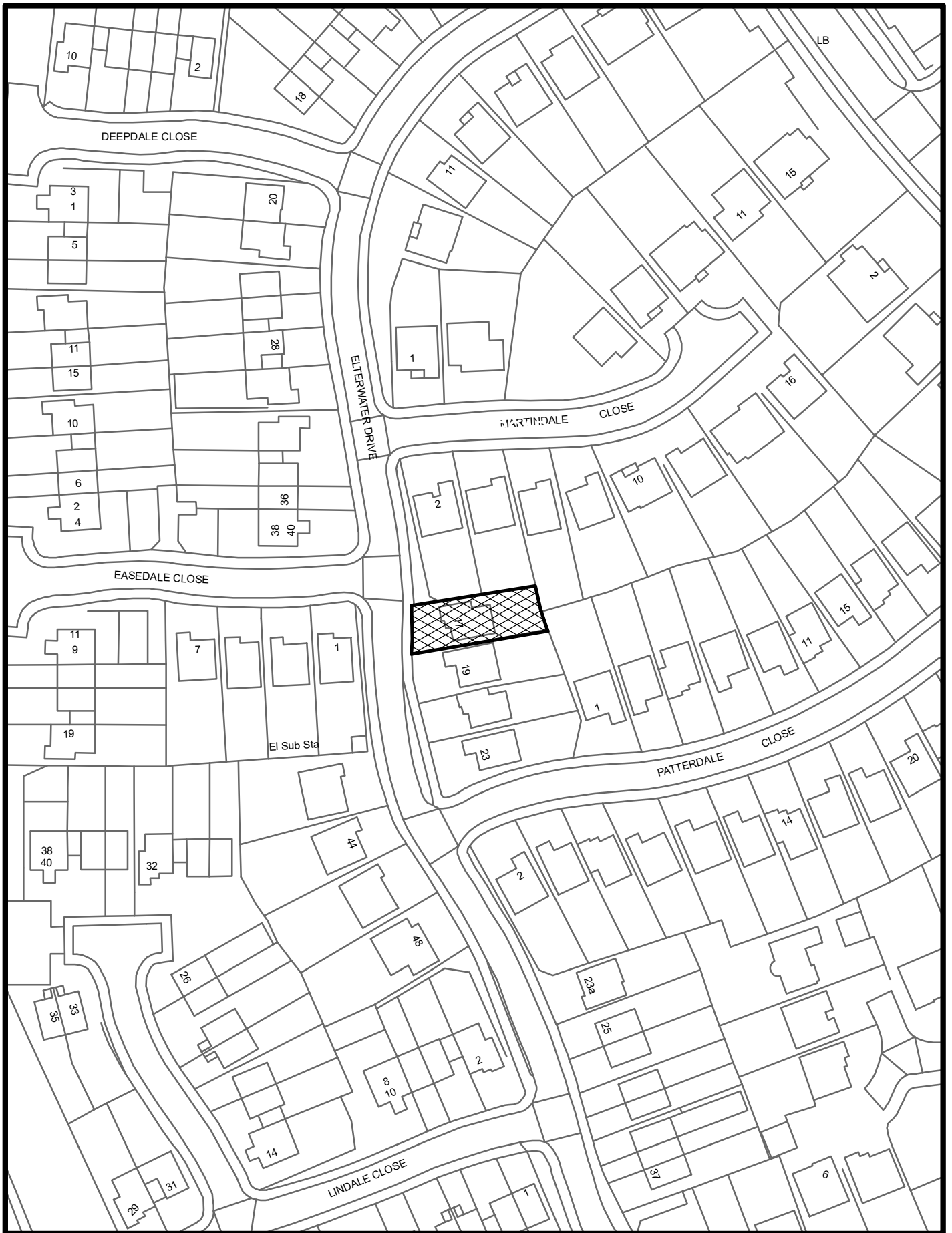
In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement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

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.

Due to the presence of Cadent and/or National Grid apparatus in proximity to the specified area, the contractor should contact Plant Protection before any works are carried out to ensure the apparatus is not affected by any of the proposed works. Relevant contact are:

E-mail: plantprotection@cadentgas.com Telephone: +44 (0)800 688588

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Application Number: 19/00112/FUL

17 Elterwater Drive Gamston

scale 1:1000



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19/00112/FUL

Applicant Mrs Dawn Buckley

Location 17 Elterwater Drive Gamston Nottinghamshire NG2 6PL

Proposal Construction of two storey side extension.

Ward Gamston North

THE SITE AND SURROUNDINGS

1. The application relates to a modern, detached two storey dwelling of traditional construction being red/brown brick walls with brown roof tiles. It is located within a modern housing estate, within an established residential area of West Bridgford.

DETAILS OF THE PROPOSAL

2. The current application seeks planning permission for a two storey side extension.

REPRESENTATIONS

Ward Councillor(s)

3. One ward Councillor (Cllr Wheeler) objects to the proposal stating he *“agrees with other comments made and that the development is too close to the neighbouring property and is unsuitable for the plot.”*

Town/Parish Council

4. Gamston Parish Council object to the proposal, stating:
 - a. Large trees and shrubs at the end of the garden to 2 Martindale Close would suffer root damage in the construction of foundations.
 - b. A development of this height should not be allowed so close to the boundary.
 - c. The building work cannot happen without free access to bottom of No.2 Martindale Close.
 - d. Not clear where the building supplies will be stored and the contractors vehicles parked during the building works.
 - e. 4 Martindale Close will also be affected by the building works in a similar way to No. 2 but not so severe.
 - f. Elterwater Drive is not a distributor Road - we recommend the Planning Officer look at Appendix 2 of the Gamston and Edwalton Development Brief to confirm that compliance with the brief will be maintained.

Local Residents and the General Public

5. One neighbour at No. 2 Martindale Close raises concern regarding the building work damaging mature trees at the bottom of the garden on the shared boundary.

PLANNING POLICY

6. 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).
7. 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). Rushcliffe Local Plan Part 2: Land and Planning Policies is presently at examination in public stage and has some weight in decision making.
8. 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 consideration.

Relevant National Planning Policies and Guidance

9. The National Planning Policy Framework (NPPF) includes a presumption in favour of sustainable development. Local Planning Authorities should approach decision making in a positive way to foster the delivery of sustainable development and look for solutions rather than problems, seeking to approve applications where possible. In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development. There are three dimensions to sustainable development, economic, social and environmental. One of the core planning principles of the NPPF state that planning should, *“Always seek to secure high quality design and a good standard amenity for all existing and future occupants of land and buildings.”*

Relevant Local Planning Policies and Guidance

11. The Rushcliffe Local Plan Part 1: Core Strategy was formally adopted in December 2014. It sets out the overarching spatial vision for the development of the Borough to 2028. Policies 1: ‘Presumption in Favour of Sustainable Development’ and 10: ‘Design and Enhancing Local Identity’ are relevant.
12. None of the 5 saved policies of the Rushcliffe Local Plan are relevant to this application.
13. The Rushcliffe Borough Non-Statutory Replacement Local Plan (RBNSRLP) is a material consideration. Whilst not part of the Development Plan, the Borough Council has adopted the RBNSRLP for development control purposes in the determination of planning applications. Policy GP2 (Design and Amenity Criteria) is relevant. Policy 1 of the emerging Rushcliffe Local Plan Part 2 Land

and Planning Policies will replace GP2 in considering general matters of amenity and design and is also a material consideration

APPRAISAL

14. The main issues in the consideration of the application are the impacts upon the design and appearance of the host property; the character and appearance of the street scene; the living conditions of neighbouring properties; and highway safety.
15. No. 17 Elterwater Drive is the first dwelling in a row of 4 detached dwellings, 19, 21 and 23 being to the south. To the north are the rear gardens of 2 and 4 Martindale Close, two detached dwellings positioned at right angles to Elterwater Drive. The proposed extension would be on the northern elevation adjacent the rear boundary of 2 Martindale Close, thereby avoiding any terracing effect and negating the need for the extension to be set back from the front elevation.
16. Materials would match those of the existing dwelling. It is not considered that proposed extension would detract from the established character of the street scene.
17. Whilst the extension would bring the property closer to 2 Martindale Close, it would have a minimal width of 2.96m with a separation distance of 13m remaining between the two properties. This is considered an adequate separation distance and it is not, therefore, considered that the proposed extension would appear overly dominant, overbearing or oppressive to the outlook from the rear elevation of 2 Martindale Close.
18. The side elevation of the extension would be blank apart from a first floor window serving an en-suite shower room. This window would be obscure glazed and non-opening to an internal height from floor level of 1.7m and, therefore, would not result in overlooking of the dwellings to the north.
18. The additional rear bedroom window at first floor level would be in line with existing bedroom windows and would not significantly increase current levels of overlooking on the rear garden areas. Likewise a proposed first floor window on the front elevation would be an additional window to an existing bedroom and have a similar impact to the existing windows. Therefore, the extension would not result in overshadowing of habitable room windows or create unacceptable levels of overlooking.
19. In terms of highway safety, the side extension would not replace or remove any garaging or car standing. It is, therefore, considered that the property would retain sufficient off-street car parking spaces, which would not cause an obstruction to the public highway or adversely impact on highway safety.
20. Comments from the Ward Member, Parish Council and neighbour have been taken into consideration in the above assessment where relevant. Regarding damage to trees and access to land for construction purposes these would be a private matter between the two parties. However, a note to the applicant regarding works on or near a boundary and access to land should be included on any planning permission. The storage of building materials for a development of this scale would not warrant restriction or control and a

condition to such an affect would not considered to be lawful.

21. The Parish Council refer to the 'Gamston and Edwalton Development Brief'. This document was published in 1986 prior to the development of the Gamston/Edwalton housing estates and was a guide for potential developers. Given this document was published over 30 years ago, and no longer forms part of the Development Plan, little weight can now be given to it as a planning guide for individual extensions. However, the principles within the Brief would be comparable with today's relevant planning policies and, therefore, assessments of planning applications although not made with this document in mind would consider similar criteria.
22. It is considered that the proposal complies with the design policies of the Local Plan and would not have a significant detrimental impact on the residential amenity of the neighbouring properties or the street scene in general and it is therefore recommended that planning permission be granted for the proposed development.
23. During the consideration of the application there were no issues which required addressing and, therefore, no requirement for negotiation with the applicant/agent or the need to request any amendments.

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(s): A102, and A103 REV 1.

[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].

4. The window in the first floor side (north) elevation of the proposed development shall be permanently obscure glazed to group level 5 obscurity and fixed shut to a height of 1.7 metres above internal floor level and no additional windows shall be inserted in this elevation. Thereafter, the window shall be retained to this specification for the lifetime of the development.

[To ensure the development will be satisfactory and in the interests of residential amenity and to comply with policy GP2 (Design & Amenity Criteria)

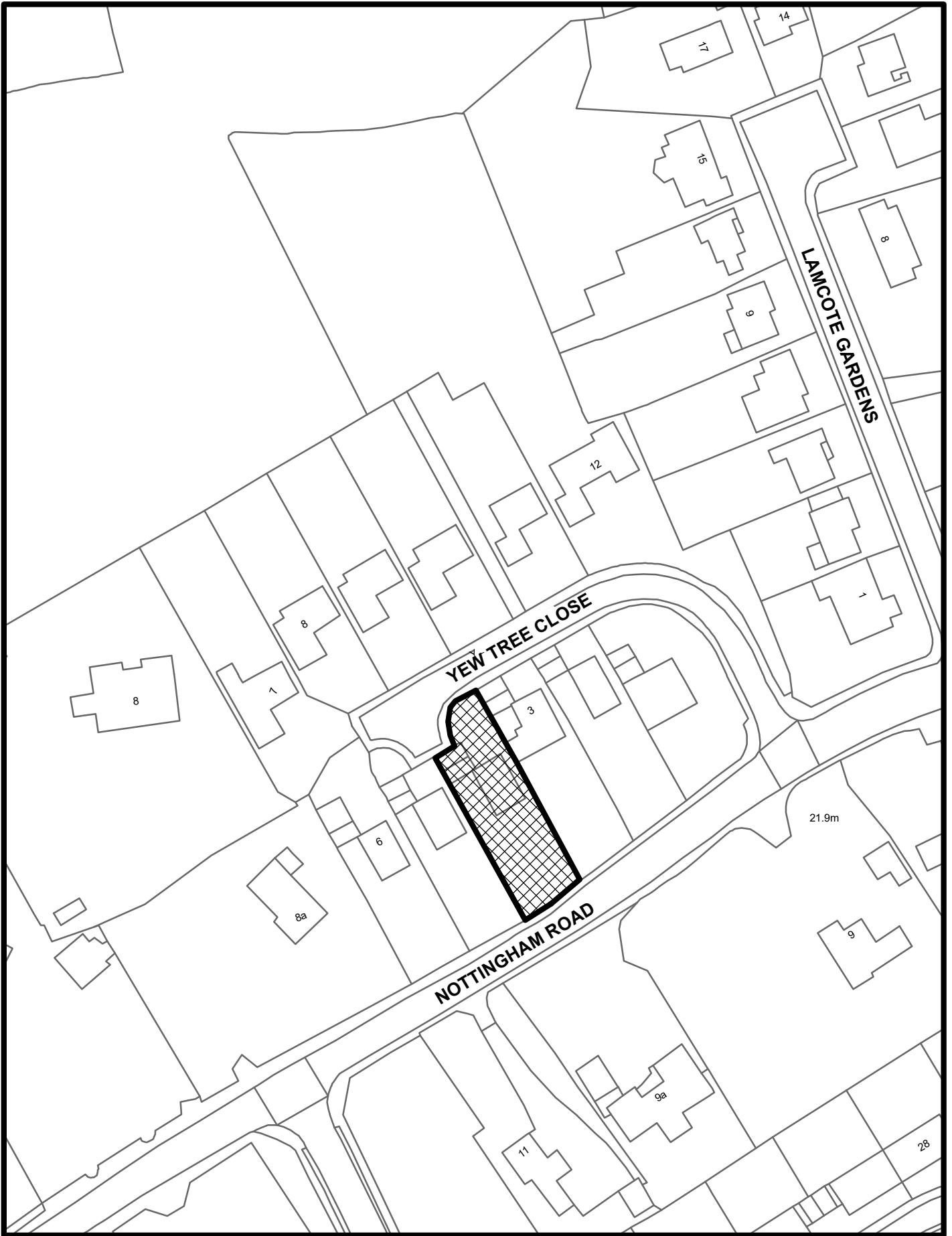
of the Rushcliffe Borough Non Statutory Replacement Local Plan].

Notes to Applicant

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

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: 18/02841/FUL
4 Yew Tree Close, Radcliffe on Trent



scale 1:1000

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18/02841/FUL

Applicant Mr Leigh Birch

Location 4 Yew Tree Close Radcliffe On Trent Nottinghamshire NG12 2AZ

Proposal Single-storey side extension with raised patio, new hipped roof to existing dormer, new infill garage, and replacement open porch (revised scheme).

Ward Radcliffe On Trent

THE SITE AND SURROUNDINGS

1. The application relates to a detached dormer bungalow on the southern side of Yew Tree Close. The dwellings on this side of the road are all dormer bungalows of a similar design and age, being built circa early 1970's. The opposite side of Yew Tree Close is made up of fairly large two storey detached houses. The rear garden extends down to Nottingham Road.
2. The bungalow is of traditional construction being red brick with dark concrete roof tiles. There is feature deep wavy edge timber cladding to the apex of the front gable.

DETAILS OF THE PROPOSAL

3. The current application seeks planning permission for a single storey side extension with raised patio, a new hipped roof to an existing side dormer, the creation of a new infill garage and the provision of a replacement open porch.
4. The application is a re-submission of application no. 18/00494/FUL which has been part constructed with a variation to the roof of the single storey side extension. This application seeks planning permission to include the amended roof design.
5. The works outlined in the application are substantially complete and it should be noted that the only change in this current application compared to the previously approved application is the amended roof design on the single storey side extension. However, as the amended application makes reference to all the proposed works whether constructed, part constructed or not yet commenced all aspects of the works have been reassessed.

SITE HISTORY

6. Planning Permission was granted under reference 18/00494/FUL for a single-storey side extension with raised patio, new hipped roof to existing dormer, new infill garage, and replacement open porch. The approved plans were subsequently amended by two non-material amendments. Submissions under reference 18/02050/NMA was agreed for a change in materials for the approved timber cladding and 18/02793/NMA agreed to a minor increase in the height of the parapet wall and a change in materials to the extension.

REPRESENTATIONS

Ward Councillor(s)

7. One Ward Councillor (Cllr Upton) has declared an interest in the application.

Town/Parish Council

8. Radcliffe on Trent Parish Council have neither objected to nor supported the application.

Interested Parties

9. One neighbour comments that:
 - a. The built extension is larger than that on the plan.
 - b. The extension as it stands now bears no resemblance to the original approved plan.

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) and the Radcliffe on Trent Neighbourhood Plan.
11. 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). Rushcliffe Local Plan Part 2: Land and Planning Policies is presently at examination in public stage and has some weight in decision making.
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 consideration.

Relevant National Planning Policies and Guidance

13. The National Planning Policy Framework (NPPF) includes a presumption in favour of sustainable development. Local Planning Authorities should approach decision making in a positive way to foster the delivery of sustainable development and look for solutions rather than problems, seeking to approve applications where possible. In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development. There are three dimensions to sustainable development, economic, social and environmental. One of the core planning principles of the NPPF state that planning should, *'Always seek to secure high quality design and a good standard amenity for all existing and future occupants of land and buildings.'*

Relevant Local Planning Policies and Guidance

14. The Rushcliffe Local Plan Part 1: Core Strategy was formally adopted in December 2014. It sets out the overarching spatial vision for the development of the Borough to 2028. Policies 1: 'Presumption in Favour of Sustainable Development' and 10: 'Design and Enhancing Local Identity' are relevant.
15. None of the 5 saved policies of the Rushcliffe Local Plan are relevant to this application.
16. The Rushcliffe Borough Non-Statutory Replacement Local Plan (RBNSRLP) is a material consideration. Whilst not part of the Development Plan, the Borough Council has adopted the RBNSRLP for development control purposes in the determination of planning applications. Policy GP2 (Design and Amenity Criteria) is relevant. Policy 1 of the emerging Rushcliffe Local Plan Part 2 Land and Planning Policies will replace GP2 in considering general matters of amenity and design.
17. The Radcliffe-on-Trent Neighbourhood Plan was adopted in October 2017 and now forms part of the development plan for Rushcliffe. Of particular reference are policies 14 (Design and Layout), and 15 (Local Architectural styles) of the plan. These policies seek new development to make a positive contribution towards the identity and character of the village by reinforcing locally distinctive design and architecture taking account of scale, mass, layout, design and materials.

APPRAISAL

18. The proposed single storey side extension would be 26m from the rear boundary onto Nottingham Road. It would be on the boundary with the dwelling to the west, no. 5 Yew Tree Close. It would have a width of 4.52m and a length of 3.915m. It would have an eaves height of 2.3m and a central ridge height of 4.6m, the central ridge would be 2.2m from the boundary and 4m from the side elevation of no. 5 Yew Tree Close.
19. The roof would be 4.8m long creating a 0.9m canopy over the rear elevation of the extension. The central ridge would project a further 0.7m rearward than the eaves forming an angled overhang. This element is the only change to that previously approved, notwithstanding the changes agreed under the non-material amendment process. It is this 0.7m angled section that requires planning permission in addition to that previously granted. The height of the addition, which incorporates a parapet wall, on the boundary would be 3.2m.
20. There is currently a 1.8m close boarded fence with attached trellising forming the boundary between the two dwellings, part of which was removed to facilitate the extension. The siting of the parapet wall of the side of the proposed extension would see an increase in height of 1.25m. In the side elevation of no. 5 Yew Tree Close is an entrance door and 2 obscurely glazed windows.
21. Given the pitched roof design, the minimal increase in the ridge length and the position and orientation of the two dwellings, as well as the lack of habitable room windows in the side elevation on no. 5, it is not considered that the proposed side extension, with the amended roof design, would have a

detrimental effect on the residential amenities of no. 5 Yew Tree Close in terms of over-looking or over-shadowing.

22. It is proposed to include a raised decked area adjacent the rear elevation of the side extension to an additional length of 1.8m and to a height of approximately 280mm above ground level. It is not considered that the provision of this platform would lead to unacceptable harm to the amenities of the adjacent dwelling. This element was considered acceptable previously.
23. There would be minimal views of the side extension from the public realm and it is not considered that the street scene or the area in general would be detrimentally affected by the side extension.
24. It is also proposed to change the existing flat roof dormer window on the west (side) elevation with a hipped tiled roof. The general size of the dormer would not increase and the hipped roof would have an additional height of 1.1m to its ridge, 200m below the maximum ridge height of the original dwelling.
25. It is considered that a hipped roof design would reduce any impact on the neighbouring dwelling, ensuring the dormer does not dominate the side elevation or be over-bearing. No additional windows are proposed in the dormer and it is not considered that the provision of the hipped roof would lead to unacceptable harm to the residential amenities of no. 5 Yew Tree Close.
26. The new dormer roof would be visible from the public realm, however, it is considered that the proposed design would be an improvement to the existing flat roof. The roof tiles would match the existing dwelling ensuring the proposal does not appear as an incongruous feature within the street scene. This element of the proposal was previously considered acceptable.
27. A replacement open porch is proposed on east elevation over the main entrance to the dwelling. The existing porch consists of a flat felt covered roof extending 1.8m from the side elevation of the dwelling with a supporting metal corner pole. The proposed porch would be a flat roofed canopy with gallows brackets extending 700mm from the side elevation. It is not considered that the new porch canopy would have a detrimental effect on the neighbouring dwelling at no. 3 Yew Tree Close or the street scene in general, indeed as with the dormer roof it is considered that it would be an improvement to the dwelling and its contribution to the street scene.
28. Finally, a new garage door and a pedestrian access door would be fitted to the existing open car port creating a new garage and internal lobby/garden store. These features would have little impact on the street scene, and no impact on nearby properties. These elements of the proposal were previously considered acceptable.
29. It is considered that the proposal, as revised, complies with planning policies including those within the neighbourhood plan and would not have a detrimental impact on the residential amenity of the neighbouring properties or the street scene in general and it is therefore recommended that planning permission be granted for the proposed development.

30. There were no perceived problems with the application and therefore no requirement for negotiation with the applicant/agent or the need to request any amendments.

RECOMMENDATION

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

1. The development hereby permitted shall be carried out in accordance with the following approved plan(s): FB17 1107 PL02-A and FB17 1107 PL03-C received on 17 December 2018.

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

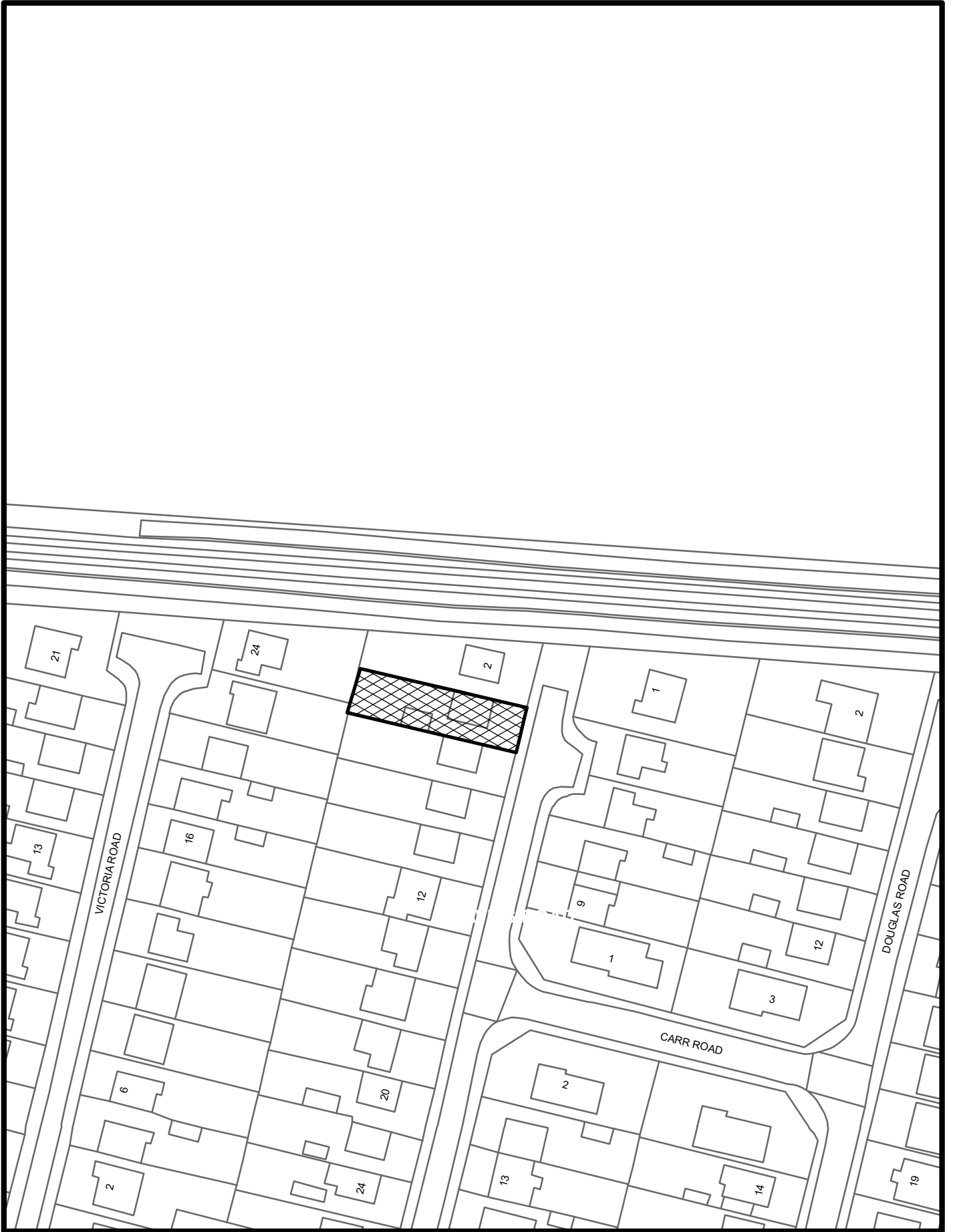
2. The materials specified in the application shall be used for the external walls and roof of the development hereby approved and no additional or alternative materials shall be used.

[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].

Notes to Applicant

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

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Application Number: 19/00050/FUL
4 Nursery Road Bingham



scale 1:1000

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18/02187/FUL

Applicant Mr Jason Hull

Location 4 Nursery Road Bingham Nottinghamshire NG13 8EH

Proposal Two storey rear and side extension, erection of new entrance porch.

Ward Bingham East

THE SITE AND SURROUNDINGS

1. The site comprises a two storey detached dwelling situated on an estate of similar properties which appear to date from the 1950's.
2. No. 2 is a similar type of property but has a kitchen window towards the rear of the side (south) elevation and a first floor side window serving a landing. No. 6 is also of similar age and style but with no windows in the north (side) elevation.

DETAILS OF THE PROPOSAL

3. It is proposed to erect a two storey rear extension, two storey and single storey side extension and an entrance porch.
4. The proposed rear extension would project approximately 1.9m from the existing rear wall and would come to within 200mm of the boundary with no. 2 Nursery Road. The side extension would project 1.8m from the existing side wall and come to within 700mm of the boundary with no. 6. This element of the proposal is set back from the frontage of the property and incorporates a hipped roof.
5. The ridge height of the rear extension would be the same as the existing house (6.7m), whilst the side extension would be slightly lower (6.5m).
6. The proposed porch would have a footprint of 2.8m x 1.7m and have a lean-to roof with a maximum height of 3.3m. Materials are proposed to be a white render finish to the extensions and roof tiles to match the existing.

SITE HISTORY

7. An application for a two storey rear extension was withdrawn in November 2018 (18/02187/FUL).

REPRESENTATIONS

Ward Councillor(s)

8. One Ward Member (Cllr Hull) has declared an interest.

Town/Parish Council

9. The Town Council does not object.

Statutory and Other Consultees

10. Trent Valley Internal Drainage Board comment that the site is within the Board's district but there are no Board maintained watercourses in close proximity to the site. They recommend that surface water run-off rates to receiving watercourses must not be increased as a result of the development, and that the design, operation and future maintenance of site drainage systems must be agreed with the Lead Local Flood Authority and Local Planning Authority.

Local Residents and the General Public

11. The neighbour at 2 Nursery Road does not object to the application but notes that there would be loss of light and view from his kitchen and landing windows. He raises concerns over the possibility that the frontage of the site could be hard surfaced for parking (this is not proposed as part of the current application).

PLANNING POLICY

12. The Development Plan for Rushcliffe comprises of the Local Plan Part 1 - Core Strategy (LPCS) which was adopted by the Borough Council in 2014 and the 5 saved policies of the Rushcliffe Borough Local Plan 1996.
13. 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) (RBNSRLP). Some weight should also be given to the Rushcliffe Borough Non-Statutory Replacement Local Plan and the emerging Local Plan Part 2: Land and Planning Policies.

Relevant National Planning Policies and Guidance

14. The National Planning Policy Framework carries a presumption in favour of sustainable development and states that, for decision taking, this means *"approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out of date, granting permission unless: Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole or specific policies in the Framework indicate development should be restricted"*.
15. Paragraph 11 of the NPPF states that there is a presumption in favour of sustainable development whilst paragraph 127 states, inter alia, that planning decisions should ensure that development will function well and add to the overall quality of the area and create places that have a high standard of amenity for existing and future users.

Relevant Local Planning Policies and Guidance

16. Core Strategy Policy 10 (Design and Enhancing Local Identity) states that development should make a positive contribution to the public realm and sense of place, and should have regard to the local context and reinforce 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 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.
17. In the context of the RBNSRLP, the relevant policy is GP2 (Amenity and Design), which requires that any developments are sympathetic to the character and appearance of neighbouring buildings and the surrounding area in terms of scale, design, materials, etc., do not have a detrimental impact on the amenity of neighbours by reason of overlooking, loss of light, overbearing impact or the type of activity proposed and a suitable means of access and parking facilities can be provided. Policy 1 (Development Requirements) of the Emerging Local Plan Part 2 echoes the requirements of policy GP2.

APPRAISAL

18. The main issues in the consideration of the application are the impacts upon the character and appearance of the street scene and the living conditions of neighbouring properties.
19. In relation to the impact on neighbours, and particularly 2 and 6 Nursery Road, the submitted plan indicates that the development would not breach the 45 degree guide in respect of the ground floor windows in the rear elevations of each neighbouring property and would not result in undue loss of light. Also, as the rear extension would project only 1.9m from the existing rear wall, it is not considered that it would have any undue impact in terms of overshadowing or overbearing impact. A driveway exists between the side windows on number 2 Nursery Road and the application site to minimise such impact.
20. The design of the various elements of the proposed development is sympathetic to the existing dwelling. The majority of the development would be faced with white render and though the application form states this would match existing, the dwelling is presently faced with brickwork. However, bearing in mind that most of the development would not be readily visible from the public realm, and render is not uncommon in the area, it is considered that its use would be acceptable. Matching concrete tiles are proposed for the roof. Drainage matters will be considered under building regulations.
21. It is, therefore, considered that the proposed development satisfies local and planning policies.
22. There were no pre-application negotiations and, therefore, no advice was offered prior to submission of the application. However, there were no problems during the course of processing the application and, therefore, no reason to contact the applicant. Consequently, a recommendation to grant planning permission has been made without any undue delay.

RECOMMENDATION

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

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

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

2. The materials to be used on the exterior of the proposed development shall be as shown on the proposed elevation drawings and described in the application 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].

3. The development shall be carried out in accordance with the submitted plans NR-4-002 Rev 2 and NR-4-003 Rev 4.

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

NOTES TO APPLICANT

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

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

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



Application Number: 19/00529/FUL
72 Boxley Drive, West Bridgford

scale 1:1000



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19/00529/FUL

Applicant Mr Andrew Edwards

Location 72 Boxley Drive West Bridgford Nottinghamshire NG2 7GL

Proposal First floor extension and new roof.

Ward Lutterell

THE SITE AND SURROUNDINGS

1. The application relates to a mid-20th Century two-storey detached dwelling of brick, render and tile construction situated on the eastern side of Boxley Drive in West Bridgford. To the north the neighbouring property is a two storey dwelling of similar appearance to the application property and to the south the neighbouring dwelling is a bungalow with a gable to the front elevation. To the east the rear gardens serving properties on Greythorn Road abut the site.
2. The application property is set back from the highway with off-street parking for one car and a front garden. The property has previously been extended off its side (south) wall with a garage/utility room and first floor bedroom extension above. The garage has subsequently been converted into a cinema room. The ridge height of the extension is approximately 600 millimetres lower than the ridge height of the roof of the main dwelling. At the front the roof slope matches the main dwelling whereas at the rear it is set down from the main roof slope. Similarly the rear wall of the extension is set in at first floor level. The former garage/utility room extension extends the full depth of the main dwelling and has a flat roof at the front and the rear where it extends beyond the first floor element.

DETAILS OF THE PROPOSAL

3. The application seeks planning permission to extend the first floor element of the existing side extension to the rear so that its rear wall would be flush with the rear wall of the main dwelling. The proposed extension would be 2 metres by 2.6 metres in area. It is also proposed to increase the roof height of the existing side extension to match the roof of the main dwelling and also match its pitch at the rear. The rear facing window in the existing first floor extension would be re-positioned into the rear wall of the new extension.
4. The submitted plans also show a number of other external alterations including the insertion of a new ground floor window opening in the side (south) elevation, the restoration of an original first floor window opening in the rear wall of the main dwelling and the replacement of the existing faux garage door with a new window opening and the re-alignment of the front door. These external alterations do not form part of this application and it appears the applicant intends to carry them out as "permitted development".

SITE HISTORY

5. An application for a first floor extension, new roof and loft conversion including roof lights to front was approved by the Committee on 15 June 2018 (ref: 18/00748/FUL).

REPRESENTATIONS

Ward Councillor(s)

6. One Ward Councillor (Cllr Edwards) has declared a non-pecuniary interest.

Local Residents and the General Public

7. At the time of writing this report no comments had been received.

PLANNING POLICY

8. The Development Plan for Rushcliffe consists of The Rushcliffe Local Plan Part 1: Core Strategy and the 5 saved policies of the Rushcliffe Borough Local Plan 1996.
9. Other material planning considerations include the National Planning Policy Framework (“the NPPF”) and the National Planning Practice Guidance (“the NPPG”). Some weight should also be given to the Rushcliffe Borough Non-Statutory Replacement Local Plan 2006 and also the emerging Local Plan Part 2, which was subject to examination in public in November and December 2018.
10. In this instance the Rushcliffe Design Guide 2009 as a Supplementary Planning Document is also a material consideration.

Relevant National Planning Policies and Guidance

11. The NPPF carries a presumption in favour of sustainable development and states that, for decision taking, this means “approving development proposals that accord with the development plan without delay”. Importantly, the NPPF requires that planning permission be granted “where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date” unless “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 any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
12. Chapter 12 of the Framework concerns achieving well-designed places. Specifically it requires that development should function well and add to the overall quality of the area, not just in the short term but over the lifetime of the development. Development should also be visually attractive as a result of good architecture, layout and landscaping and should be sympathetic to local character and history and maintain a strong sense of place. Importantly, 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. However, where the design of a proposed development accords with clear expectations of plan policies, design should not be used by decision makers as a valid reason to object to the development.

Relevant Local Planning Policies and Guidance

13. None of the 5 saved policies of the Rushcliffe Borough Local Plan 1996 are applicable to this proposal.
14. Policy 1 of the Rushcliffe Local Plan Part 1: Core Strategy reinforces the positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. Policy 10 states, inter alia, that all new development should be designed to make a positive contribution to the public realm and sense of place and reinforce valued local characteristics. Of particular relevance to this application are 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.
15. Whilst not part of the development plan the Borough Council has adopted the Rushcliffe Borough Non-Statutory Replacement Local Plan for the purposes of development control and this is considered to be a material consideration in the determination of planning applications. Policy GP2 is concerned with issues of design and amenity and the effect of proposals on neighbouring properties.
16. Consideration should also be given to the supplementary guidance provided in the Rushcliffe Residential Development Guide.

APPRAISAL

17. Members may recall that at a meeting of the Planning committee in June 2018 planning permission (ref: 18/00748/FUL) was granted at the property to carry out a first floor rear extension, raising the overall roof height and a loft conversion including roof lights to front. That permission has not been implemented (but remains extant) and this application represents a significant scaling back of the development proposed at the property.
18. In essence the loft conversion, which includes a large rear dormer extension, and the raising of the entire roof by some 500 millimetres has been omitted under the current scheme. The first floor rear extension proposed in this application remains largely unchanged and the proposed roof alterations would only see the ridge height of the existing side extension increased to match the ridge height of the main dwelling.
19. The main issues to consider in this application are:
 - The principle of development.
 - The design of the proposed development and its impact on the character of the existing dwelling and the surrounding area.
 - The impact of the proposed development on the amenity of neighbouring properties.

20. The proposed development is a modest domestic extension to an existing residential property within West Bridgford. Furthermore, planning permission has previously been granted for a similar, albeit larger scheme. In principle, therefore the development is considered to be acceptable.
21. In terms of design, as outlined above, the development proposed in this application represents a significant reduction in the scale and design of the previously approved scheme.
22. Apart from the modest increase in the ridge height of the existing side extension to match the height of the main roof, the proposed development would have a limited impact on the front elevation of the property as the rear extension would not be particularly visible from the public realm. As such the property would retain much of its current character and appearance.
23. There are a mixture of house types (two-storey dwellings interspersed with bungalows) and designs along this part of Boxley Drive. Given that the roof alterations would be modest and the rear extension would not be visible, it is considered that the proposed development would not appear at odds with the other buildings in the area or look out of place in the street scene.
24. Overall, the proposal is considered to be visually acceptable, sympathetic in size and design to the existing dwelling and street scene, and complies with the policies and guidance outlined above.
25. With regard to impacts on amenity, the neighbouring property to the south (no. 70) is a bungalow and the proposed first floor extension and roof alterations would be adjacent to this property. Nevertheless, the bungalow has a blank wall/roof slope along the shared boundary and the proposed extension would not project beyond the rear wall of this property. Overall, it is considered that the proposed extension would not have a significant overbearing or overshadowing impact on this property. Although the existing bedroom window would be moved closer to the back of the property, overlooking the rear garden of the bungalow at an oblique angle, it is considered that this would be similar to the existing relationship and in any case was previously considered to be acceptable.
26. Given the positioning of the extension and the separation distances involved, it is considered that the proposed development would not give rise to any significant impacts on the amenities of other neighbouring properties.
27. Overall, the proposal is acceptable in terms of residential amenity and complies with the policies and guidance referred to above.
28. Members are advised that the existence of the previous planning permission, ref: 18/00748/FUL, which remains extant is a significant material consideration in the determination of this application. Given the similarities of the current proposal to that permission, albeit scaled back, it is considered that a refusal of planning permission would not be justified in the circumstances.
29. The application was not the subject of pre-application discussions and no discussions or negotiations with the applicant or agent were considered necessary as the proposed development was considered acceptable as submitted.

30. The application is therefore recommended for approval.

RECOMMENDATION

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

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

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

2. The development hereby permitted shall be carried out strictly in accordance with the following approved plan(s):

- Swish Architecture drawing "Proposed Floor Plans, Elevations, Site Block Plan and OS Plan" (drawing no: 579 003 Rev B) received on 28 February 2019.

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

3. The external materials used in the construction of the development hereby permitted shall be of a similar appearance to the materials used on the exterior the existing dwelling.

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

Notes to Applicant

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

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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Planning Committee

11 April 2019

Planning Appeals

Report of the Executive Manager – Communities

LOCATION	65 Henry Road, West Bridgford NG2 7ND	
APPLICATION REFERENCE	18/00541/FUL	
APPEAL REFERENCE	APP/P3040/W/18/3209895	
PROPOSAL	The development proposed is the extension and alterations to an existing apartment building to create an additional flat.	
APPEAL DECISION	Appeal Dismissed	DATE 21st January 2019

PLANNING OFFICERS OBSERVATIONS

Planning permission was refused for the following reason:

- 1) The proposed two storey side extension, by reason of siting, massing, size and design, and proximity would have an overbearing impact upon the adjoining property, 63 Henry Road and would fail to remain subservient to the character of the host property. It would result in a development that would be injurious to the character of the street scene and give rise to a visual terracing impact. The introduction of an egress window serving flat 3 would result in a detrimental impact on the residential amenity of property occupiers of number 63 through overlooking, the perception of being overlooked and loss of privacy. Therefore, the development would be contrary to The Residential Design Guide, Policy 10 (2b) of the Rushcliffe Local Plan Part 1: Core Strategy which states:*

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

- b) impact on the amenity of occupiers or nearby residents;*
- f) massing, scale and proportion*

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

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

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

A decision to refuse permission would accord with paragraph 64 of the National Planning Policy Framework which states that: "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".

In dismissing the subsequent appeal the Inspector considered the main issues to be: *'The effect of the proposal on (i) the character and appearance of the area and (ii) the living conditions of the occupiers of 63 Henry Road with particular regard to outlook, overlooking and privacy.'*

The Inspector stated that *'Whilst the height of the extension would be slightly lower than the existing roof, and the proposal set back slightly, the overall mass and scale of the extension means that the proposal would not appear subservient in this site specific context. Furthermore, the proposed two-storey extension would interrupt the symmetry and rhythm of the street scene, by partially infilling the gap between the pairs of semi-detached houses. As such, the proposal would appear incongruous and visually intrusive resulting in material harm to the character and appearance of the area.'* And that the *'proposal would by reason of its siting, massing, and design would be contrary to Policy 10(2b) of the Rushcliffe Local Plan that seeks amongst other things to ensure that the massing, scale and proportion of development does not lead to an over intensive form of development or be overbearing in relation to neighbouring properties. The proposal would also be in conflict with paragraph 130 of the Framework which refers to development improving the quality of the area.'*

The Inspector considered that *'the proposal would result in a material loss of privacy for the occupiers of the neighbouring property'* and in respect of outlook *'that the proximity of the proposal to the boundary and the massing and design would materially harm the outlook of the occupiers of No 63.'* Concluding that *'the proposal would not conflict with Policy 10 (2b) of the Rushcliffe Local Plan or Policy GP2 (d) of the Rushcliffe Non Statutory Replacement Local Plan in that I have not found loss of privacy in respect of the proposal with regard to No 63 but would conflict with it with regard to outlook.'*

The Inspector concluded that the proposal would *'by reason of its siting, massing, size and design would cause harm to the character and appearance of the area and would harm the outlook of occupiers of No 63 and that harm outweighs my findings with regard to overlooking and privacy.'*

LOCATION	128 Loughborough Road, Bradmore	
APPLICATION REFERENCE	18/001523/FUL	
APPEAL REFERENCE	APP/P3040/W/18/3215447	
PROPOSAL	The development proposed is the erection of two storey side and single storey rear extensions and loft conversion with internal alterations.	
APPEAL DECISION	Appeal Dismissed	DATE 16 January 2019

PLANNING OFFICERS OBSERVATIONS

The proposed development included a 2-storey side extension, a single storey rear addition and alterations to the property's roof. The Council has granted planning permission for a 2-storey side extension and single storey rear extension (Ref 18/00509/FUL). The difference between the approved and appeal schemes relates to the roof alterations which now included a proposed hip to gable extension.

Planning permission was refused for the following reason:

The proposed development, by reason of siting, massing, scale and design, would have an undue overbearing and domineering impact upon the occupants of 126 Loughborough Road. Therefore, the development would be contrary to Policy 10 (2a; 2b & 2f) of the Rushcliffe Local Plan Part 1: Core Strategy which states:

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

- a) structure, texture and grain, including street patterns, plot sizes, orientation and positioning of buildings and the layout of spaces;*
- b) Impact on the amenity of occupiers or nearby residents;*
- f) massing, scale and proportion;*

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

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

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

Finally, the development would not adhere to the guidance contained within section 12 of the NPPF -'Achieving well designed places'. Of particular reference the development would be in accordance with Paragraph 130 (Section 12) of the NPPF which 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.'

The Inspector stated that 'In isolation, the proposed hip to gable roof extension would be of a modest size. However, the proposed roof extension would cumulatively add to the size and bulk of the approved additions to the property. As assessed by the Council, it is this cumulative increase in the size and bulk of the enlarged property which would be an overbearing form of development. This unacceptable harm would be particularly noticeable from the habitable room windows within the original single storey element of No. 126, the conservatory and the bedroom window above the conservatory.'

The Inspector considered that 'the proposed development would cause unacceptable harm to the living conditions of the occupiers of neighbouring properties and, as such, it would conflict with Policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy which requires developments to be assessed in terms of their impact on the amenity of nearby residents. There would be a conflict with Policy GP(2) of the Rushcliffe Non Statutory Replacement Local Plan concerning development not having a significant effect on the amenity of adjoining properties. Although not part of the statutory development plan, it is a material consideration.'

The Inspector concluded that '...although there would be no conflict with Green Belt policy and the significance of the designated heritage assets would be preserved, and there would be an improved standard of accommodation when compared to the approved scheme, these matters are demonstrably and significantly outweighed by the unacceptable harm which would be caused to the living conditions of the occupiers of the neighbouring properties and the conflict with the development plan. Accordingly, it is concluded that this appeal should be dismissed.'