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Our reference:
Your reference:
Date: Wednesday, 7 August 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, 15 August 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 18 July 2019 (Pages 1 - 24)
4. Planning Applications (Pages 25 - 66)
The report of the Executive Manager - Communities.
5. Planning Appeals (Pages 67 - 70)
The report of the Executive Manager - Communities.

Membership

Chairman: Councillor R Butler
Vice-Chairman: Councillor Mrs M Stockwood
Councillors: K Beardsall, A Brennan, P Gowland, L Healy, A Major, J Murray, F Purdue-Horan, C Thomas and D Virdi

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

By telephone
Monday to Friday
8.30am - 5pm

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West Bridgford
Nottingham
NG2 7YG



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MINUTES OF THE MEETING OF THE PLANNING COMMITTEE THURSDAY, 18 JULY 2019

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

PRESENT:

Councillors R Butler (Chairman), Mrs M Stockwood (Vice-Chairman),
K Beardsall, A Brennan, B Gray, L Healy, A Major, J Murray, F Purdue-Horan,
C Thomas and D Viridi

ALSO IN ATTENDANCE:

Councillors

OFFICERS IN ATTENDANCE:

A Pegram
D Mitchell
I Norman
P Taylor
L Webb

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

APOLOGIES:

Councillors P Gowland

51 Declarations of Interest

Councillor Brennan declared a non-pecuniary and non-prejudicial interest in planning application 19/00045/COU but indicated the interest did not debar her from participating in the discussion and voting on the item.

52 Minutes of the Meeting held on 13 June 2019

The minutes of the meeting held on 13 June 2019 were approved as a true record and were signed by the Chairman.

53 Planning Applications

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

18/02412/FUL – Proposed development of 187no. dwellings with access off Platt Lane and Station Road, associated landscaping, drainage and highway infrastructure, and a 40 space grasscrete car park to serve the neighbouring sporting facilities; 3m high fence / ball stop netting - Land Between Platt Lane And Station Road Keyworth Nottinghamshire.

Updates

Representation from the case officer outlining amended conditions, the agent who submitted revised plans and supporting comments were received after the agenda was published and were circulated to the committee before the meeting.

In accordance with the Council's Public Speaking Protocol Helen Dawkins (the applicant) addressed the committee.

DECISION

In accordance with the Town and Country Planning (Consultation) Direction 2009, the application be referred to the National Planning Casework Unit and that, subject to the application not being called in for determination by the Secretary of State for Housing, Communities and Local Government, the Executive Manager for Communities be authorised to grant planning permission subject to:

- a) the prior signing of a section 106 agreement as set out in the Heads of Terms table attached to this report; and
- b) the following conditions:
 1. 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 and to ensure appropriate early delivery of the development].

2. The development hereby approved shall be implemented in accordance with the following plans and documents:
 - Site Location Plan (18 Oct 18)
 - Planning Layout KEY/DPL/01 Rev G received 8 July 2019
 - KEY-BTP-01B Boundary Treatments
 - Materials Layout KEY/MAT/01 Rev A received 18 February 2019
 - Boundary Treatments Plan KEY/BTP/01B, received 21 February 2019
 - Affordable Housing Plan KEY/AFF/01C received 21 May 2019
 - House Type Pack, August 2018 ref KEY/HTP/01
 - House Type Dimensions
 - House Type 7FA (AW) Floor Plans and Elevations received 18 February 2019
 - House Type 1BB Plans and Elevations, received 21 February 2019
 - House Type 2BM Plans and Elevations, received 21 February 2019
 - Detailed POS Proposals (Sheet 1 of 3) P18-1983_01_A received 18 February 2019
 - Detailed POS Proposals (Sheet 2 of 3) P18-1983_02_A received 18 February 2019

- Detailed POS Proposals (Sheet 3 of 3) P18-1983_03_A received 18 February 2019
- Detailed POS Proposals (sheet 1 of 5) P18-1983_04_C received 20 May 2019
- Detailed POS Proposals (sheet 2 of 5) P18-1983_05_D received 20 May 2019
- Detailed POS Proposals (sheet 3 of 5) P18-1983_06_C received 20 May 2019
- Detailed POS Proposals (sheet 4 of 5) P18-1983_07_C received 20 May 2019
- Detailed POS Proposals (sheet 5 of 5) P18-1983_08_C received 8 July 2019
- Detailed LEAP Proposals, P18-1983_09D, received 21 May 2019
- Landscape Management Plan, Pegasus, P18-1983 REV B May 2019
- S278 General Arrangements 12171/180, Rev.A
- Refuse Vehicle Tracking Station Road Access 12-0171/001
- Refuse Vehicle Tracking Platt Lane Access 12-0171/002
- Refuse Vehicle Tracking Turning Heads 12-0171/003A received 18 February 2019
- KEY-22-01 Street Scene
- Planning Sections PLK-LS_001
- Design and Access Statement, Hunter Page, September 2018
- Planning supporting statement, Hunter Page, October 2018
- Landscape and Visual Appraisal, Pegasus, P17-2683, October 2018
- Keyworth Rushcliffe Assessment of Housing Mix, Lichfields, September 2018
- Archaeological Desk Based Assessment, Cgms Heritage, April 2018
- Archaeological Investigations (Final Report) Ref: 206600, Wessex archaeology, 4 January 2019 received 9 May 2019
- Built Heritage Statement, Cgms Heritage, April 2018
- Transport and Infrastructure Planning, BWB, September 2018
- Transport Assessment Addendum, BWB March 2019
- Travel Plan (NTT2096 TP REV 12), BWB, 14.3.19 received 27 March 2019
- Flood Risk Assessment and Drainage Strategy BSP Consulting, 12171/FRA/Rev A, Rev A 21/08/2018
- Ecological Appraisal, EDP, September 2018, Report Reference edp3284_r001a
- Statement of Community Involvement, Hunter Page, October 2018
- Phase II Exploratory Investigation, BSP, July 2018
- Arboricultural Assessment, FPCR, May 2019, Rev B
- Ball Strike Boundary Assessment, Labosport, report number LSUK.18-1000, 14 December 2018 received 18 February 2019
- Health Impact Assessment, October 2018
- Building for Life 12 Design Assessment, April 2019
- Topographical survey 16902 OGL
- Noise Report, AECOM, Project number: 60565085, AC/02 31 May 2019 received on the 4 June 2019
- Landscape Management Plan P18-1983 Rev C, Pegasus, July

2019 received 4 July

[For the avoidance of doubt and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan and in the interests of amenity and to accord Policy 10 (Design and Enhancing Local Identity of the Local Plan Part 1 Rushcliffe Core Strategy and with emerging Local Plan Part 2 Policy 4.2].

3. No development shall be carried out until a Phasing Plan including details of phasing for the approved development has been submitted to and approved in writing by the local planning authority. The phasing plan shall include details of:
- the timing of the provision of infrastructure to serve the proposed development (including road improvements and drainage facilities) in relation to the provision of any new residential units;
 - the timing of biodiversity, SUDS and landscaping features;
 - the timing of the provision of on-site recreation/open play space provision in relation to the provision of any new residential units including the ball strike nett; and
 - the timing of the provision and transfer of the 40 space grasscrete car park area

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

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

4. No development shall take place until the technical approval under S38 (or equivalent) has been agreed with Nottinghamshire County Council for the construction of the roads and associated works within the site. The development shall thereafter be implemented in accordance with the approved details and no dwelling shall be occupied until the roads necessary to serve that property have been constructed to base level.

[To ensure an adequate form of development in the interests of highway safety and to comply with policies GP2 (Design & Amenity Criteria) and MOV9 (Car Parking Standards) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

5. No development hereby permitted shall take place until an appropriate agreement under Section 278 of the Highways Act 1980 has been entered into with Highways England to facilitate improvements to A52 junctions in accordance with the provisions of the version of the A52/A606 Improvement Package Developer Contributions Strategy Memorandum of Understanding in force at the time of commencement of development.

[To ensure that the A52 trunk road continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980, in the interests of road safety. This is a pre commencement condition to ensure that funding for necessary wider highway improvements required as a result of the development is made available so that the works can be implemented in a timely fashion].

6. The materials specified on the Materials Layout Plan KEY/MAT/01 Rev A (received 18 February 2019) (Roofing: Forticrete SL8 -Slate Grey, Forticrete SL8 -Sunrise blend and Russell Lothian -Cottage Red Bricks: Istock Autumn Antique, Forterra Arden Special Reserve and Forterra Lindum Cottage Red Multi)) 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 to accord Policy 10 (Design and Enhancing Local Identity of the Local Plan Part 1 Rushcliffe Core Strategy)].

7. No part of the development hereby approved shall commence until a detailed surface water drainage scheme based on the principles set forward by the approved Flood Risk Assessment (FRA), 812171/FRA/Rev A, BSP Ltd., has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall be implemented in accordance with the approved details prior to completion of the development. The scheme to be submitted shall:

- Demonstrate that the development will use SuDS throughout the site as a primary means of surface water management and that design is in accordance with CIRIA C753.
- Provide details of all infiltration basins including detailed results to BRE365 standards for specific locations to demonstrate that infiltration is feasible in accordance with the FRA.
- Any discharges that do not infiltrate shall be limited for all events up to the 100 years plus 40% (for climate change) critical rain storm to the QBar Greenfield rates for the developable area.
- Provision of surface water run-off attenuation storage in accordance with 'Science Report SCO30219 Rainfall Management for Developments' and the approved FRA
- Provide detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- For all exceedance to be contained within the site boundary without flooding any properties in a 100year+40% storm.

- Evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure long term operation to design parameters.

The approved drainage strategy shall thereafter be implemented in accordance with the surface water drainage scheme.

[To ensure the proper drainage of the site and to accord with the aims of Policy 2 (Climate Change) of the Local Plan Part 1 Rushcliffe Core Strategy. To prevent the increased risk of flooding and to comply with policies WET2 (Flooding) and WET3 (Ground Water Resources) of the Rushcliffe Borough Non Statutory Replacement Local Plan. This is a pre commencement condition to ensure that flood risk is mitigated and the measures can be incorporated in to the build phase].

8. The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

[To ensure that adequate drainage facilities are provided in connection with the development as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution and to comply with policy WET3 (Ground Water Resources) of the Rushcliffe Borough Non Statutory Replacement Local Plan. This is a pre commencement condition to ensure that flood risk and sewage capacity requirements are mitigated and the measures can be incorporated in to the build phase].

9. No development shall commence until a ball stop nett/ fence scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be designed so as to take into account the findings and mitigation recommendations advised in the Ball Strike Boundary Assessment, Labosport, report number LSUK.18-1000, 14 December 2018 received 18 February 2019. The scheme shall include details of the design, location, timing of provision, installation and provision for its on-going management and maintenance for the life of the development. The approved scheme shall be installed prior to the occupation of any dwelling on plots 28 to 34, 55 to 61 and plot 79 as identified on Planning Layout KEY/DPL/01 Rev F. The approved Nett/ fence shall be managed and maintained in accordance with the approved management scheme for the life of the development by a Management Company.

[To ensure satisfactory landscape treatment of the site which will enhance the character and appearance of the site and the area in accordance with the aims of Policy 16 (Green Infrastructure, landscape, Parks and Open Space) of the Local Plan Part 1 Rushcliffe Core Strategy and to ensure the ongoing management of the ball strike net. In the interest of public safety and to minimise the risk of ball strike on

future residents of the proposed dwellings to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan and in the interests of amenity and to accord Policy 10 (Design and Enhancing Local Identity of the Local Plan Part 1 Rushcliffe Core Strategy and with emerging Local Plan Part 2 Policy 4.2. This is a pre commencement condition to ensure that existing features to be retained are identified and that they are protected].

10. There shall be no excavation or other groundworks, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority:
 - a. tactile paving
 - b. vehicular, cycle, and pedestrian accesses
 - c. vehicular and cycle parking
 - d. vehicular turning arrangements
 - e. manoeuvring arrangements
 - f. access widths, gradients, surfacing, street lighting,
 - g. structures,
 - h. visibility splays and
 - i. drainage

The development shall be carried out in accordance with the approved details and no dwelling shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved under this Condition for that dwelling:

- a. have been constructed in accordance with the approved drawings
- b. are available for use

[In the interest of highway safety, to make sure the drive is not too steep, in order to provide a reasonable level of safety in icy conditions and to comply with policies GP2 (Design & Amenity Criteria) and MOV9 (Car Parking Standards) of the Rushcliffe Borough Non Statutory Replacement Local Plan. This is a pre commencement condition that is required to ensure that the highway matters are addressed before works start on the site].

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

[To reduce the possibility of deleterious material being deposited on the public highways and to ensure adequate car parking facilities are provided in connection with the development; and to comply with policies GP2 (Design & Amenity Criteria) and MOV9 (Car Parking Standards) of the Rushcliffe Borough Non Statutory Replacement Local].

12. No dwelling hereby approved shall be occupied until the following works have been provided in accordance with plans previously submitted and approved in writing to the satisfaction of the Local Planning Authority:
- Two new site access junctions on Platt Lane and Station Road as shown indicatively on drawing 12171/180 Rev A.
 - A new 2.0m wide footway along the site's frontage and associated crossing points as shown indicatively on drawing 12171/180 Rev A.
 - New pedestrian dropped kerbs and tactile paving to provide crossings at the junction of Platt Lane / Nicker Hill and over Nicker Hill toward Mount Pleasant.
 - Works to facilitate the delivery of a new 30mph speed limit on Station Road to the North of the proposed site access.

[To make sure that a satisfactory means of access is provided, in the interests of road safety to promote sustainable travel and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

13. The formal written approval of the Local Planning Authority is required prior to commencement of any development with regard to parking and turning facilities, access widths, gradients, surfacing, street lighting, visibility splays and drainage. All details submitted to the Local Planning Authority for approval shall comply with the County Council's current Highway Design and Parking Guides and shall be implemented as approved.

[To ensure the development is constructed to highway adoptable standard, in the interest of highway safety, to make sure the drive is not too steep, and to comply with policies GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan. This is a pre commencement condition that is required to ensure that the highway matters are addressed before works start on the site].

14. Prior to first occupation the developer of the site shall appoint and thereafter continue to employ or engage a travel plan coordinator who shall be responsible for the implementation, delivery, monitoring and promotion of the sustainable transport initiatives set out in the Interim Travel Plan to be approved prior to development taking place and whose details shall be provided and continue to be provided thereafter to the Local Planning Authority.

[To promote sustainable travel and to encourage the use of alternative transport to the car; and to comply with policy MOV1 (Travel Plans) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

15. The travel plan coordinator shall within 6 months of occupation produce or procure a Detailed Travel Plan that sets out final targets with respect the number of vehicles using the site and the adoption of measures to reduce single occupancy car travel consistent with the Interim Travel Plan to be approved by the Local Planning Authority. The Travel Plan shall be implemented in accordance with the approved timetable and be

updated consistent with future travel initiatives including implementation dates to the satisfaction of the Local Planning Authority.

[To promote sustainable travel and to encourage the use of alternative transport to the car; and to comply with policy MOV1 (Travel Plans) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

16. The travel plan coordinator shall submit reports in accordance with the Standard Assessment Methodology (SAM) or similar to be approved and to the Local Planning Authority in accordance with the Travel Plan monitoring periods. The monitoring reports submitted to the Local Planning Authority shall summarise the data collected over the monitoring period and propose revised initiatives and measures where travel plan targets are not being met including implementation dates to be approved in writing by the Local Planning Authority.

[To promote sustainable travel and to encourage the use of alternative transport to the car; and to comply with policy MOV1 (Travel Plans) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

17. The development shall be undertaken in accordance with the landscaping scheme as shown on plans:

- Detailed POS Proposals (Sheet 1 of 3) P18-1983_01_A received 18 February 2019
- Detailed POS Proposals (Sheet 2 of 3) P18-1983_02_A received 18 February 2019
- Detailed POS Proposals (Sheet 3 of 3) P18-1983_03_A received 18 February 2019
- Detailed POS Proposals (sheet 1 of 5) P18-1983_04_C received 20 May 2019
- Detailed POS Proposals (sheet 2 of 5) P18-1983_05_D received 20 May 2019
- Detailed POS Proposals (sheet 3 of 5) P18-1983_06_C received 20 May 2019
- Detailed POS Proposals (sheet 4 of 5) P18-1983_07_C received 20 May 2019
- Detailed POS Proposals (sheet 5 of 5) P18-1983_08_C received 8 July 2019
- Boundary Treatments Plan KEY/BTP/01B, received 21 February 2019

The landscaping shall be carried out in accordance with the approved details in the accordance with the timing and phasing approved by condition 3 and 18. If any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

[To make sure that a satisfactory landscaping scheme for the development is implemented in the interests of the appearance of the area and to comply with policy EN13 (Landscaping Schemes) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

18. No development shall take place until details of the means of protection of existing hedgerows and trees whilst construction works are being undertaken have been submitted to the Local Planning Authority. All existing trees and/or hedges which are to be retained are to be protected in accordance with the approved measures and that protection shall be retained for the duration of the construction period. No materials, machinery or vehicles shall be stored or temporary buildings erected within the perimeter of the fence, nor shall any excavation work be undertaken within the confines of the fence without the written approval of the Local Planning Authority. No changes of ground level shall be made within the protected area without the written approval of the Local Planning Authority.

[To ensure existing trees and hedgerows are adequately protected during the development and to comply with policy EN13 (Landscaping Schemes) of the Rushcliffe Borough Non Statutory Replacement Local Plan. This is a pre commencement condition to ensure protection during construction works of trees, hedges and hedgerows which are to be retained on or near the site in order to ensure that the character and amenity of the area are not impaired].

19. No development shall take place until the details of a Construction Method Statement is submitted and approved in writing by the Local Planning Authority. The Statement shall have regard to the LEMP under condition 26 and provide for:
- i. Access and parking of vehicles of site operatives and visitors
 - ii. Loading and unloading of plant and materials
 - iii. Storage of plant and materials used in constructing the development
 - iv. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - iv. Wheel washing facilities
 - v. Measures to control the emission of noise, dust, dirt and vibration during construction
 - vi. A scheme for recycling/disposing of waste resulting from construction works
 - vii. Hours of operation (including demolition, construction and deliveries)
 - viii. A scheme to treat and remove suspended solids from surface water run-off during construction.
 - ix. An earthworks strategy to provide for the management and protection of soils.
 - x. 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
 - xi. Scheme for temporary signage and other traffic management measures, including routing and access arrangements. The agreed access shall be provided before development commences.

The development shall be carried out in full accordance with the approved Construction Method Statement throughout the construction period.

[In order to minimise the amount of mud, soil and other materials originating from the site being deposited on the highway; to prevent inadequate parking, turning and manoeuvring for vehicles; inadequate materials storage and to ensure adequate recycling of materials in the interests of highway safety, visual amenity and environmental management to comply with policies GP2 (Design & Amenity Criteria) and MOV9 (Car Parking Standards) of the Rushcliffe Borough Non Statutory Replacement Local Plan. This is a pre commencement condition to ensure that the amenity of existing occupiers are protected during construction and to ensure regard is had to the existing on-site wildlife].

20. During any ground works, demolition or construction, there shall be no burning of waste on the site.

[To protect the amenities of neighbouring residential properties and to comply with policies GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

21. The existing soils and any soil or forming materials brought to site for use in garden areas, soft landscaping, filling and level raising shall be tested for contamination and suitability for use on site. Contamination testing should take place within UKAS and MCERTS accredited laboratories, certificates shall be submitted to and approved in writing by the Local Planning Authority prior to any soil or soil forming material being imported onto the site. Details of the source and type of the imported materials and the estimated amount to be used on the site are also required to be submitted. Only the approved materials shall be used.

[To make sure that the site, when developed is free from contamination, in the interests of public health and safety and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

22. No development shall take place until an Employment and Skills Strategy for the construction phase of the approved development shall be produced in consultation with the Economic Growth team and submitted to and approved in writing by the Borough Council. This strategy will be based on the relevant Citb framework and will provide opportunities for people in the locality to include employment, apprenticeships and training, and curriculum support in schools and colleges. The strategy will be implemented by the developer throughout the duration of the construction in accordance with the approved details and in partnership with relevant stakeholders.

[In order to promote local employment opportunities in accordance with Policies 1 and 5 of the Rushcliffe Local Plan Part 1: Core Strategy. This is a pre-commencement condition because recruitment and employment

takes place prior to commencement].

23. Prior to installation, a bat-sensitive lighting scheme should be submitted to and approved in writing by the local planning authority. The lighting scheme should be in accordance with Conservation Trust (2018) "Bats and artificial lighting in the UK. The scheme shall include details of lux plots of the estimated luminance . The scheme shall be designed to minimise skyglow. The lighting scheme shall be implemented in accordance with the approved details and maintained thereafter.

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

24. In the event that the planning permission is not implemented within 2 years of the date of the planning permission being granted a further protected species survey shall be carried out, prior to work commencing on site, and submitted to and approved by the Local Planning Authority in writing. Any mitigation measures recommended by the survey shall be implemented in accordance with approved details and in line with other conditions.

[To ensure that the proposed development contributes to the conservation and enhancement of biodiversity within the site and for the wider area in accordance with paragraphs 174-175 of the NPPF and Policy 17 of the Local Plan Part 1: Rushcliffe Core Strategy of biodiversity within the site and for the wider area in accordance with paragraphs 174-175 of the NPPF and Policy 17 of the Local Plan Part 1: Rushcliffe Core Strategy. This is a pre-commencement condition due to the need to ensure adequate mitigation is in place before any intrusive site works take place].

25. No removal of hedgerows, trees or shrubs shall take place between 1st March and 30th September inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

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

26. No development shall take place until a Landscape & Ecology Management Plan (LEMP) is submitted to and approved in writing by the local planning authority. The LEMP shall include:
- Details of habitat creations and enhancement of hedgerows
 - Bird and bat boxes shall be integrated into the building fabric (the former targetting house sparrow, starling and swift) into the fabric of a proportion (circa 20%) of the proposed dwellings/their

- garages
- Vegetation clearance shall not occur during the bird nesting season, which runs from March to September inclusive
- Ongoing management of the SUDS for wildlife
- The plan will detail the formal management agreement, aftercare and monitoring of the retained and newly created habitats on the site and shall their the ongoing maintenance

The development shall be undertaken in accordance with the approved LEMP.

[To ensure that the proposed development contributes to the conservation and enhancement of biodiversity within the site and for the wider area in accordance with paragraphs 174-175 of the NPPF and Policy 17 of the Local Plan Part 1: Rushcliffe Core Strategy. This is a pre-commencement condition due to the need to ensure adequate mitigation and management is in place before any intrusive site works take place].

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

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

28. The development shall be undertaken and maintained in accordance with the Landscape Management Plan P18-1983 Rev C, Pegasus, July 2019.

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

29. No development shall commence until details of the finished floor and ground levels in relation to a fixed datum point have been submitted and approved in writing by the Local planning Authority. Such details shall have regard to the drainage strategy for the site. The development shall be undertaken in accordance with the approved details.

[To ensure a satisfactory development in the interests of amenity, accessibility and highway safety and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan. This is a pre commencement condition to ensure that the development is undertaken with agreed levels from the outset].

30. No development shall commence until details of the timing of construction of the 40 space grasscrete car park have been submitted to

and approved in writing by the Local Planning Authority. Such details shall also provide for the transfer of the completed car park to the operators of the adjacent Platt Lane leisure facility. The development shall be undertaken in accordance with the approved details.

[For the avoidance of doubt. This is a pre commencement condition to ensure that the deliverability and transfer arrangements are secured].

31. The development shall be undertaken in full accordance with the detailed requirements for mitigation for noise identified in the submitted Noise Assessment by AECOM (Project number: 60565085 AC/02 dated 31st May 2019). All mitigation measures outlined in the report shall be undertaken and incorporated in the units as specified in this report. This includes enhanced glazing and ventilation the bedrooms of several plots as detailed in Table 6.1 of Page 18 and illustrated in Appendices E Glazing and Vent Specifications & F Annotated Plans of the report. For all other plots, Glazing and Vent Type A of table 6.1 can be used. Roof Type A can be used to all rooms, with the exception of Plot 121 Bedroom 4 and Plot 140 Bedroom 1 and plot 153 Bedroom 2 where Roof Type B is required.

[To ensure that acceptable noise levels within the development and its curtilage are not exceeded. To protect the amenities of residents and to comply with policies GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan. This is a pre commencement condition to ensure that the dwellings are adequately mitigated from noise].

32. Notwithstanding the provisions of Schedule 2, Part 1 Classes A - D of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) there shall be no enlargement or alteration of the proposed dwelling(s) and no alteration to or insertion of windows or rooflights other than those shown on the approved plans for the following plots 1-3, 5, 8-14, 16, 16-21, 23, 104-107, 118-125, 133-146, 149-157, 184-187, as shown on Planning Layout KEY/DPL/01 Rev G. These plots require enhanced glazing and ventilation as specified in Appendix E and illustrated in Appendix F of the Noise Assessment written by AECOM (Project number: 60565085 AC/02 dated 31st May 2019).

[To protect the amenities of the occupiers of the property from external noise as per the noise report by AECOM (Project number: 60565085 AC/02 dated 31st May 2019) and to comply with policies GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

33. Notwithstanding the provisions of Schedule 2 Part 2 Class A of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no fence, wall, hedge or other means of enclosure other than shown on the approved plans shall be erected or planted on the site.

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

Notes to Applicant

This permission is subject to an Agreement made under the provisions of Section 106 of the Town & Country Planning Act 1990 (as substituted by the Planning & Compensation Act 1992) relating to provision of on-site affordable housing and contributions towards essential infrastructure. Any payments will increase subject to the provisions set out in the Agreement.

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

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

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

Section 38 Agreement (Highways Act 1980) - 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. Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the Highway Authority as early as possible.

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.

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.

Section 278 Agreement (Highways Act 1980) - 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 Jan Witko on telephone number 0115 9774364.

The proposed access/off-site highway works to deliver the alterations to the speed limit referred to in condition 12 requires a Traffic Regulation Order. The developer should note that the Order can be made on behalf of the developer by Nottinghamshire County Council at the expense of the developer. This is a separate legal process and requires public consultation. The Applicant should contact the Highway Authority as soon as possible to discuss how best this is achieved.

In order to satisfy the requirements of conditions 4, 10 , 12 and 13 the Highway Authority will need to undertake a full technical design check of the your detailed design drawings. Discharge of any reserved matters conditions relating to highway layouts will not be recommended until this process is complete and full technical approval of the highways drawings has been granted. We therefore strongly recommend technical approval for your drawings is obtained from the Highway Authority prior to any formal reserved matters submission.

Travel Plan - Advice regarding travel plans can be obtained from the Travel Plans Officer on telephone 0115 9774323. Correspondence with the Highway Authority should be addressed to:

Highway Development Control Section
Highways South
Nottinghamshire County Council
County Hall
West Bridgford
Nottingham, NG2 7QP

In respect of condition 8 of this permission relating to drainage:

- The developer must produce a comprehensive drainage strategy for the site.
- This strategy must include how surface water is to be dealt with. In particular showing how no surface water will be allowed to enter the foul or combined system through any means.
- Surface water should be drained using sustainable techniques.
- Where a sustainable drainage scheme is to be provided, the submitted details shall:
 - i) Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and / or surface waters;
 - ii) Provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme

throughout its lifetime.

- The strategy shall also demonstrate how any land drainage issues will be resolved.
- A hydraulic modelling study may be required to determine if the proposed flows can be accommodated within the existing system and if not, to identify what improvements may be required. If the surface water is drained sustainably, this will only apply to the foul drainage.
- Severn Trent may need to undertake a more comprehensive study of the catchment to determine if capital improvements are required.
- If Severn Trent needs to undertake capital improvements, a reasonable amount of time will need to be determined to allow these works to be completed before any additional flows are connected.

Severn Trent Water advise that although their statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under the Transfer of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.

Suitable habitat for reptiles should be searched by suitably qualified ecologists followed by removal or cutting. Good practise construction methods should be adopted including:

- Advising all workers of the potential for protected species. If protected species are found during works, work should cease until a suitable qualified ecologist has been consulted.
- No works or storage of materials or vehicle movements should be carried out adjacent to the ditch.

If protected species are found during works, work should cease until a suitable qualified ecologist has been consulted.

Best practice should be followed during building work to ensure trenches dug during work activities that are left overnight should be left with a sloping end ramp to allow animals that may fall in to escape. Also, any pipes over 200mm in diameter should be capped off at night to prevent animals entering. No stockpiles of vegetation should be left overnight and if they are, they should be dismantled by hand prior to removal. Night working should be avoided.

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

This permission does not give any legal right for any work on, over or under land or buildings outside the application site ownership or affecting neighbouring property, including buildings, walls, fences and vegetation within

that property. If any such work is anticipated, the consent of the adjoining landowner must first be obtained. The responsibility for meeting any claims for damage to such features lies with the applicant.

The 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.

Consideration should be given to energy efficiency, alternative energy generation, water efficiency, sustainable travel (including electric car charging points and cycle storage and improved cycle connectivity and green travel), management of waste during and post construction and the use of recycled materials and sustainable building methods.

Swifts are now on the Amber List of Conservation Concern. One reason for this is that their nest sites are being destroyed. The provision of new nest sites is urgently required and if you feel you can help by providing a nest box or similar in your development, the following website gives advice on how this can be done: <http://swift-conservation.org/Nestboxes%26Attraction.htm> Advice and information locally can be obtained by emailing : carol.w.collins@talk21.com

The Advanced Payments Code in the Highways Act 1980 applies and under section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the Highway Authority with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980.

18/02920/HYBRID – Hybrid application comprising full planning permission for construction of retail units (Class A1), café / restaurant (Class A3), and drinking establishment (Class A4), along with associated highway works including new access off Wilford Lane, servicing, landscaping and boundary treatments, and outline planning permission (with all matters reserved except for access) for residential development (Class C3) - Land on Wilford Lane, West Bridgford, Nottinghamshire

Updates

Representations from The Environment Agency, an objection on behalf of Scottish and Newcastle plc, and two objections from local residents were received after the agenda was published and were circulated to the committee before the meeting.

In accordance with the Council's Public Speaking Protocol Frank Gillespie (the applicant), David Sagstad (objector), David Parsons (objector) and Councillor Gordon Wheeler (ward councillor) addressed the committee.

Comments

The committee raised concerns over the environmental impact of the

application, as the loss of a lime tree would be significant. The committee were also concerned that the proposal would have unacceptable impacts on the highway network and on the amenities of properties in Bede Ling.

DECISION

PLANNING PERMISSION REFUSED FOR THE FOLLOWING REASONS.

1. The proposal would result in the loss of a substantial protected Lime Tree which occupies a prominent position close to the frontage of the site, and makes a significant contribution to the amenities and character of the area. The proposal is therefore contrary to Policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan and Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy.
2. Whilst the application sought outline planning permission for the residential element of the scheme, with all matters except access reserved for subsequent approval, it has not been adequately demonstrated that the quantum of development referred to in the supporting documents and on the application form, and indicated on the illustrative plans can be accommodated on the site without detriment to the amenities of residential properties on Bede Ling. The proposal is therefore contrary to Policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan and Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy.
3. The Borough Council is not satisfied that the submission adequately demonstrates that the cumulative effect of traffic generated by the development in combination with committed development in the area can be accommodated on the highway network without causing unacceptable impacts on traffic flows, thereby causing congestion and adverse impacts on highway safety, contrary to Policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan.

19/00045/COU – Proposed change of use of the site area for the mooring of canal boats for holiday lets and additional seating in connection with existing tea rooms including additional parking (resubmission).- Wharf Building Adjacent Wharf House Main Street Hickling Nottinghamshire.

Updates

Representation from a member of the public in support of the application, three objections by a member of the public and one general comment by the member of the public were received after the agenda was published and were circulated to the committee before the meeting.

In accordance with the Council's Public Speaking Protocol Mr Neil Clarke (objector) and Councillor Tina Combellack (ward councillor) addressed the committee.

Comments

Members of the committee raised concerns over increased harm to the environment, the detrimental effect to the village scene and inadequate parking if the planning application was granted. Members also considered that the proposal would have an adverse impact on the setting of the adjacent listed building and the character and appearance of the conservation area.

DECISION

PLANNING PERMISSION BE REFUSED FOR THE FOLLOWING REASONS.

1. The Grantham Canal and Hickling Basin are Designated as a Local wildlife Site and the proposal, by reason of the nature of the development and increased activity associated with the intended commercial use of the basin, would have an unacceptable and adverse impact on the biodiversity, wildlife and habitats within and around the Hickling Basin, contrary to Policy 17 (Biodiversity) of the Rushcliffe Local Plan Part 1: Core Strategy.
2. The proposal would impact on the open character of the basin, by reason of the introduction of structures on the open water, thereby detracting from the character and amenities of the area. In addition, the activity associated with the commercial use of the boats, particularly the holiday accommodation, would be likely to generate increased noise and disturbance to the detriment of the amenities of the area and nearby residential properties. Therefore, the proposal would be contrary to Policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan and Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy.
3. The proposal makes insufficient provision for parking of vehicles, which is likely to result in the displacement of vehicles and increased pressure for on street parking, exacerbating the existing parking congestion along Main Street, to the detriment of the free flow of traffic on the public highway and highway safety. The proposal is therefore contrary to Policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan.
4. The permanent mooring of narrow boats and a wide beam boat on the basin for commercial purposes would introduce clutter into otherwise open water and would interrupt panoramic views across the basin, identified in the Hickling Conservation Area Townscape Appraisal, to the detriment of the character and appearance of the area. In addition, the activity associated with the boats, particularly the holiday accommodation would be likely to cause noise and disturbance to an otherwise tranquil area, which is considered to form part of the character of this part of the Conservation Area. The proposal would therefore cause harm to the character and appearance of the area and would fail to preserve or enhance the character and appearance of this part of the Conservation Area, and would not achieve the objective described as

desirable in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. It is not considered that any public benefits have been identified that outweigh this harm and the proposal is contrary to Chapter 16 - Conserving and enhancing the historic environment of the National Planning Policy Framework. The proposal is also contrary to Policy EN2 (Conservation Areas) of the Rushcliffe Borough Non-Statutory Replacement Local Plan and Policy 11 (Historic Environment) if the Rushcliffe Local Plan Part 1: Core Strategy.

5. The Hickling basin forms an important element of the setting to the adjacent canal warehouse, a Grade II listed building, and the permanent mooring of narrow boats and a wide beam boat on the basin for commercial purposes would introduce clutter into otherwise open water, adversely affecting the setting of the listed building. The proposal would therefore cause harm to and fail to preserve the setting of the listed building, and would not achieve the objective described as desirable in Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. It is not considered that any public benefits have been identified that outweigh this harm and the proposal is contrary to Chapter 16 - Conserving and enhancing the historic environment of the National Planning Policy Framework. The proposal is also contrary to Policy EN2 (Conservation Areas) of the Rushcliffe Borough Non-Statutory Replacement Local Plan and Policy 11 (Historic Environment) if the Rushcliffe Local Plan Part 1: Core Strategy.

19/00914/COU – Construction of serving kiosk - The Unicorns Head Main Street Langar Nottinghamshire NG13 9HE.

Updates

No updates were reported.

In accordance with the Council's Public Speaking Protocol Councillor Tina Combellack (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 kiosk building shall only be used in connection with events occurring within the grounds of the Public House on occasions covered by a temporary events licence.

[To accord with the submitted Design and Access Statement and to limit use of the building and potential intensification of use of outdoor spaces 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 Local Plan Part 1: Core Strategy].

2. The kiosk shall be open for the service of customers on such occasions only between midday and 9pm.

[To accord with the submitted Design and Access Statement and Noise Management Plan and to limit use of the building and potential intensification of use of outdoor spaces in the evenings 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 Local Plan Part 1: Core Strategy].

3. When in operation events involving the use of the kiosk shall be subject to monitoring and control as outlined in the submitted noise management plan.

[To ensure that the appropriate monitoring and management of the use of external spaces and the approved kiosk is implemented to avoid exacerbating noise impacts upon neighboring property 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 Local Plan Part 1: Core Strategy].

Councillor Beardsall left the meeting at this point.

19/00217/FUL – Change of use of treatment/consulting rooms to retail, extension to shop front, partial demolition of boundary wall - 21 Gordon Road West Bridgford Nottinghamshire NG2 5LL

Councillor Jenny Murray as Ward Councillor for the application withdrew from the committee at this point.

Updates

Representation from Nottinghamshire County Council as Highway authority and from the neighbour at 32 Gordon Road were received after the agenda was published and were circulated to the committee before the meeting.

In accordance with the Council's Public Speaking Protocol Robert Jachacz (objector) 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 plan(s) received on 25 June 2019.

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

Local Plan].

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

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

4. The premises shall only be used for the use hereby permitted between the hours of Monday - Friday 0800 - 1800 hours, Saturday 0900 - 1700 hours, Sunday / Bank Holidays - no work activity.

[To protect the amenities of neighbouring residential properties and to comply with policies GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

5. Delivery and waste collection times shall be restricted to the following times:-

Monday-Friday 0700 1800 hours
Saturday 0800 1700 hours
Sunday/Bank Holidays No deliveries or waste collection

[In order to cause the minimum amount of disturbance to residents and to comply with Policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan]

6. No development shall commence until the off-site traffic management works comprising of the relocation of an advisory 20mph speed limit road sign on Blake Road is provided in accordance with details to be first submitted to and approved in writing by the Borough Council.

[To enable unobstructed access to the site over the extended dropped kerb access and to prevent the sign to be damaged and to comply with Policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan]

7. There shall be no vehicular access on to the site from Gordon Road and, prior to the use hereby approved commencing, a suitable form of barrier shall be provided across the site frontage and thereafter retained for the life of the development. Details of which shall be submitted to and approved in writing by the Borough Council.

[To prevent unsafe and inappropriate vehicular access in this location and in the interest of highway and pedestrian safety and to comply with Policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan]

8. No part of the development hereby permitted shall be brought into use until pedestrian visibility splays of 1.0 meters x 1.0 meters are provided on each side of the vehicle access. These measurements are taken

from and along the highway boundary. The area of land within these splays shall be maintained free from all obstruction over 0.6 meters above the carriageway level at all times.

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

Notes to Applicant

The development makes it necessary to amend a vehicular access over a verge of the public highway and relocate an existing highway sign. These works shall be constructed to the satisfaction of the Highway Authority. You are therefore required to contact the County Council's Highway Management Section (South) on 0300 500 8080 to arrange for these works to be carried out.

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.

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.

Councillor Jenny Murray re-joined the committee at this point.

54 Planning Appeals

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

The meeting closed at 10.34 pm.

CHAIRMAN



Planning Committee

15 August 2019

Planning Applications

Report of the Executive Manager - Communities

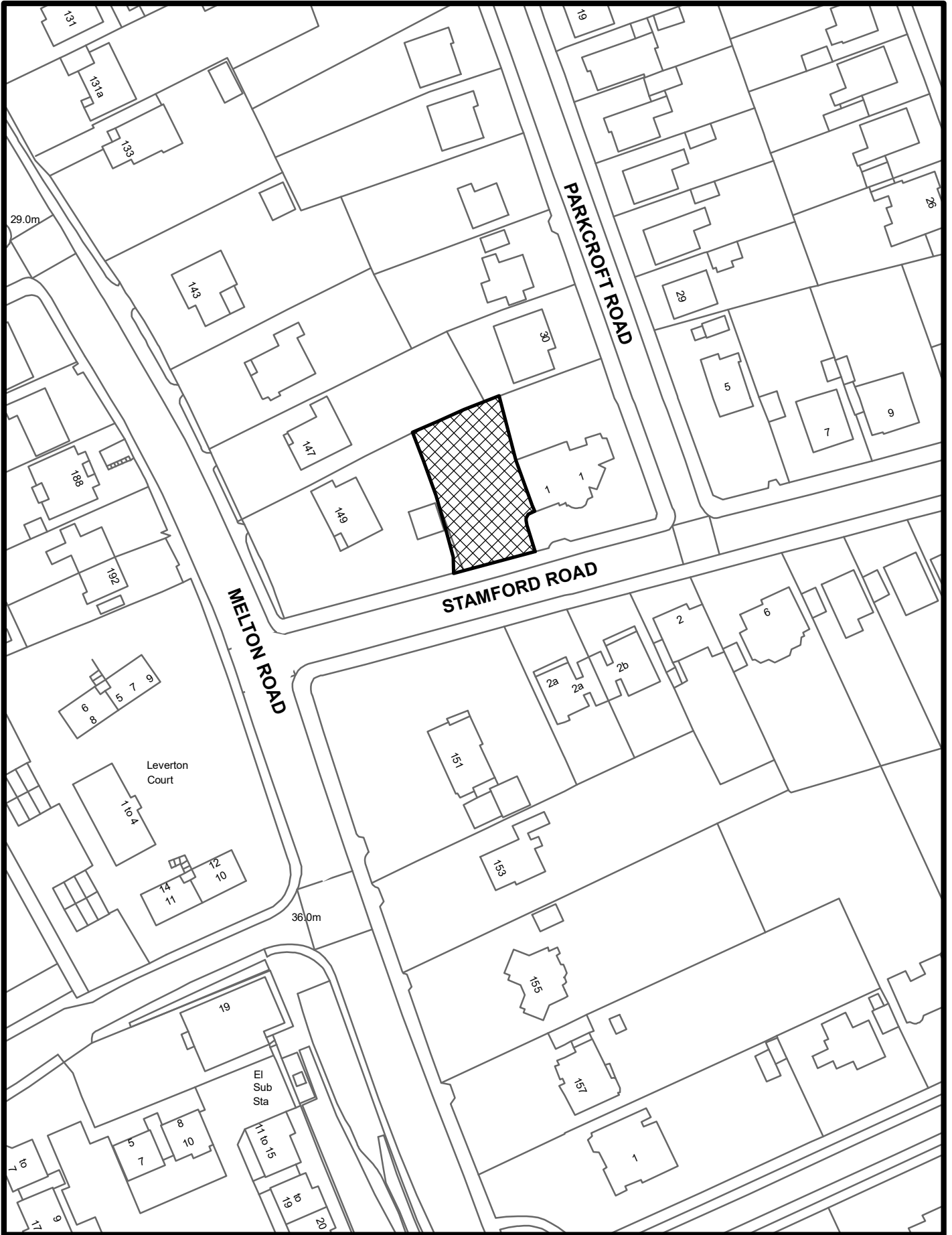
PLEASE NOTE:

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
19/01229/FUL	1 Stamford Road, West Bridgford, Nottinghamshire Erection of one detached dwelling (revised proposal part retrospective).	27 - 44
Ward	Abbey	
Recommendation	Planning Permission be granted subject to conditions.	
<hr/>		
19/01374/FUL	The Old School House, Station Road, Widmerpool Nottinghamshire Construction of a new dwelling in the grounds of the Old School House (resubmission).	45 - 56
Ward	Keyworth and Wolds	
Recommendation	Planning Permission be refused.	
<hr/>		
19/00731/FUL	The Stables Hall Farm, Chapel Lane, Granby, Nottinghamshire Removal of entrance door and addition of entrance lobby and detached kitchen extension.	57 - 66
Ward	Thoroton	
Recommendation	Planning Permission be refused.	



Application Number: 19/01229/FUL
1 Stamford Road, West Bridgford

scale 1:1000



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Applicant Mr & Mrs Singh

Location 1 Stamford Road West Bridgford Nottinghamshire NG2 6GA

Proposal Erection of one detached dwelling (revised proposal - part retrospective).

Ward Abbey

THE SITE AND SURROUNDINGS

1. No. 1 Stamford Road lies to the immediate east of the application site. It is a large detached house with red plain tile roof and mock Tudor detailing having bay windows. This property is larger than average within the street. There is an existing vehicular access to the house to the east of the application site, which serves the existing house and integral garage, Bulwell stone walls define the boundaries adjacent to the highway.
2. The application site comprises part of the garden area of 1 Stamford Road. There is a partially constructed dwelling on site, which has risen to first floor/eaves level and is surrounded by scaffolding. There are two mature trees within the application site next to the boundary with Stamford Road. A temporary construction site gate has been created within the Bulwell stone wall on Stamford Road. Temporary fencing and a pedestrian access gate delineates the boundary at the rear of the site with No.1. The partially constructed structure is the subject of an Enforcement Notice.
3. To the north, the site adjoins the side boundary of the rear gardens of No.s 30 Parkcroft Road and 147 Melton Road. No 30 Parkcroft is a two storey dwelling having a conservatory to the rear. No 147 is a two storey brick and part rendered dwelling with plain tile roof. These properties are located at a lower level to the application site. Mature vegetation currently exists within the application site, adjacent to the boundary fence with these properties. There is also a 1.8m high boundary fence.
4. The neighbouring property to the west of the application site fronts onto Melton Road (149 Melton Road), its rear garden abuts the side boundary of the application site. Immediately adjacent to the site boundary is a detached garage and a single storey extension of the house. The main part of this property is two storey being mainly finished in white render and having a number of windows facing the application site. Fencing forms the boundary between this neighbouring property and the application site.
5. Opposite the application site are two storey, partly rendered, properties 2a and 2b Stamford Road. Both properties are in an elevated position in relation to Stamford Road and the application site, and they both have front first floor balconies.

DETAILS OF THE PROPOSAL

6. As the development which has been commenced on site does not comply with the planning permission (ref: 15/00389/FUL) for a dwelling previously granted, the permission has not been implemented and has now expired. The partially constructed structure does not have the benefit of planning permission and is therefore wholly unauthorised and the subject of an Enforcement Notice.
7. The current application is for the erection of one detached dwelling. It is proposed to have habitable and storage accommodation within a basement, accommodation over two floors and habitable accommodation within the roofspace served by rooflights to the rear and rooflights and a dormer on the front elevation. Parking provision for two cars is indicated to the front of the property.
8. The proposal seeks to regularise, in part, some of the structure that is currently present on site. The changes are proposed in an attempt to address the refusal reasons of planning application 18/01188/FUL for one detached dwelling (revised proposal) which was submitted to seek to retain the structure as was being built and was refused (see details in planning history section of the report).
9. As a result, the submission now under consideration illustrates how the existing structure is proposed to be altered. It is proposed to lower the wall heights and the respective first floor window levels. The floor level of the single storey rear element is indicated as being lowered by 800mm and a monopitch roof is proposed in lieu of the existing flat roof area of the single storey element.
10. The submitted plans also show the proposed overall ridge and eaves height in relation to the dwelling that was approved under reference 15/00389/FUL. In this regard it would be 10.250m and 5.9m compared to the respective 10.5m and 7m previously approved.
11. During the course of the application, additional information was provided in respect of a schedule of works to indicate how the changes to the existing structure would be achieved and the order that they would be sequenced. Revised plans were also submitted illustrating an increase in the eave height of the rear rooflights to 1.7m measured from the floor level and changes to the parking area.

SITE HISTORY

12. Permission was granted for a detached garage at 1 Stamford Road (94/00206/FUL).
13. 15/00389/FUL - Construct one dwelling. Approved on the 22 April 2015.
14. 18/01188/FUL - Erection of one detached dwelling (revised proposal - part retrospective). Refused on the 18 January 2019 for the following reasons:
 - 1) The proposed development, by reason of its raised floor level resulting from inclusion of basements would result in overlooking of neighbouring residential properties from both ground and first floor levels, in particular 147 Melton Road. In addition, as a result of the raised floor levels the

resultant height of the proposed single storey projection from the rear elevation would result in an unacceptable overbearing impact on 149 Melton Road. Overall, the proposal would result in a significant adverse impact on the residential amenities of neighbouring properties and would, therefore, be contrary to Policy GP2 Design and Amenity of the Rushcliffe Borough Non-Statutory Replacement Local Plan and Policy 10 (Design and Enhancing Local Identity) of The Rushcliffe Local Plan Part 1: Core Strategy.

- 2) The proposed dwelling, by virtue of its scale, height, massing and proximity to 1 Stamford Road would result in an incongruous appearance in the streetscene that would constitute poor design. The decision to refuse planning permission would therefore be in accordance with Paragraph 130 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 ...”

15. An Enforcement Notice (18/00048/PLANS) was issued on the 15 February 2019. This took effect on the 18 March and requires certain actions to take place with a 6 or 8 month compliance period from the date of the notice. The reasons given for issuing the Enforcement Notice were based on the refusal reasons for planning permission 18/01188/FUL as quoted above. It was considered that planning permission should not be given because conditions could not overcome the problems.

REPRESENTATIONS

Ward Councillor(s)

16. One Ward Councillor (Cllr Gowland) commented *“Urban infill is good in principle but I would like to see a larger plan showing the size in relation to the neighbours, particularly since this area is on a hill. Will the two resulting houses have suitably sized gardens around them, and is there sufficient drainage. Are any trees or hedgerows being lost? Will the new house be environmentally friendly and future proof? Will it have electric car charging points, grey water conservation methods, excellent levels of insulation and ideally sustainable energy generation methods?”*
17. *“On the form it says there are no trees or hedgerows on the development site. Should one or more of the trees have a TPO put on them: or should other forms of mitigation be proposed? This end of Stamford road is very green and wooded with old trees.”*
18. *“This is a large house which is very close to the house on Melton Road in terms of light.”*
19. *“With the information I currently have available to me I have to I object on the basis of the security of the trees and apparent scale of the development relative to the size of the plot and proximity of other properties.”*
20. One Ward Councillor (Brian Buschman) does not object.

Statutory and Other Consultees

21. Nottinghamshire County Council as Highway Authority has not objected to the application subject to conditions. The officer does not object to the revised parking layout.
22. The Landscape Officer does not object to the revised parking layout. *“Given that the site access has been created and the ground here is already compacted and I think some form of concrete surface has been put down, I would suggest the layout is acceptable, I would still be looking for the construction to take into account the tree roots with a no-dig or reduced dig construction, but this should be achievable ... I’m open to the eastern tree being sacrificed if it would help.”* In relation to an assessment of the suitability of the trees being protected under a TPO, he has advised that the eastern tree has suffered damage from fire and disease.

Local Residents and the General Public

23. 7 representations have been received raising the following matters:
 - a. This project was started about 18 months ago and seemed to draw to a halt well over a year ago.
 - b. The situation seems ridiculous.
 - c. At the moment the unfinished house is an eye sore and must have caused the family a lot of unnecessary stress.
 - d. Hope the relevant permissions can be granted so the house can be finished and allow a family to live there.
 - e. The previous proposal was refused despite considerable building work having been undertaken and the remaining structure is an eyesore. Agree with the comments made by neighbours that led to the formal refusal. Comments made by Cllr P Gowland on the new proposal also supported.
 - f. Permission was refused on the previous proposal because:"- Overall the proposal would result in a significant adverse impact on the residential amenities of neighbouring properties and would therefore be contrary to Policy-". "-The proposed dwelling, by virtue of its scale, height, massing and proximity to 1 Stamford Road would result in an incongruous appearance in the street scene that would constitute poor design-". Although the height has been marginally reduced, proposal still involves a large 3 storey building crammed into an inappropriate small space with increased size windows and a large basement.
 - g. 1 Stamford Road stands over an underground river and a basement that had to be pumped of water from time to time.
 - h. The revised plan does not address the problems with the building in regard to height and width. It does not fit comfortably in the street environment. The scale is wrong and it is too close to 1 Stamford Road.

- i. The best way forward would be to demolish the present building.
- j. The area of this building's footprint is approximately 156 square metres. This is an increase of about 37% over the original approved plans.
- k. The 1st floor landing window in the North wall is too large and positioned too close to the west wall enabling greater overlooking of neighbouring property.
- l. The unapproved building has been built over 1 metre diagonally closer to neighbouring property than the original approved plans and this is regarded as being detrimental in terms of overlooking and access to an unobstructed view of the sky.
- m. The proposed changes appear to have addressed the issues regarding the overlooking from the ground floor level and to some extent the raised roof line, but the proximity of the unapproved building still gives feeling of an overbearing structure.
- n. Detrimental impact upon residential amenities contrary to Policy GP2 of the Rushcliffe Borough Non-Statutory Replacement Local Plan. It does not respect local context and street pattern or the scale and proportions of surrounding buildings and would be entirely out of the character of the area, to the detriment of the local environment. The proposal would demonstrably harm the amenities enjoyed by close residents, in particular safe and available on-road parking, valuable green space, privacy and the right to enjoy a quiet and safe residential environment.
- o. Need to avoid town cramming. The proposed dwelling would significantly alter the fabric of the area and amount to serious 'cramming' in what is a low-density road. The nature and orientation of the plot means that the garden would be very small for a three-storey dwelling, particularly compared with the large plots typically enjoyed by the surrounding properties. The proposal allows very little space for landscaping at the rear as a large proportion is covered with overgrown and unmanaged bushes and trees, which, if removed would exacerbate the existing overlooking problems. The proposed development would not result in a benefit in environmental and landscape terms, to the contrary it would lead to the loss of valuable green space.
- p. Protection of valuable open space - concerns about the adverse effect that the proposed development would have on the two remaining trees. The trees are very close to the front of the proposed dwelling and are likely to foul the building, and constant subsequent pruning of the tree would be required. The potential damage heavy excavation equipment and the extent of excavation for the development has had on the root system of the trees. The effect that the roots could have on the foundations.
- q. Ground stability and drainage. Concerns are raised about the impact the proposed works could have on the stability of neighbouring property in terms of drainage as well as ground stability. Concerned about how the existing excavation might eventually affect surrounding properties as

there does not appear to have been a proper assessment of the geological impact such a large development, together with its equally large basement, would have on the immediate surrounding area regarding stability or drainage.

- r. Loss of privacy and overlooking. The development is contrary to GP2 - The design of the proposed development does not afford adequate privacy for the occupants of the building or of adjacent residential properties, particularly with regard to their right to the quiet enjoyment of garden amenities.
- s. Overlooking of neighbouring residential properties on 147 to 149 Melton Road and 30 Parkcroft Road. The five upper storey windows and the three roof windows which, because of the height of the development and proximity to the surrounding properties, will have a direct view into the rear windows and gardens of these properties, all of whom have enjoyed an acceptable level of privacy for at least the last 50 years. The Human Rights Act in particular Protocol 1, Article 1 states that a person has the right to peaceful enjoyment of all their possessions which includes the home and other land. It is believed that the proposed development would have a dominating impact on neighbours and their right to the quiet enjoyment of their property. Article 8 of the Human Rights Act states that a person has the substantive right to respect for their private and family life. In the case of *Britton vs SOS* the courts reappraised the purpose of the law and concluded that the protection of the countryside falls within the interests of Article 8. Private and family life therefore encompasses not only the home but also the surroundings.
- t. Inadequate parking and access. Since 2015 there have been considerable changes to road conditions experienced on Melton Road and Stamford Road; the introduction of "no parking" on Melton Road; increase of motorists using that end of Stamford Road (and Parkcroft Road) for long-term parking which present a serious threat to highway safety and damages residential amenity. The plot size and orientation will not easily accommodate a four-car layout. Adverse effect on safety when vehicles attempt to manoeuvre in and out of these spaces on the development. Proposed application to create another entrance to 151 Melton Road on Stamford Road is approved.
- u. Non-compliance with Government guidance.
- v. Should the application be approved, the Council should consider using its powers to enforce controlled hours of operation and other restrictions that might make the duration of the works more bearable. The proposed site of development is very small and contained, with very limited road frontage, consideration should be made about how and where construction vehicles and staff would gain access to the site for unloading and parking without causing a highway hazard or inconveniencing neighbours.
- w. Whilst the revised proposals for the reduction in the floor level of the extension at the back of the house to match existing ground levels and the inclusion of an elevated roof above, as opposed to a flat roof on which an extension upwards could be undertaken, goes a long way to

responding to previous objections, remain concerned that the doubling of the size of the basement and its potential effect on the water table has not been addressed. This aspect needs to be investigated and confirmed as not being a danger to the fabric of the new property or adjacent properties.

- x. There is no evidence of any assessment of impact of ground water routing from this higher elevation property to the lower elevation properties on Parkcroft or Melton Roads. This change in ground conditions may well have a material impact upon the foundations of nearby properties through either drying out or enhancing the moisture content of the clays which would lead to sinking or heave of the clays and cause structural damage; and changes in moisture levels in nearby gardens leading to drying out of vegetation or indeed flooding.
- y. The size of the property proposed is too big for the plot of land and as a three-storey property would be over-bearing on surrounding neighbours.
- z. Although the plans show room for two parking spaces, the actual size of the trees make this unlikely. It is believe the space is so compromised that any vehicles exiting the property would have to reverse off with no visibility splay given the height of the front wall thereby posing a risk to pedestrian safety on the pathway outside.
- aa. The basement rooms now have no natural light – questioned how this works from building regulations.
- bb. It is entirely evident that there was never any intention of following the original plans from the start. The current plans for this application do, at last, reflect what has now been part built but will trees be damaged/removed during the build process? Will window lights be added to the basement? What else will be added without following due process? Others in the area when undertaking building works have adhered to planning approval and strict directive from RBC

PLANNING POLICY

- 24. The Rushcliffe Development Plan consists of the Rushcliffe Borough Council Local Plan Part 1: Core Strategy, adopted on 22 December 2014, and the 5 saved policies of the Rushcliffe Borough Local Plan 1996. Further to the Core Strategy and Local Plan, the proposal falls to be considered under the National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG). In addition, whilst not a statutory document, the policies contained within the Rushcliffe Borough Non-Statutory Replacement Local Plan should be given weight as a material consideration in decision making where they remain in accordance with national and local policies.

Relevant National Planning Policies and Guidance

- 25. The relevant national policy considerations for this proposal are those contained within the National Planning Policy Framework (NPPF)(amended 2019) and the proposal should be considered within the context of a presumption in favour of sustainable development as a core principle of the

NPPF. The proposal should be considered under section 10 of the NPPF in terms of promoting good design, particularly the criteria outlined in paragraph 127 of the NPPF. Development should function well and add to the overall quality of the area, not just in the short term but over the lifetime of the development. In line with NPPF paragraph 130, permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Relevant Local Planning Policies and Guidance

26. Under Core Strategy Policy 1, a positive and proactive approach to planning decision making should be taken that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. The proposal should be considered under Core Strategy Policy 10 (Design and Enhancing Local Identity). Development should make a positive contribution to the public realm and sense of place, and should have regard to the local context and reinforce local characteristics. Development should be assessed in terms of the criteria listed under section 2 of Policy 10, and of particular relevance to this application are 2(b) whereby 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. There are no other Core Strategy policies of relevance to this application and none of the five saved 1996 Local Plan policies apply.
27. Whilst not a statutory document, the policies contained within the Rushcliffe Borough Non-Statutory Replacement Local Plan should be given weight as a material consideration in decision making. The proposal falls to be considered under the criteria of Policy GP2 (Design and Amenity Criteria) of the Rushcliffe Non-Statutory Replacement Local Plan. Of particular relevance is GP2 section d, whereby development should not have an overbearing impact on neighbouring properties, nor lead to a loss of amenity. The scale, density, height, massing, design and layout of the proposal all need to be carefully considered, and should not lead to an over-intensive form of development.
28. The Rushcliffe Residential Design Guide: In suburban areas to the south and south west of West Bridgford new residential development will be likely to consist of some higher density detached houses with gardens. Infill development, the “grain” of any new development must relate to the existing context.
29. In the context of plot arrangement, the following should be considered and given careful treatment:
 - The depth of setback
 - The plan form of the dwelling
 - Orientation to the street
 - Size of rear garden
 - Dwelling type, its scale, height and mass
 - Attached garages or outbuildings
30. The scale and massing of a new building should be considered in relation to its context. The design should create appropriate and positive relationships between buildings, the street and the spaces round them. It should consider

and respect the nature of the spaces being overlooked. The proportions of the spaces between the buildings are as important, if not more important, as the buildings themselves.

31. Private areas should not be excessively overlooked from either public areas or adjoining properties. Developers will be required to demonstrate how they have achieved privacy for existing and new residents, amenity for occupiers of new dwellings and other design objectives set out in this guide if adequate separation distances are not met.
32. Defining privacy need in terms of the “habitable” status of rooms is a partly subjective. There is generally less concern where first floor or second floor bedroom windows overlook private spaces. Obscure glazing will be discouraged where there is considered to be over-reliance on this method for achieving privacy.
33. It has been previously accepted that there should be rear gardens of a depth of 10m to the boundary and garden sizes of 110sqm for detached properties. Where guidelines are not met developers are to demonstrate why smaller gardens are acceptable. Gardens smaller than the footprint of the dwelling are unlikely to be acceptable. Larger sizes will be necessary where gardens are overshadowed, overlooked, or include significant changes in level.
34. All buildings and the spaces around them should receive good natural daylight as well as adequate sunlight throughout the year.
35. Infill development should respect the existing massing, building form and heights within their immediate locality. Front and rear building lines should be continued where these are well established and clearly defined as part of the settlement pattern. The side spacing to neighbouring properties should be maintained where a consistent and regular arrangement already exists. Overshadowing or overlooking of both new and existing dwellings should be avoided or minimised through careful attention to design.

APPRAISAL

Principle of development

36. Notwithstanding the structure that has been partially erected and the Enforcement position in this regard, the Committee is obliged to consider the proposal for which planning permission is now sought.
37. 1 Stamford Road is a substantial and attractive property within the streetscene that was once set within large grounds. Historically the grounds extended and included the land on which 30 Parkcroft is located. The principle of building a further detached dwelling to the west of the property was fully considered and established in the granting of planning permission 15/00389/FUL, where it was determined that the development of the garden area would not detract from the visual amenities of the area.
38. The site lies within an existing residential area and a sustainable location, the residential development of the site would not extend the built edge of the settlement and, therefore, the principle of residential development is

considered to be appropriate at this location, subject to other material planning considerations.

Impact on Streetscene

39. This part of Stamford Road has a variety of house types and designs. The proposed design is a substantial detached property, which would have hipped roof features that is prevalent in the area. It would have an eaves line that would be just lower than 1 Stamford Road and the adjacent property at 149 Melton Road. The ridge height would be marginally higher than the highest ridgeline of 1 Stamford Road. The materials would pick up elements from the vicinity with smooth render and rosemary clay plain tiles but also add timber cladding elements.
40. The proposed dwelling would be on a similar building line at the front to that of No. 1. There would be a distance of 7.1m from this elevation to the front boundary wall (excluding the bays).
41. This stretch of Stamford Road comprises significant boundary walls, trees and the two properties that sit either side of the application site. 149 Melton Road has a number of rear windows facing the site in the main part of the dwelling and a single storey projection that terminates approximately 1m from the boundary. This property has a double garage adjacent the site having vehicular access from Stamford Road. There is a fence boundary with this property.
42. 1 Stamford Road is two storey and would be 1.4m from the proposed property. Opposite the site are two storey partially rendered dwellings with integral garages that are located on a higher level to the application site. They would be around 30m from the front elevation.
43. In terms of the design, appearance and materials proposed, it is considered that the proposal is acceptable. It is considered that, on balance, taking into account the variety of properties, designs, massing and materials in the locality that the proposed dwelling would not be out of character with the street scene at this part of Stamford Road.

Amenity

44. The site is located at a lower ground level to the two storey properties opposite on Stamford Road. The site is located on a slightly higher ground level to the immediately adjacent properties on Parkcroft and 149 Melton Road. As these roads fall away from the site the land level difference increases as you travel further away.
45. The two storey element of the building (with accommodation in the roof space) would be largely in line with the rear of 1 Stamford Road and the front elevation of the garage associated with 149 Melton Road. The single storey rear element that spans the full width of the property would project out in line with the rear of the single storey projection of number 149 Melton Road.
46. It is considered that, by virtue of the distances involved, undue overlooking would not arise between the properties opposite the site to the front. In respect of 1 Stamford Road and 149 Melton Road, it is considered that the proposal has been designed so as not to have a significant adverse impact on these

properties and direct overlooking would not arise. In respect of the relationship with 147 Melton Road, and to some extent 30 Parkcroft, due to the level changes between the site and these properties and the location of the property, some overlooking would result to their rear garden areas. A condition is recommended that requires obscure glazing to the first floor en-suite, bathroom and landing areas. A condition is also recommended to ensure that the rooflights are a minimum of 1.7m from the floor level of the room they serve and that permitted development rights be removed in respect to dormer windows, extensions and alterations, including additional windows.

47. Notwithstanding the structure that is present on site, the proposal indicates a development that, subject to reasonable conditions, would not result in significant or unacceptable overlooking of the adjacent properties.
48. Whilst it is appreciated that the location of a dwelling on the site would be visible from the adjacent properties and their gardens it is considered that, due to the distances involved and its location, the resulting dwelling would be unlikely to have a significant impact on the neighbouring properties to the north, east, south or west in terms of overshadowing or overbearing impacts. The rear windows of 149 Melton Road face directly towards the rear garden of the proposal rather than dwelling itself. Whilst there will be oblique views, these would be partially screened by the existing garage building belonging to No. 149.

Amenity/Garden Area

49. There are a variety of garden sizes in the vicinity. The proposed dwelling would have a garden of 157 sq.m (10m deep x 15.7m wide). Whilst not being the norm in the vicinity, this would be of a similar size to the garden area associated with number 30 Parkland and also the resulting garden area of the 1 Stamford Road. The area of garden is similar in size to that of the previously approved development on the site – ref: 15/00389/FUL.
50. It is considered that the garden area would be a sufficient size for the property. Whilst it is noted that there are currently mature bushes within this area, that offer some screening from the development, this could be removed at any time. It is, therefore considered appropriate to require both a boundary fencing scheme and landscaping scheme by way of condition.

Parking

51. Revised plans were provided during the assessment of the planning application, changing the layout of the parking area to reduce the impact on the trees at the front of the site. The details of construction, to ensure that it drains to prevent surface water run-off, is the subject of a recommended condition. In addition, details of a no-dig or reduced dig method of construction will be required to ensure the aforementioned trees are not damaged during construction or by the hardstanding proposed to be laid.

Trees

52. There are two existing mature trees either side of the proposed access point. The trees have been considered for protection under a Tree preservation Order. Only the tree to the left of the site is considered of a condition suitable

for such an order. A condition is recommended to afford protection to both trees during the implementation of the permission.

Human Rights/ Right to light

53. The Human Rights Act incorporated provisions of the European Convention on Human Rights (ECHR) into UK law. The specific Articles of the ECHR relevant to planning include Article 6 (Right to a fair and public trial within a reasonable time), Article 8 (Right to respect for private and family life, home and correspondence), Article 14 (Prohibition of discrimination) and Article 1 of Protocol 1 (Right to peaceful enjoyment of possessions and protection of property).
54. Objections to planning applications about loss of sun and daylight, privacy, noise, disturbance and smells fall under the protection of article 8 and article 1 of protocol 1 of the European Convention on Human Rights (ECHR). The rights of the objectors has to be balanced with the rights of the developer.
55. The consideration of the application has had regard to the interest of the wider community. The effects of the proposal on individuals have been weighed against the wider public interest in determining whether development should be allowed to proceed.
56. A right to light is a civil matter and is separate from daylight and sunlight as considered by Local Planning Authorities in assessing an application and the impact of development on the amenities of the neighbouring properties.

Building regulations

57. Planning legislation is different from building regulations legislation. Building Regulations set standards for the construction and integrity of buildings to ensure the health and safety for people in or about those buildings. Planning considers the use of land and buildings, the appearance of buildings, landscaping considerations, highway access and the impact that the development will have on the general environment. It is for the Building Control process to consider matters such as those raised by the adjacent occupiers regarding the basement and drainage and not the planning system.

Enforcement Notice

58. If permission is granted for the current proposal, the existing enforcement notice would continue to be effective against the unauthorised structure. The implementation of the current proposal would necessitate changes to elements of the structure currently on site and a condition is recommended to ensure that the works identified in the schedule of works submitted in support of the application is undertaken in accordance with the specified sequence.

Conclusion

59. It is considered that, on balance, the proposal as submitted, and revised, is acceptable subject to the recommended conditions. It would not result in significant adverse or unacceptable impacts on the area or adjacent occupiers. The proposal would be served by a safe and suitable access and the important

trees would be adequately safeguarded. It is considered to be compliant with local planning policy and national guidance.

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

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): Block plan 3548 01A; Proposed Plan 03548 02C; Proposed Elevations 03548 03A; location plan 03548 05; Proposed Schedule of works by Alan Joyce Architects dated 24 July and Elevation Drawing showing the proposed elevations showing current construction 03548 04A all received 25 July 2019.

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

2. Other than work to be agreed with or required by the Borough Council, no further work shall be undertaken to the structure until such time that details of the facing and roofing materials to be used on all external elevations and roof have been submitted to and approved by the Borough Council. The development shall only be undertaken in accordance with the materials so approved and the building shall not be occupied until such time that the external finishes have been completed.

[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. No operations shall commence on site until the existing trees to the front of the site that 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.

[It is necessary to receive these details and ensure the trees are protected prior to any further works commence on site to ensure the roots, trunk and branches do not get damaged by machinery/storage of materials. To comply with policy EN13 (Landscaping Schemes) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

4. Prior to the access, driveway and parking being constructed, in accordance with the details on plan 3548 02C, details of the method of construction and

materials to be used (including details of provision to prevent the unregulated discharge of surface water from the driveway to the public highway) shall be submitted to and agreed in writing by the Borough Council. Prior to the house being occupied the driveway shall be constructed in accordance with the details as approved and shall be retained as such for the lifetime of the development.

[In the interests of highway safety and tree protection and in accordance with Policy GP2 (Design and Amenity) of the Rushcliffe Non-Statutory Replacement Local Plan 2006].

5. The driveway and access arrangements hereby approved shall not be commenced until details of the proposed construction method, which shall incorporate a 'no dig' or 'reduced dig' method, have been submitted to and approved in writing by the Local Planning Authority. The driveway and access shall then be carried out in accordance with the approved details.

[To ensure the protection of trees, which are to be retained in order to enhance the development and visual amenities of the area and to comply with policy GP1 viii (Delivering Sustainable Development) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

6. Details of all screen fencing/walling and means of enclosure to be erected on the site shall be submitted to and approved in writing by the Borough Council before the occupation of the dwelling hereby approved. The development shall not be brought into use until the approved screen fencing/walling and means of enclosure have been completed, and they shall be retained as such thereafter.

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

7. The window(s) in the first floor rear (north) elevation (serving the bathroom, ensuite and landing) of the dwelling hereby approved shall be permanently fixed shut and fitted with glass which has been rendered permanently obscured to Group 5 level of privacy or equivalent. Thereafter, the windows shall be retained to this specification for the life of the development.

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

8. Notwithstanding the provisions of Schedule 2, Part 1 Classes A - D of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) there shall be no enlargement or alteration of the proposed dwelling(s), and no insertion of any additional windows, doors or openings of any kind in any elevation at upper floor levels, or the roof of the approved development other than those shown on the approved plans.

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

9. The development shall be undertaken in accordance with the sequence of activities contained within the schedule of works produced by Alan Joyce Architects on the 24 July 2019 as illustrated on plan 0348 04 A. The dwelling shall not be occupied until such time that all of the works contained within the schedule have been completed.

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

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

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

11. The rooflights hereby approved on the rear roofslope shall be inserted so that the eave is a minimum 1.7m above the floor level of the room they serve.

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

Notes to Applicant

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

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

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

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

You are advised to contact Development Control at the Borough Council 14 days before you start work in order to ensure all the necessary conditions have been met.

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



Application Number: 19/01374/FUL
The Old School House, Keyworth Road, Widmerpool

scale 1:2500



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19/01374/FUL

Applicant Mr & Mrs Belton

Location The Old School House Station Road Widmerpool Nottinghamshire NG12 5PR

Proposal Construction of new dwelling in the grounds of the Old School House (resubmission).

Ward Keyworth And Wolds

THE SITE AND SURROUNDINGS

1. The application relates to a broadly triangular plot of land located immediately to the north of West View Cottage but falling within the ownership of The Old School House. The site is bounded on its western side by Keyworth Road. There is an existing gated access from the highway. The site abuts open countryside to the north east. The site comprises an area of grass enclosed by a hedgerow and post-and-rail fence with mature trees and hedgerow on the north east and western boundaries. The Old School House is a traditional two storey brick building with a pebbledash frontage. The adjoining dwelling at West View Cottage is a bungalow faced in render. The application site is elevated relative to this neighbouring dwelling. There is a ribbon of properties to the west, running along Old Hall Drive. The site is located approximately 125 metres north of the main village of Widmerpool.

DETAILS OF THE PROPOSAL

2. The application seeks full planning permission for the erection of a one-and-a-half storey detached 2 bedroom dwelling. This would be positioned 5 metres to the north of the boundary with the Old School House. The main dwelling would measure 10.5 metres in width and 5.6 metres in depth with a pitched roof measuring 3.65 metres to the eaves and 6.57 metres to the ridge. There would be a lower 2.1 metre wide projection to the northern elevation. The roof would feature front and rear dormers to serve the first floor accommodation. The dwelling would be faced in larch cladding with a clay pantile roof. The submitted planning statement notes that the dwelling would be an energy efficient timber frame building. Environmentally sustainable measures are proposed including solar panels for an electric car charging point, however the solar panels are not shown on the application plans.

SITE HISTORY

3. An outline application for the erection of a one-and-a-half storey detached house was refused in 2006 (planning reference 06/00763/OUT). The application considered siting and means of access only with all other matters reserved. A subsequent appeal was dismissed (appeal reference APP/P3040/A/06/2028827/WF). The Inspector contended that the site lies in an area of sporadic development beyond the settlement and in the countryside. They also considered that a dwelling in this location would be prominent in the landscape when travelling south along Keyworth Road.

4. 18/01494/FUL- New dwelling in the grounds of the Old School House. Refused in 2018. The application was refused on the basis that: It would sit outside of the village and would not constitute limited infill; the site is located in an isolated location in relation to local services and facilities; the site would be heavily car reliant; and the site would fall within a sporadic ribbon development outside of the main built-up area and would result in an encroachment of the open countryside.

REPRESENTATIONS

Ward Councillor(s)

5. One Ward Councillor (Cllr Edyvean) supports the application, commenting that it would enable an existing resident to remain in the village through the sympathetic development of the new dwelling, it also makes an existing house available to support the village population.

Town/Parish Council

6. The Widmerpool Parish Council does not have any objections to the application.

Statutory and Other Consultees

7. Nottinghamshire County Council as Highway Authority comment that the visibility at the access is considered sufficient for the speed at which vehicles pass by. They therefore do not wish to object subject to conditions requiring the drive to be surfaced in a bound material for 5 metres from the highway with provision to prevent the discharge of surface water onto the highway, along with the provision of a suitable vehicular crossing prior to the occupation of the dwelling.
8. The Conservation and Design Officer commented that the application is a resubmission of a previous refusal. He notes a lack of private amenity space associated with West View although this appears to be a historical situation rather than arising from the current proposal. The site is not in a conservation area and there are no listed buildings in the vicinity. The plans denote a rectangular area with a dashed line on the boundary with West View, it is unclear what this denotes. The form, scale and overall design of the proposed dwelling appears to be reasonable for the site and its setting. The proposed timber cladding would not reflect the architectural character of the village or surrounding area. The extensive use of timber cladding would not meet the objectives of Policy 10 of the Core Strategy in that it is alien to local identity. The limited use of timber cladding to highlight architectural features such as bays and porches may be considered suitable.

Local Residents and the General Public

9. Two written representations have been received on behalf of the neighbouring property, both neither objecting to or supporting the planning application. The comments are summarised as follows:

- a. The previous application was rejected, there appears to be no significant changes to the current application.
- b. Concerns regarding changes to water table due to the foundations of the building, along with run off from the buildings and drive, which could cause flooding and damp to West View Cottage.
- c. There is a steep bank between the application site and West View Cottage, which is at a lower level, concerns that this could collapse unless there is a barrier to stop heavy vehicles driving close to the bank. Vehicles should be prohibited for a reasonable distance from the boundary and a retaining wall should be provided by the applicant.
- d. The plans do not show the large store building to the rear of The Old School House which houses a tractor and trailer, these can only be accessed alongside the fence of West View.
- e. The previous issues have not been addressed.
- f. It is not a sustainable location, there is only a church and one bus a day.
- g. Confirmation is needed that West View will continue to enjoy the current right of access for maintenance etc.

PLANNING POLICY

- 10. The Development Plan for Rushcliffe consists of The Rushcliffe Local Plan Part 1: Core Strategy (referred to herein as 'core strategy') and the 5 saved policies of the Rushcliffe Borough Local Plan 1996.
- 11. The emerging Local Plan Part 2: Land and Planning Policies, which has been subject to public examination with hearings in November and December 2018, is also a material consideration. Paragraph 48 of the NPPF allows weight to be given to relevant policies in an emerging local plan. The extent of the weight that can be given to these policies is dependent on the stage of its preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies to the NPPF. The plan is currently still under examination but on 7 February 2019 the Inspector appointed to examine the plan wrote to the Council to advise that they thought the plan is likely to be capable of being found legally compliant and sound, subject to main modifications. It can, therefore be afforded some considerable weight subject to the relevant policies not being subject to modifications and providing the relevant policies not being in conflict with the NPPF.
- 12. Other material considerations include the National Planning Policy Framework (NPPF) (2019), the National Planning Practice Guidance (the Guidance), the Rushcliffe Borough Non Statutory Replacement Local Plan (NSRLP) (2006) and the Rushcliffe Residential Design Guide (2009).

Relevant National Planning Policies and Guidance

- 13. The relevant national policy considerations for this proposal are those contained within the National Planning Policy Framework (NPPF) and the proposal should be considered within the context of a presumption in favour of

sustainable development as a core principle of the NPPF. The proposal falls to be considered under section 12 of the NPPF (Achieving well-designed places) and it should be ensured that the development satisfies the criteria outlined under paragraph 127 of the NPPF. Development should function well and add to the overall quality of the area, not just in the short term but over the lifetime of the development. In line with paragraph 130 of the NPPF, permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Relevant Local Planning Policies and Guidance

14. The Core Strategy reinforces a positive and proactive approach to planning decision making that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. Policy 3 of the Core Strategy (Spatial Strategy) sets out the settlement hierarchy within Rushcliffe to accommodate sustainable development, which includes the main built up area of Nottingham and the key settlements identified for growth of Bingham, Cotgrave, East Leake, Keyworth, Radcliffe On Trent and Ruddington. Outside of these areas (excluding the former RAF Newton site), development shall be for local needs only. The explanatory text to Policy 3 sets out that housing for local needs "...will be delivered through small scale infill development or on exception sites."
15. Policy 8 of the Core Strategy (Housing Size, Mix and Choice) states that residential development should provide a mix of housing tenures, types and sizes. Paragraph 7 of this policy states that where there is robust evidence of local need, such as an up to date Housing Needs Survey, rural exception sites or sites allocated purely for affordable housing will be permitted within or adjacent to rural settlements.
16. The proposal falls to be considered under Core Strategy Policy 10 (Design and Enhancing Local Identity). Development should make a positive contribution to the public realm and sense of place, and should have regard to the local context and reinforce local characteristics. Development should be assessed in terms of the criteria listed under section 2 of Policy 10, and of particular relevance to this application are 2(b) whereby development should be assessed in terms of its impacts on neighbouring amenity; 2(f) in terms of its massing, scale and proportion; and 2(g) in terms of assessing the proposed materials, architectural style and detailing.
17. The Borough Council currently does not have a five year supply of deliverable housing sites and therefore to address this shortfall a limited number of additional housing sites may need to be identified within smaller 'Non- Key Settlements' as set out in paragraph 3.9 of the emerging Local Plan Part 2. Widmerpool is, however not identified as one of these additional settlements.
18. Policy 22 of the emerging Local Plan Part 2 considers land beyond the physical edge of settlements to be countryside which should be protected. Appropriate forms of development are set out under paragraph 2 of this policy. New dwellings are only considered appropriate in the form of rural workers dwellings, or exceptional sites for affordable houses. Paragraph 3.10 of Local Plan Part 2 reinforces that beyond the housing allocations in the plan, development to meet 'local needs' at 'other villages' will be limited to small

scale infill development, exception site development and allocations within Neighbourhood Plans. The paragraph goes on to describe small scale infilling as "... the development of small gaps within the existing built fabric of the village or previously developed sites ..."

19. Whilst not a statutory document, the policies contained within the Rushcliffe Borough Non-Statutory Replacement Local Plan (NSRLP) should be given weight as a material consideration in decision making. The proposal falls to be considered under the criteria of Policy GP2 (Design and Amenity Criteria) of the Rushcliffe NSRLP. GP2d sets out that development should not have an overbearing impact on neighbouring properties, nor lead to a loss of amenity. The scale, density, height, massing, design and layout of the proposal all need to be carefully considered, and should not lead to an over-intensive form of development. Also of relevance to this application are GP2a (amenity impacts of traffic generation), GP2b (suitable access and parking), GP2c (sufficient ancillary amenity and circulation space), and GP2g (impact on future occupiers from existing nearby uses).
20. The proposal also falls to be considered under policy HOU2 as an unallocated development. The size and location of the site should not detrimentally affect the character or pattern of the surrounding area, and the site should not make a contribution to the amenity of the surrounding area by virtue of its character or open nature. The site should be accessible by a range of services other than by private car. The proposal falls to be considered under EN19 and should ensure that in line with policy EN19a) *"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"*.
21. The Rushcliffe Residential Design Guide (2009) refers to previously established guidelines for rear garden sizes whereby detached dwellings should be served by rear gardens with a depth of 10 metres and an area of 110 sqm, or an area of 55 sqm for 1- 2 bed dwellings. Where these guideline are not met, developers should demonstrate why smaller gardens are acceptable.

APPRAISAL

22. The current application is a resubmission following the refusal of planning permission for a new dwelling in 2018 (planning reference 18/01494/FUL). The revised scheme proposes a 180 degree rotation of the dwelling, however the overall scheme remains identical to the previous submission in terms of its location within the site and design. The applicant has provided additional information to support the current application in the form of an addendum to the planning statement. The proposal includes environmentally sustainable features.
23. Fundamentally the application remains the same as the 2018 refused scheme and there has been no change to the surrounding context of the site in terms of new development or permissions in the intervening period from this application which affect the current submission. In terms of policy changes since the 2018 application, the emerging Local Plan Part 2 has progressed to examination stage but has not yet been adopted. In light of the advance stages of the LPP2, the policies within it are a material consideration in decision making.

24. Prior to the refusal in 2018, outline planning permission for a 1.5 storey house was refused in 2006 (06/00763/OUT) and the subsequent appeal was dismissed. The application was refused firstly on the basis that the site lies outside of the main built-up area of the village and to the east of a ribbon development in the vicinity of Fairham Brook, contrary to (now superseded) policy H2 of the 1996 Local Plan. In this respect, the Planning Inspector states in paragraph 3 of the appeal decision that: *“The appellant considers that the land is within the settlement. However, I agree with the Council that the site lies in an area of sporadic development beyond the settlement and in the countryside. It would therefore be contrary to criteria (h) of Policy H2 which seeks to prevent development in areas of sporadic development, ribbon development or in the countryside”*.
25. Policy 22 (Development within the open countryside) of the emerging LPP2 carries a presumption against new dwellings in the countryside with the exception of agricultural workers dwellings or rural exception sites, neither of which apply to the current application. Paragraph 6.11 of the LPP2 provides clarification on what comprises ‘countryside’. Development that extends beyond an identifiable settlement boundary, or clusters of buildings separated from the identifiable boundary of the settlement by more than a small scale infill plot are considered to be within the countryside for the purposes of this policy. The main settlement of Widmerpool is located on the south side of Fairham Brook, approximately 125 metres to the south of the application site. There is an intervening field separating the application site (along with The Old School House/ West View) from the main settlement. In considering the definition of ‘countryside’, it is apparent that the site falls outside of the main ‘settlement boundary’ of Widmerpool. The proposal dwelling does not fall within the appropriate forms of development set out under this policy.
26. The application is located between the juncture of Keyworth Road and Station Road, abutting open fields to the north east. A new dwelling would result in the northward extension of development beyond the existing built form. The emerging LPP2 helps to define the term ‘infill’ development, with paragraph 3.10 stating that; *“Small scale infilling is considered to be the 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.”* In this instance, there is no development beyond the site to the north or east, with more sporadic development to the west, and the proposal cannot be considered to constitute infill development.
27. The site falls outside of the Key Settlements identified for growth under Policy 3 of the Rushcliffe Local Plan Part 1: Core Strategy, and therefore development should be for local needs only. This is clarified through paragraph 3.3.17 which states that local needs will be delivered through small scale infill development or on exception sites. The plot is not previously developed land, the site is situated outside of the village and it would not represent a small scale infill plot. The site is located approximately 1.5 miles south of Keyworth which is allocated in the Core Strategy for minimum of 450 homes in or adjoining the settlement. This settlement is also a sustainable location with a range of shops/ services and a frequent bus service to Nottingham. Given the proximity of this key settlement for growth and the unmet housing allocation for this settlement, it is not considered that the shortfall of the Borough Council's 5 year housing supply should be used as justification for the development of the application

site which is not in a sustainable location for development. Future occupants of any such dwelling would be heavily reliant on travel by car to access basic services and facilities.

28. In light of the shortfall in the 5 year housing supply, the LPP2 makes provision for 'other settlements' in addition to the Key Settlements which may be capable of accommodating limited development. Widmerpool is not identified as one of these additional settlements. This reinforces the point that Widmerpool is not a sustainable location for development.
29. The applicant makes reference to an appeal decision on Old Hall Drive which contends that this area is not a sporadic ribbon development. A planning application for a new dwelling at Wildwood, Old Hall Drive (planning reference 11/01827/FUL). In the appeal decision, the Planning Inspector makes reference to a previous approval for a dwelling at The Old Coach house (planning ref: 09/01680/FUL) in which it was contended that the site did not fall within a sporadic ribbon development. It should be noted however that both The Old Coach house and Wildwood are part of a cluster of properties on the western end of Old Hall Drive. By contrast, there is a distinct ribbon of properties running eastward from Beechbrook to Tall Trees, the application site is located at the eastern end of this ribbon, on the opposite side of Widmerpool Lane.
30. As per the refused 2006 and 2018 applications, the proposal would result in the extension of an area of sporadic/ribbon development outside of the settlement, contrary to policy HOU2f) of the RNSRLP.
31. In considering the visual amenities of the area, the site is located on the northern approach into the village along Widmerpool Lane. Whilst the site benefits from a degree of tree screening along the highway frontage, the proposal would result in a prominent dwelling that would lead to a loss of the open character of the site and the erosion of the rural character of the immediate streetscene.
32. In this regard, attention is drawn to the second refusal reason from the 2006 application (06/00763/OUT), which relates to the impact of the development on the visual amenities of the area, particularly with respect to the loss of roadside hedgerow in order to provide a sufficient visibility splay. In this respect, the Inspector contended that even if the landscaping and boundary treatments were enhanced behind the visibility splay, the proposal would still extend the built-up area of the village contrary to Local Plan policies.
33. In considering the overall pattern of development, the ribbon of properties on Old Hall Drive are well-spaced detached dwellings in large plots. The proposed dwelling would result in a more intensive development that would appear at odds with the adjacent pattern of development.
34. The planning statement proposes a number of environmentally sustainable features such as solar panels feeding an electric car charging point. These details have not been provided on the application drawings and therefore cannot be given significant weight in considering application. Notwithstanding this matter, many of the measures proposed such as solar PV, ground heat source, and electric car charging points are fairly commonplace and it is not considered that such measures outweigh the policy objections to a dwelling in

this location. Furthermore, in considering paragraph 79 of the NPPF, it is not considered that the development would represent a 'design of exceptional quality' that would justify the construction of a dwelling in a location that is isolated from services and facilities.

35. The village is served by the 863 Nottsbus, which provides an hourly bus service, however the last bus is currently at 1446 hours on weekdays and therefore the site would be heavily car reliant. The village has limited services and there is no retail provision. This reinforces the unsustainable nature of the site for a new dwelling.
36. Matters of neighbouring amenity have been considered. It is noted that West View has little outdoor amenity space, however this is a historical feature not affected by the current application. The application site is elevated relative to this neighbour and therefore the potential impact of the development has been carefully considered. The proposed dwelling would be set back 5 metres from the boundary with West View Cottage and the closest point and approximately 6 metres from their garden. The proposed dwelling would be one-and-a-half storeys in height. Taking into account the set-back from the boundary with West View, it is not considered that there would be an overbearing impact on this neighbour.
37. In terms of highway matters, the visibility from the proposed vehicular access is considered to be commensurate to the average vehicle speeds on this stretch of the highway. NCC Highways have not requested any change to the current visibility splay or removal of hedgerow.
38. For the reasons set out above it is considered that the development does not accord with the general national and local planning policies considered above and accordingly it is recommended that planning permission is refused.
39. The application is a resubmission and the applicant was made aware of the policy objections and unacceptable impacts identified in the previously refused application. The applicant chose to resubmit the application without making sufficient amendments to the proposal to address the issues raised. In order to avoid further abortive costs to the applicant, no further negotiation has taken place and it is recommended that the application be refused.

RECOMMENDATION

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

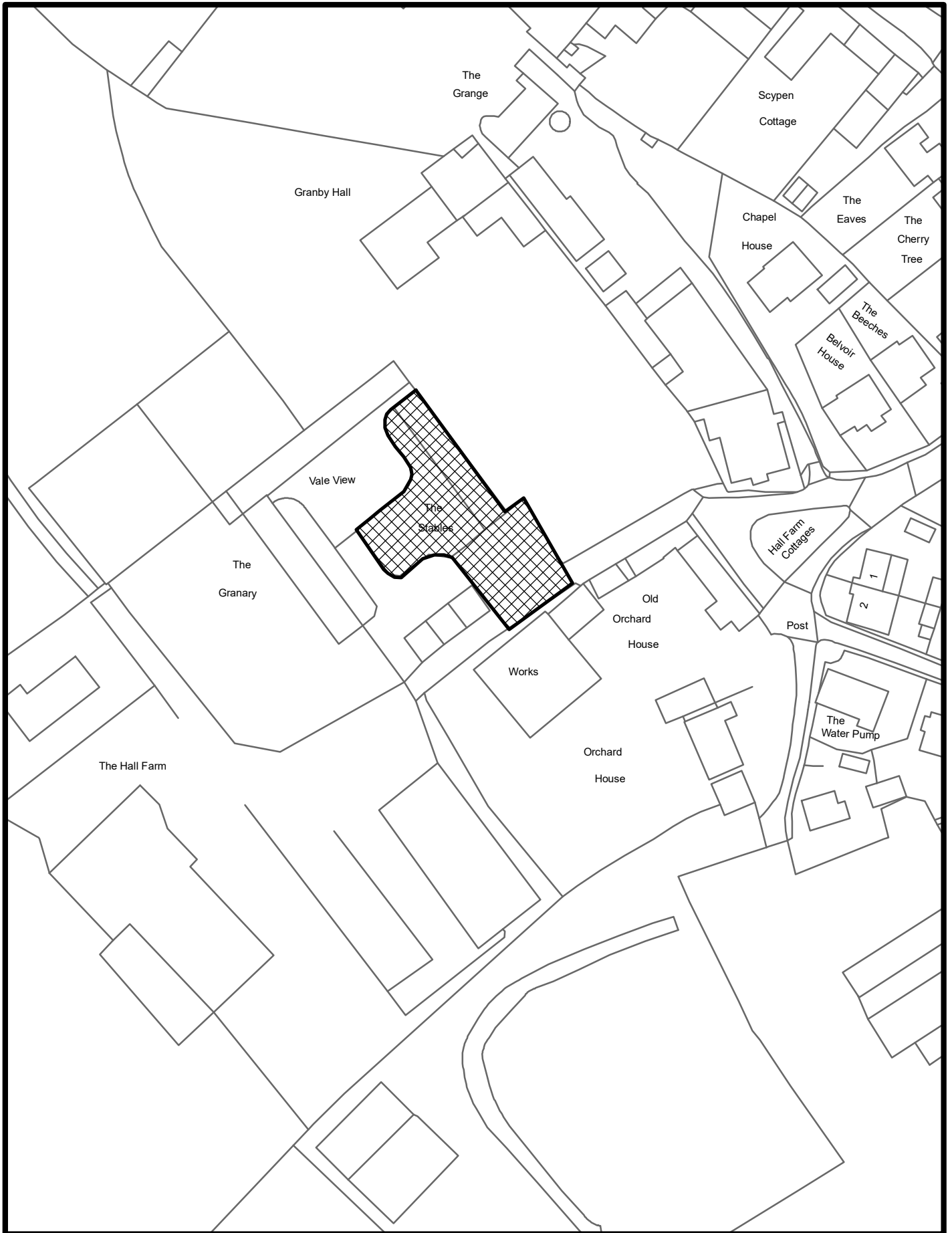
1. The application site is located to the east of a sporadic ribbon of properties outside of the main built-up area of the village and the development would result in the encroachment of the open countryside. The site falls outside of the key settlements for growth identified under Policy 3 of the Rushcliffe 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 capable of accommodating a limited number of dwellings, which exclude Widmerpool. 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 of the main settlement 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:

- c) the development of the site would not extend the built-up area of the settlement;
 - d) the development would not have an adverse visual impact or be prominent from locations outside the settlement
 - f) the proposal does not fall within an area of sporadic or ribbon development outside a settlement, nor is situated in the countryside"
2. The proposed dwelling would result in harm to the rural character and appearance of the area, contrary to paragraph 127 c) of the National Planning Policy Framework whereby 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".

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Application Number: 19/00731/FUL
The Stables, Hall Farm, Chapel Lane, Granby

scale 1:1000



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19/00731/FUL

Applicant Mr & Mrs P.R. Smith

Location The Stables Hall Farm Chapel Lane Granby Nottinghamshire NG13 9PW

Proposal Removal of entrance door and addition of entrance lobby and detached kitchen extension.

Ward Thoroton

THE SITE AND SURROUNDINGS

1. The application refers to a residential dwelling in the village of Granby. The property is a late 19th century agricultural barn, converted into a dwelling as part of a larger conversion scheme for three residential dwellings. The dwelling forms the north eastern wing of a three sided 'U' shaped range of buildings which face into the original central farm courtyard. Part of this courtyard now forms the property's amenity space and is laid to lawn and enclosed with fencing with substantial landscaping around the boundaries. The building is single storey and constructed from brick under a pantile roof.
2. The property is located off a private drive at the end of Chapel Lane, which leads to The Hall Farm. The south western, front elevation faces into the former courtyard and onto the property's garden area. The rear elevation lies directly on the boundary of the front garden area to Granby Hall, which lies to the north. A separate garage block serving all three converted dwellings has been built on the south eastern side of the site, partly enclosing the open arm of the courtyard.
3. The site lies within the designated Granby Conservation Area.

DETAILS OF THE PROPOSAL

4. Planning permission is sought for the addition of an extension to the south western elevation of the property. The main body of extension would have a circular footprint and is designed to reflect an agricultural silo. It would be connected to the main dwelling through a flat roofed glazed 'lobby' section. In total the extension would project out from the existing building by 6.7 metres and would be 4.15 metres high. It would be clad in black, 'charred timber' vertical boarding with a metal standing seam roof.

SITE HISTORY

5. 02/00182/FUL: Conversion of barns to form 3 dwellings and rebuilding of outbuilding to form garage. Granted 9/4/2002.

REPRESENTATIONS

Ward Councillor(s)

6. The Ward Councillor (Cllr Bailey) has no objection to the application, commenting that the use of the silo shape helps to preserve the character of the courtyard and is a reminder of its previous agricultural use.

Town/Parish Council

7. No comments have been received.

Statutory and Other Consultees

8. The Borough Council's Conservation & Design Officer noted the courtyard had become infilled with various lightweight modern agricultural structures prior to their conversion - but the design and access statement confirms these were removed "to reveal the original layout", one benefit of the conversion scheme which allowed the retained and converted buildings to once again provide a positive contribution to the special architectural and historic character and appearance of the conservation area.
9. The fact that the courtyard was previously infilled may at first thought represent some kind of justification for proposing extensions into the courtyard but it should be noted that even the previous infilling was harmful and its removal considered beneficial to the character and appearance of the conservation area. As such there is no precedent or justification to be had by looking back at harmful infilling removed in the past.
10. The application suffers from the difficulty that the property owns no land on the outside face of the courtyard where modest extensions could be more reasonably accommodated into the agricultural form of the site, it is also not possible to continue the length of the linear range as this area presumably forms part of the land across which other residents have access rights. Whilst the application references the approved scheme at 15/01466/FUL (previous extensions to the group of buildings) as having "helped with current proposals" the approach of that approved scheme involved extensions outside of the courtyard and continuing the linear run of the range - no extension was approved within the space enclosed by the 3 converted ranges and as such the 2015 approved scheme is in no way comparable with the application now submitted.
11. The former silo structures, which were themselves located outside of the courtyard, were not traditional nor attractive features of the site and would not have been considered to positively contribute to the character and appearance of the conservation area. Circular forms are not currently seen within the site and could be considered incongruous. There is a type of circular or semi-circular attachment found on barns and agricultural buildings - the horse engine, or "gin", shed. However, as with other ancillary additions to agricultural courtyards, they tend to feature on the outer face of the courtyard rather than projecting into the courtyard. The Officer is not aware of any surviving examples within the Borough, or even if this building type was ever particularly common here. Concerns are raised that by introducing a building of this form

in this position it could distort the character of the buildings by suggesting a form of structure which almost certainly never existed here.

12. Concerns are also raised in relation to the proposed materials. Timber cladding is not a common local building material in southern Nottinghamshire, it does have connotations in terms of agricultural buildings but very much rooted in the black boarded vernacular barns common in East-Anglia and the south east of England. On this site the backdrop is at least in part existing buildings of local orange/red brick, which is a comparatively light and contrasting backdrop against which the Officer considers a black building would stand out rather than blend in.
13. It is noted that former slit vents on the east side of the building would be unblocked and infilled with recessed glass. This was a part of the proposal, controlled via condition, on the original application and should have already been undertaken. The condition required the glazing to be obscured and fixed non-opening to protect privacy of neighbouring land to the east. It is not considered that something which was to have been undertaken as part of the conversion can now be held up as a benefit of the scheme, particularly when there would be nothing to prevent that work being undertaken in isolation under the extant permission.
14. The Officer objects to the proposal on the basis that it would be deemed harmful to the architectural and historic character of the converted agricultural complex, in turn diminishing its positive contribution to the special architectural and historic character and appearance of the conservation area. Given the size of the conservation area and that the harm arising would be limited to the far west end of Chapel Lane the harm would be less than substantial, but still significant.

Local Residents and the General Public

15. No representations have been received.

PLANNING POLICY

16. The Development Plan for Rushcliffe consists of The Rushcliffe Local Plan Part 1: Core Strategy (referred to herein as 'core strategy') and the 5 saved policies of the Rushcliffe Borough Local Plan 1996.
17. The emerging Local Plan Part 2: Land and Planning Policies, which was subject to hearings in November and December 2018 as part of the examination in public, is also a material consideration. Paragraph 48 of the NPPF allows weight to be given to relevant policies in an emerging local plan. The extent of the weight that can be given to these policies is dependent on the stage of its preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies to the NPPF. The plan is currently still under examination but on 7 February 2019 the Inspector appointed to examine the plan wrote to the Council to advise that they thought the plan is likely to be capable of being found legally compliant and sound, subject to main modifications. It can therefore be afforded some considerable weight subject to the relevant policies not being subject to relevant modifications and providing the relevant policies not being in conflict with the NPPF.

18. Other material considerations include the National Planning Policy Framework (NPPF) (2019), the National Planning Practice Guidance (the Guidance), the Rushcliffe Borough Non Statutory Replacement Local Plan (NSRLP) (2006) and the Rushcliffe Residential Design Guide (2009).

Relevant National Planning Policies and Guidance

19. The relevant national policy considerations for this proposal are those contained within the 2019 National Planning Policy Framework (NPPF) and the proposal should be considered within the context of a presumption in favour of sustainable development as a core principle of the NPPF. The proposal falls to be considered under section 12 of the NPPF (Achieving well-designed places) and it should be ensured that the development satisfies the criteria outlined under paragraph 127 of the NPPF. Development should function well and add to the overall quality of the area, not just in the short term but over the lifetime of the development. In line with paragraph 130 of the NPPF, 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.
20. Section 16, 'Conserving and Enhancing the Historic Environment', states that Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal. In determining applications account should be taken of the impact of a proposed development on the significance of a designated heritage asset.
21. The Council also has statutory duties under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires that; *"In the exercise, with respect to any buildings or other land in a conservation area, of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."*

Relevant Local Planning Policies and Guidance

22. Policy 1 of the Core Strategy reinforces a positive and proactive approach to planning decision making that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.
23. Policy 10, Design and Enhancing Local Identity, states that development should make a positive contribution to the public realm and sense of place and should have regard to the local context and reinforce valued local characteristics. In particular reference to this application is paragraph 2b), which takes into account the impact on the amenity of occupiers or nearby residents, 2(f), which takes into account the massing, scale and proportions of a development and paragraph 2(g) which assesses the proposed materials, architectural style and detailing.
24. Core Strategy policy 11, Historic Environment, states that proposals will be supported where the historic environment and heritage assets and their settings are conserved and/or enhanced in line with their interest and significance.

25. Whilst not a statutory document, the policies contained within the Rushcliffe Borough Non-Statutory Replacement Local Plan (NSRLP) should be given weight as a material consideration in decision making. Policy GP2, Design and Amenity Criteria, sets out the general criteria new development should meet. Of particular relevance are the following paragraphs:
- (a) This states there should be no significant adverse effect upon the amenity, particularly residential amenity, of adjoining properties or the surrounding area by reason the type of levels of activity on the site or traffic generated.
 - (d) This states that the scale, density, height, massing, design, layout and materials of proposals are sympathetic to the character and appearance of neighbouring buildings and the surrounding area; that they do not lead to an over-intensive form of development; and that they are not overbearing in relation to neighbouring properties, and do not lead to undue overshadowing or loss of privacy.
 - (h) There should be no significant adverse effect on any historic sites and their settings, including Conservation Areas.
26. Policy EN2, Conservation Areas, states that planning permission should only be granted where the proposal would preserve or enhance the character and appearance of the Conservation Area and where there would be no adverse impact upon the form of the area.
27. The 2009 Rushcliffe Residential Design Guide provides guidance on the style and design of an extension, stating it should respect that of the original dwelling and should not dominate over it. Extensions should be designed so that they are not readily perceived as merely 'add-ons' to the original building and therefore scale, proportion and roof form are very important.

APPRAISAL

28. The main issue in relation to this application is the impact of the proposed extension on the character and appearance of the converted barn at Old Stables Hall Farm and its setting within the surrounding Conservation Area. Due to the siting of the proposed extension there would be no material impact on the amenity of any neighbouring properties to the site.
29. The application site is part of a range of former agricultural buildings, now converted to residential dwellings. In general, buildings such as these are only deemed appropriate for conversion to residential use if this can be achieved without any significant extension or alteration. This is in order to preserve the traditional character and appearance of the buildings. In common with many barn conversion schemes, a condition on the original planning permission for the application site also removed all residential permitted development rights for extensions and alterations, in order to control future development post conversion.
30. The application site building has a typical narrow and long plan form and the design remains simple and functional. The building has retained much of its traditional character and appearance since its conversion. It is proposed to extend the building off the south western elevation into the garden area. This elevation faces into the former courtyard area and is considered to be the principal elevation of the building. To achieve the extension an unusual circular

design has been put forward based on the appearance of an agricultural silo. A glazed link would be used to connect the extension to the main building.

31. It is acknowledged that the innovative approach to the design of the extension has been in part chosen to clearly identify it as a separate element and protect the original form of the building. However, the extension would nevertheless still be physically attached to the building and detract from its simple linear form. It is considered that the addition would have a harmful impact on the character and appearance of this traditional barn conversion.
32. The proposed extension would be very prominently located at the southern end of the wing and close to the entrance of the site. This is also the most visible part of the building from the public realm outside the site. From this elevation it is considered that the extension would appear as very visually dominant and a disproportionately large addition to the building. Whilst the overall height is a little lower than the ridge line of the existing building the eaves height is the same. Including the link the extension would also be wider than the original building and, from this viewpoint, the original farm building would cease to be the visually dominant element on the site.
33. Whilst unusual, the design itself is also not deemed to be appropriate. The Design and Access Statement submitted with the application illustrates that a number of metal silos were present adjacent to the barns prior to the conversion of the buildings. However, these silos were stand-alone modern structures, not part of the original agricultural buildings. As stated by the Conservation Officer, they are considered to be functional features which generally detracted from character and appearance of the site. Removing them as part of the conversion scheme would therefore have been seen as one of the positive aspects of the original application.
34. The design therefore is not considered to be sympathetic to the character of the traditional farm building. The Conservation Officer has also highlighted that the proposed black timber cladding would be at odds with the surrounding materials in the area and would be likely to increase the visual prominence of the extension.
35. It is acknowledged that, to a degree the property's relationship with the rest of the former barn complex is no longer readily apparent. Part of the former inner courtyard now forms the property's amenity space and is laid to lawn. Considerable planting around the boundaries of this garden area has become established which has meant that the original plan form of the buildings and the 'U' shape of the former farmstead and central courtyard is, to a great extent, no longer apparent. However, notwithstanding this, the character and identity of the host dwelling is still derived from its relatively simple design and proportions and the traditional linear form of the range of buildings set around the central courtyard.
36. Whilst the innovative design of the scheme is acknowledged, it is considered that the proposal would ultimately result in an obtrusive addition to the building, which would appear out of place with its traditional character and appearance. The proposal therefore fails to accord with Core Strategy policy CS10 in terms of scale, materials and architectural detailing and fails to reinforce valued local characteristics and make a positive contribution to the public realm and sense of place.

37. The application site also lies within the Granby Conservation Area and within the Granby Conservation Area Appraisal and Management Plan, September 2009, the application site building is specifically identified as a 'key unlisted building' which makes a positive contribution to the character and appearance of the Conservation Area. Section 4.2.6 of this document states that development will normally be resisted if it adversely affects the setting of such key buildings.
38. As discussed above, the siting of the proposed extension is such that it would appear as a visually dominant addition to the building, highly visible from the public realm outside the site. It is therefore considered that the adverse impact of the extension on the host building would, in turn, detrimentally affect its setting within the Conservation Area and fail to either preserve or enhance its character and distinctiveness.
39. Paragraph 193 of the NPPF states that great weight should be placed on the conservation of heritage assets (which includes designated conservation areas). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
40. The Conservation Officer is of the opinion that, given the location of the site on the edge of the village and Conservation Area, the harm arising would be less than substantial, but still significant. In this case paragraph 196 of the NPPF states that the harm should be weighed against the 'public' benefits of the proposal. The benefits of the proposal would arise to the applicant in the form of the provision of a larger kitchen area. However, it is considered that the converted dwelling, which provides three bedrooms, lounge, dining room and kitchen is of a size which is capable of providing a good standard of amenity without requiring any extension. Whilst the applicant may now personally require more space, the building has been functioning adequately as a dwelling since conversion and it is not considered that there is any public benefit which would outweigh the harm to the building resulting from its extension.
41. It is therefore considered that the proposal also fails to accord with Core Strategy policy CS11 and policy EN2 of the Rushcliffe Borough Non-Statutory Replacement Local Plan, both of which state that proposals should only be supported where they conserve and/or enhance the historic environment and heritage assets and their settings. It is also considered that approval of the application would mean that the Council has failed in its duties under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the preservation and enhancement of the surrounding Conservation Area.

Conclusion

42. The proposed extension to the converted farm building is not considered appropriate in either design or materials and would compromise the character and appearance of this traditional farm building. The proposal would also fail to preserve or enhance the character and appearance of the surrounding Conservation Area. For the reasons set out above it is considered that the development does not accord with the national and local planning policies considered above and accordingly it is recommended that planning permission is refused.

43. The proposal was not subject to formal pre-application discussions and given the constraints of the site and the objection to the principle of an extension in this location, it was not considered that the scheme could be rendered acceptable through changes to the design/appearance of the addition and, on this occasion, negotiations have not been undertaken.

RECOMMENDATION

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

1. The proposed extension, by virtue of its design, materials and siting, would fail to respect the traditional form and character of the converted agricultural building and would have an adverse impact on the appearance of the property, which is part of a range of buildings identified in the Granby Townscape Appraisal as Positive Buildings/Key Unlisted Buildings. The proposal would also have an adverse impact on the setting of the property within the Granby Conservation Area and fail to either preserve or enhance the Conservation Area, as is considered to be a 'desirable' objective within section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. This conflict gives rise to a statutory presumption against granting planning permission. The harm to the Conservation Area would be less than substantial, however, no public benefits to the scheme have been identified that would be sufficient to outweigh this harm.

The proposal would therefore be contrary to Policies 10 (Design and Enhancing Local Identity) and 11 (Historic Environment) of the Rushcliffe Local Plan Part 1: Core Strategy (2014), Policies GP2 (Design and Amenity Criteria) and EN2 (Conservation Areas) of The Rushcliffe Borough Non-Statutory Replacement Local Plan, and guidance contained within The National Planning Policy Framework (2019).



Planning Committee

15 August 2019

Planning Appeals

Report of the Executive Manager – Communities

LOCATION	63 Moor Lane Gotham Nottinghamshire NG11 0LH		
APPLICATION REFERENCE	18/02716/OUT		
APPEAL REFERENCE	APP/P3040/W/19/3224712		
PROPOSAL	Development of one detached dwelling with new access (Outline application with all matters reserved except for access) (resubmission)		
APPEAL DECISION	Appeal Allowed	DATE	17th June 2019

PLANNING OFFICERS OBSERVATIONS

The appeal related to the refusal of planning permission by the Planning Committee on the 17th January 2019. The proposal was for outline planning permission with all matters reserved, except for access, for one detached dwelling. The main issue considered by the Inspector was the effect of the development on the Green Belt.

The terms 'limited' and 'infilling' are not defined in the development plan or the Framework but were key to the Inspectors decision. The Inspector outlined that there was no defined settlement village boundary, but physical circumstances of a site and its relationship to a settlement are more relevant than a designated village boundary in determining whether a site can be considered to be infill development.

The appeal site is set back from Moor Lane, which forms a relatively small gap between an existing bungalow to the west and a dwelling and cattery buildings to the east. The inspector considered the site is within a clear continuum of development spreading out from the settlement and there is nothing to obviously separate the site from the rest of the settlement. The site is surrounded by built development on two sides and would not extend beyond the existing defined built extent of the settlement. The proposal would be physically and visually related to the existing settlement, and as such the development proposed would be limited infilling in a village. As such it is not therefore inappropriate development in the Green Belt.

The Inspector added that as the effect of development on openness is not expressly stated as a determinative factor in gauging inappropriateness, relating to limited infilling in villages, there is no requirement to assess the impact of the development on the openness of the Green Belt.

The Inspector therefore concluded that the appeal should be allowed subject to conditions.

LOCATION 40 Nottingham Road Keyworth Nottinghamshire NG12 5GT

APPLICATION REFERENCE 18/02213/FUL

APPEAL REFERENCE APP/P3040/W/19/3220908

PROPOSAL Replacement outbuilding and change of use to counselling and therapy business (D1).

APPEAL DECISION Appeal Allowed **DATE** 18th July 2019

PLANNING OFFICERS OBSERVATIONS

The appeal relates to the refusal of planning permission under delegated powers on 17 January 2019. The application related to a replacement outbuilding and a change of use to counselling and therapy business at a residential property. The main issue considered is whether the proposed business would affect highway safety with regard to parking.

The Inspector clarified that there is no dispute between parties relating to the outbuilding itself or the principle of a counselling and therapy business. The property has three potential parking spaces, although this provision would be reduced by the appellant's cars leaving one space free. There has been some dispute between parties during the determination of the application regarding group sessions of up to 5 people. The Council's basis for refusal related to inadequate parking provision for up to 5 people attending a group session. The County Highway officer objected, concerned that the increased demand for on-street parking would further reduce the width of Nottingham Road and hence increase the likelihood of danger to other users. The appellant has however described her business as mainly running on a one-to-one basis.

The Inspector noted parking restrictions preventing on-street parking on Nottingham Road with a double yellow line outside the appeal property and adjacent properties. Visiting clients would be expected to obey traffic regulations and violations of this would be a matter for traffic enforcement.

The Inspector concluded that they found no substantive evidence to suggest that highway users would be significantly endangered by additional on-street parking that may arise from the proposed counselling and therapy business.

The Inspector therefore concluded that the appeal should be allowed subject to conditions.

LOCATION Canterbury House Barton Lane Thrumpton Nottinghamshire
NG11 0AU

APPLICATION REFERENCE 19/00347/FUL

APPEAL REFERENCE APP/P3040/D/19/3227143

PROPOSAL Demolition of existing
garage and construction of
two storey front and two
storey side extensions.

APPEAL DECISION Appeal Dismissed **DATE** 23rd July 2019

PLANNING OFFICERS OBSERVATIONS

The appeal relates to the refusal of planning permission under delegated powers on 8 April 2019. The application proposed two storey front and side extensions to a dwelling. The application related to a residential barn conversion located within the Thrumpton Conservation Area and within the Green Belt. The main issues considered were whether the proposal would be inappropriate development in the Green Belt and the effect of the proposal on its openness; and whether the proposal would preserve or enhance the character of the conservation area, or whether any harm arising could be clearly outweighed by other considerations so as to amount to very special circumstances to justify development.

The Inspector noted the calculations provide by the appellant with regard to the volume increase on the original building. Whilst the appellant's figures were disputed by the Council, the Inspector considered that irrespective of this matter, the proposed extensions would be considerably sizable and notable. It was concluded that the scale of the development would amount to inappropriate and therefore harm development in the Green Belt.

With regard to openness, the Inspector acknowledged the screened nature of the property although the proposed two storey extensions would be visible from the surrounding fields. Whilst views of the proposal would be limited, the Inspector considered that the proposal would nonetheless result in a loss of openness to the Green Belt.

The Inspector considered that the proposal would diminish the characteristics of the original farm complex and its positive contribution to the character and appearance of the conservation area. The proposal would diminish this contribution, resulting in less than substantial harm to the conservation area.

The Inspector therefore concluded that the appeal should be dismissed.