

When telephoning, please ask for: Tracey Coop
Direct dial 0115 914 8277
Email democraticservices@rushcliffe.gov.uk

Our reference:
Your reference:
Date: Wednesday, 8 January 2020



To all Members of the Planning Committee

Dear Councillor

A Meeting of the Planning Committee will be held on Thursday, 16 January 2020 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 (Pages 1 - 12)
4. Planning Applications (Pages 13 - 70)
The report of the Executive Manager - Communities.
5. Planning Appeals
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 Viridi

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

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

By telephone
Monday to Friday
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Nottingham
NG2 7YG



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Rushcliffe Borough Council is committed to being open and transparent in its decision making. As such, the Council will undertake audio recording of meetings which are open to the public, except where it is resolved that the public be excluded, as the information being discussed is confidential or otherwise exempt.



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**MINUTES
OF THE MEETING OF THE
PLANNING COMMITTEE
MONDAY, 16 DECEMBER 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),
N Begum, A Brennan, P Gowland, L Healy, A Major, F Purdue-Horan,
C Thomas, D Viridi and G Williams

ALSO IN ATTENDANCE:

Councillor M Gaunt

OFFICERS IN ATTENDANCE:

D Mitchell
A Pegram
S Sull
L Webb

Executive Manager - Communities
Service Manager - Communities
Monitoring Officer
Democratic Services Officer

APOLOGIES:

Councillors K Beardsall and J Murray

1 Declarations of Interest

Councillor R Butler declared a non-pecuniary interest in planning application 19/01767/FUL and advised that he would withdraw from the committee during this item.

Councillor M Stockwood declared a personal interest in item 19/01939/FUL as one of the near neighbours is an acquaintance. Councillor Stockwood reported that she would remain open minded on the matter and would not leave the meeting.

Councillor M Stockwood and Councillor F Purdue-Horan declared a personal interest in item 19/01767/FUL as the applicant was a former Councillor. Both Councillors reported they would remain open minded on the matter and would not leave the meeting.

2 Minutes of the Meeting held on 14 November 2019

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

3 Planning Applications

The Committee considered the written report of the Executive Manager -

Communities relating to the following applications, which had been circulated previously.

Councillor Butler who declared a non-pecuniary interest in the following item left the meeting and withdrew from the discussion at this point.

In accordance with adopted committee procedures, Councillor Healy as Ward Councillor for the two following applications left the meeting at this point. Councillor Butler, as Ward Councillor also left the meeting for the second item.

19/01767/FUL – Change of use of land to allow parking (retrospective) – Kilgraney Farm, Owthorpe Road, Cotgrave.

Updates

There were no updates

In accordance with the Council's public speaking protocol, Warren Brown (on behalf of applicant) and Jerry Deacon (objector) addressed the committee.

DECISION

Planning permission be granted subject to the following condition(s)

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

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

2. The change of use hereby approved shall only apply to the area shown within the red line denoted on the revised Block Plan received on 14 November 2019. There shall be no extension of the existing car parking area as denoted on this block plan.

[For the avoidance of doubt and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

3. Within the first planting season following the grant of this planning permission a hedgerow shall be planted on the front (north western) boundary of the site between the car park and the access drive, in accordance with a scheme, which shall include details of the species, spacing and size of plants, to be first submitted to and approved in writing by the Borough Council. Thereafter, the hedgerow shall be retrained and maintained in accordance with the approved details for the lifetime of the development.

[In the interests of the amenities of the area and to comply with Policies 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and policy 2 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies.]

19/01901/FUL – Single storey side extension – 1 Bakers Close, Cotgrave

Updates

A representation from Cotgrave Town Council which raised no objection to the planning application received after the agenda was published was circulated to the committee before the meeting.

DECISION

Planning permission be granted subject to the following condition(s)

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

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

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

- Requesta Plan site location plan at 1:1250 scale (ref: TQRQM19224102259109) received on 13 August 2019.
- Building and Design Services “Block Plan” drawing received on 2 September 2019.
- Building and Design Services “Proposed Elevations & Floor Plans” drawing received on 2 September 2019.

[For the avoidance of doubt having regard to policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy 2014 and the policy 1 Rushcliffe Local Plan Part 2: Land and Planning Policies 2019]

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

[To ensure the appearance of the development is satisfactory having regard to policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy 2014 and policy 1 the Rushcliffe Local Plan Part 2: Land and Planning Policies 2019]

Councillor Butler and Councillor Healy rejoined the committee at this point.

19/01616/FUL – Erection of 43 no retirement apartments for older people, guest apartment, communal facilities, access, car parking and landscaping – Land at Manor Park, Ruddington.

Updates

A representation from the applicant’s agent querying a condition of the

application and the Manor Park Residents Association raising objections to the planning application, received after the agenda was published were circulated to the committee before the meeting.

In accordance with the Council's Public Speaking Protocol, Matthew Shellum (applicant's agent), Lorne Stoddart (objector) and Councillor Mike Gaunt (Ward Councillor) addressed the committee.

DECISION

The Executive Manager – Communities be authorised to grant planning permission subject to the prior signing of a Section 106 agreement and the following condition(s)

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

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

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

Plan Ref: 30042RT PL002 – Site Plan/Roof Plan
Plan Ref: 30042RT PL003 - Site Plan/Ground Floor Plan
Plan Ref: 30042RT PL004 – Ground Floor Plan
Plan Ref: 30042RT PL005 – First Floor Plan
Plan Ref: 30042RT PL006 – Second Floor Plan
Plan Ref: 30042RT PL007 – Roof Plan
Plan Ref: 30042RT PL008 – North and East Elevations Sheet 1
Plan Ref: 30042RT PL009 – South and West Elevations Sheet 2
Plan Ref: 30042RT PL0010 - Courtyard Elevation Sheet 3

[For the avoidance of doubt and to comply with policy 1 (Development requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies]

3. Each unit of the development hereby permitted shall be occupied only by:
 - a) persons over 60 years of age;
 - b) persons living as part of a single household with such a person or persons;
 - c) persons who were living in the unit as part of a single household with such a person or persons who have since died.

[In order to support the considerations of the viability assessment which effectively reduced the level of financial obligations required from this development based on the demographic of the proposed occupiers and subsequently to prevent the sale of these units on the open market to any individual and to comply with policy 43 (Planning obligations Threshold) of the Rushcliffe Local Plan Part 2: Land and Planning

Policies].

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

[To ensure that adequate drainage facilities are provided in connection with the development and to comply with policy 18 of the Rushcliffe Local Plan Part 2 – Land and Planning Policies].

5. Prior to the installation of security lighting/floodlighting, details of any such lighting shall be submitted to and approved in writing by the Borough Council, together with a lux plot of the estimated illuminance. Any such scheme shall have regard to The Bat Conservation Trust Bats and artificial lighting guidance note (2018). The lighting shall be installed only in accordance with the approved details and retained as such for the life of the development.

[To protect the amenities of the area, non-designated biodiversity assets and the wider ecological network in compliance with policies 1 and 38 of the Rushcliffe Local Plan Part 2 – Land and Planning Policies].

6. Before the use is commenced, a scheme providing for the adequate storage of refuse from this use shall be submitted to and approved in writing by the Borough Council. The agreed details shall be implemented before the development is brought into use and thereafter retained for the lifetime of the development in accordance with the approved details.

[To protect the amenities of the area and to comply with Policy 1 of the Rushcliffe Local Plan Part 2 – Land and Planning Policies].

7. The proposed access road, service areas and car parking areas shall be provided in hard wearing materials in accordance with details submitted to and approved in writing by the Borough Council and the car parking spaces shall be clearly marked out, before the development is first occupied. The approved access, service and parking areas shall be retained for that purpose thereafter for the life of the development.

[In the interest of highway safety and to comply with policy1 of the Rushcliffe Borough Local Plan Part 2 – Land and Planning Policies].

8. During the construction phase there shall be no delivery/collection of goods, materials or arrival/departure of personnel visiting/working on the site during the hours the James Peacock Infant and Nursery School is open for the dropping off and collection of pupils (8:00 am till 9:00am and 3:00pm until 4:00). Details of the management of which shall be submitted to and approved in writing by the Borough Council prior to the commencement of any development of the site. The approved management plan shall be implemented in full and adhered throughout the construction phase of the development hereby approved.

[In the interest of highway safety and to comply with policy1 of the Rushcliffe Borough Local Plan Part 2 – Land and Planning Policies].

9. Notwithstanding the details submitted, no development shall take place until a detailed landscaping scheme for the site, to be agreed with the Councils Landscape and Design Officer, has been submitted to and approved in writing by the Borough Council. The approved scheme shall be carried out in the first tree planting season following the substantial completion of the development 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.

[In the interests of amenity and to comply with policy 1 of the Rushcliffe Borough Local Plan Part 2 – Land and Planning Policies. This condition needs to be discharged before work commences on site in order to identify any trees/natural growth that is to be retained as part of the landscaping scheme].

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

[To ensure existing trees are adequately protected during the development and to comply with policies 1 and 37 of the Rushcliffe Local Plan Part 2 – Land and Planning Policies. This condition needs to be discharged before work commences on site to ensure that the trees/natural growth to be retained is appropriately protected before work commences].

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

[To ensure a satisfactory development in the interests of visual amenity and to comply with policy 1 of the Rushcliffe Local Plan Part 2 – Land and Planning Policies].

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

[To ensure a satisfactory development in the interests of visual amenity and to comply with policy 1 of the Rushcliffe Local Plan Part 2 – Land and Planning Policies. This condition needs to be discharged before development commences to ensure that the development can be undertaken having regard to the existing and intended finished ground and floor levels].

13. Prior to their construction, full details of the proposed Plant Room and Buggy Store shall be submitted to and approved by the Borough Council and the buildings will be thereafter constructed in accordance with the approved details.

[To ensure a satisfactory development in the interests of visual amenity and to comply with policy 1 of the Rushcliffe Borough Local Plan Part 2 – Land and Planning Policies].

14. Prior to the development progressing beyond ground floor slab level, a statement of Biodiversity Net Gain from the development shall be submitted to the Borough Council for approval. Any approved mitigation and enhancement scheme, which must include installed within buildings and on retained trees (including Swallow/swift and sparrow cups / boxes) and hedgehog corridors, shall thereafter be implemented prior to the first occupation of any unit and retained for the lifetime of the development.

[To ensure that adequate compensatory measures are carried out and to comply with policy 17 of the Core Strategy and policy 38 of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

15. Prior to the commencement of any works on site, an Ecological Method Statement shall be submitted to and approved in writing by the Borough Council and 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 sensitive areas, including ditches.
- All work impacting on vegetation or buildings used by nesting birds should avoid the active bird nesting season, if this is not possible a search of the impacted areas should be carried out by a suitably competent person for nests immediately prior to the commencement of works. If any nests are found work should not commence until a suitably qualified ecologist has been consulted.
- Best practice should be followed during building work to ensure trenches dug during works activities that are left open overnight should be left with a sloping end or ramp to allow animal that may fall in to escape. Also, any pipes over 200mm in diameter should be capped off at night to prevent animals entering. Materials such as netting and cutting tools should not be left in the works area where they might entangle or injure animals. No stockpiles of

vegetation should be left overnight and if they are left then they should be dismantled by hand prior to removal. Night working should be avoided.

Any approved scheme shall be adhered to thereafter until the development is complete.

[To ensure that adequate compensatory measures are carried out and to comply with policy 17 of the Core Strategy and policy 38 of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

16. No development shall take place until the details of a Construction Management Plan is submitted and approved in writing by the Local Planning Authority. The plan shall have full regard to the Ecological Method Statement required by condition 15 above, and shall include:

- Access and parking of vehicles of site operatives and visitors;
- Loading and unloading of plant and materials;
- Storage of plant and materials used in constructing the development;
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- Wheel washing facilities;
- Measures to control the emission of noise, dust, dirt and vibration during construction;
- A scheme for recycling/disposing of waste resulting from construction works;
- Hours of operation (including demolition, construction and deliveries);
- A scheme to treat and remove suspended solids from surface water run-off during construction;
- An earthworks strategy to provide for the management and protection of soils including handling, stripping and stockpiling and reuse;
- 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;
- Scheme for temporary signage and other traffic management measures, including routing and access arrangements. The agreed access shall be provided before development commences; and
- The routing of deliveries and construction vehicles to/from the site, to limit where practicable approach to the site from the west along Bunny Lane, and any temporary access points.

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 Policy 1 of the Rushcliffe Borough Local Plan Part 2: Land and Planning Policies. 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].

17. Prior to construction commencing on the plant room, shown on the approved plans to be adjacent Hunters Cottage, full details of the ground source heat pump, including noise levels associated with the plant and any necessary measures to mitigate against vibration, shall be submitted to and approved in writing by the Borough Council. If this information is inconclusive or incomplete then it will be necessary to undertake and submit the results of a full noise assessment, in accordance with BS 4142:2014: Methods for rating and assessing industrial and commercial sound. This report will need to make it clear that the plant/equipment is capable of operating without causing a noise impact on neighbouring properties. Thereafter, the plant shall be installed, operated and maintained only in accordance with the approved details.

[In the interests of the amenities of the area and adjacent residential occupiers and to comply with Policy 1 of the Rushcliffe Borough Local Plan Part 2 – Land and Planning Policies].

18. Prior to the construction of the building proceeding above foundation level, a scheme for the provision of electric vehicle charging points to serve the development shall be submitted to and approved by the Borough Council. If this is not technically feasible, then it must be demonstrated why the positioning of such apparatus to the external fabric of the building or the provision of a standalone vehicle charging points would not be possible or would have an adverse visual impact on the development or street scene. Thereafter, none of the apartments shall be occupied until such time that the electric vehicle charging points have been installed in accordance with the approved scheme and the apparatus shall be retained for the lifetime of the development.

[To comply with and to comply with policy 41 (Air Quality) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

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.

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.

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 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.

19/01939/FUL – Proposed change of use from garden room to dog grooming salon – 52 Hill Drive, Bingham

In accordance with the adopted committee procedures, Councillor Purdue-Horan, as Ward Councillor left the meeting for this item.

Updates

There were no updates.

DECISION

Planning permission be granted subject to the following condition(s)

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

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

2. The dog grooming business hereby permitted shall only take place only within the outbuilding the subject of this application, and not within the dwelling or external areas of the site save for access and egress.

[To protect the amenities of neighbouring residential properties and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

3. The use hereby permitted shall only take place between the following approved hours:

Monday – Friday: 0900 – 1600;
Saturdays: 0900 – 1400;
Sundays: No operations at any time.

[To protect the amenities of neighbouring residential properties and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

4. Only two dogs to be held on site at any one time, one being attended to and one waiting to be attended to in association with the business.

[To protect the amenities of neighbouring residential properties and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

Councillor Purdue-Horan re-joined the committee at this point.

19/02316/FUL – Single storey rear extension with new pitch roof over existing garage and porch – 36 Orford Avenue, Radcliffe on Trent.

In accordance with the adopted committee procedures, Councillor Brennan as Ward Councillor left the meeting for this item.

Updates

There were no updates

In accordance with the Council's public speaking protocol, Chris Evans (on behalf of applicant) and Sue Clegg (objector, Radcliffe on Trent Parish Council) addressed the committee.

DECISION

Planning permission be granted subject to the following condition(s)

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plan(s): A103(1), A104(1) and A105(1).

[For the avoidance of doubt and to comply with Policy 1 (Presumption in Favour of Sustainable Development) of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land & Planning Policies].

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

[To ensure the appearance of the development is satisfactory and to comply with Policy 1 (Presumption in Favour of Sustainable Development) of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land & Planning Policies].

Councillor Brennan re-joined the committee at this point.

4 **Planning Appeals**

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

The meeting closed at 9.06 pm.

CHAIRMAN



Planning Committee

16 January 2020

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
19/02209/FUL	Cotgrave Shopping Centre, Candleby Lane, Cotgrave, Nottinghamshire	17 - 33
	Construction of 4no replacement retail units following demolition of existing run of retail units approved under prior approval 19/01047/DEMOL, with associated access, parking and hard and soft landscaping.	
Ward	Cotgrave	
Recommendation	Planning permission be granted subject to conditions	
19/01771/OUT	Pathways, London Lane, Willoughby On The Wolds	35 - 53
	Construction of four new dwellings to side and rear of existing dwelling (outline application with matters reserved except for access)	
Ward	Willoughby On The Wolds	
Recommendation	Planning permission be granted subject to conditions	
19/02424/FUL	8 the Rushes, Gotham, Nottinghamshire	55 - 60
	Demolition of conservatory and kitchen extension, construction of single storey rear extension, new roof to garage and porch and internal alterations.	
Ward	Gotham	
Recommendation	Planning Permission be granted subject to conditions	

Application	Address	Page
<u>19/02814/FUL</u>	63 Moor Lane, Gotham, Nottinghamshire Demolition of outbuilding. Erection of timber clad, slate roof, triple car port with games/hobbies room to the loft space with dormer.	61 - 70
Ward	Gotham	
Recommendation	Planning permission be refused	

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Application Number: 19/02209/FUL
Cotgrave Shopping Centre, Candleby Lane, Cotgrave



scale 1:1500

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19/02209/FUL

Applicant Rushcliffe Borough Council

Location Cotgrave Shopping Centre Candleby Lane Cotgrave Nottinghamshire

Proposal Construction of 4no replacement retail units following demolition of existing run of retail units approved under prior approval 19/01047/DEMOL, with associated access, parking and hard and soft landscaping.

Ward Cotgrave

THE SITE AND SURROUNDINGS

1. The site is on the western part of the existing retail centre of Cotgrave. It sits largely on the site of the now demolished 2 storey block that contained retail units, that was given consent for demolition under reference 19/01047/DEMOL. This structure had a retail area of 517sq.m gross internal area (GIA).
2. Cotgrave Footpath18 runs along the south east boundary of the application site with a play area beyond (approved under ref 18/02462/FUL). The proposed development would be located on land that is approximately 2m higher than the Candleby Lane road level. Cotgrave Futures, Candleby Lane School and a number of two storey residential properties are located on Candleby Lane opposite the site.
3. To the north of the site are properties at Woldsvie House and Laurence Close.

DETAILS OF THE PROPOSAL

4. The proposal is for 4 retail units to be contained within a single storey building on the site of the former building. It would have an overall footprint of 18.1m x 47.5m resulting in a total new GIA of 775 sq.m. The overall height would be 7m on the front elevation and approximately 4.5m on the rear elevation. A retaining wall is proposed along the public footpath which would be around 4m in height at its maximum, however a landscaping area would cover the majority of the height. 34 parking spaces would be available in the associated car park area, the proposal also illustrates a relocated recycle site and a replacement substation close to properties on Laurence Close.
5. The design includes over sailing roof features, glazing to the front elevation of the three smaller units with the end (southern) unit having glazing wrapping round the end elevation. Unit 1 would have less glazing due to the units proposed end use (food retail). Due to the raised section of ground it would be located on, the overall building has been designed so as to have its high side facing into the retail area with its lowest side facing Candleby Lane.

6. The proposed materials have been chosen to complement the recently completed retail refurbishment/hub development with aluminium framed glazing and composite cladding, all to give consistency across the site.
7. Details were also provided in respect of the specification of refrigerator and condenser fans associated with unit 1 only, which has an end user retail store indicated. The other three units (units 2, 3 and 4) are proposed for A1 use and units 4 as an A1 or an A3 café use with possible outdoor seating within the horseshoe of the resulting development.
8. The submitted Design and Access Statement identifies this site as phase 4 of the overall redevelopment/refurbishment of the town centre. It advises that as part of the scheme some improvements are proposed to the junction between the site and Candleby Lane for delivery vehicles. This is in the form of widening the left hand portion of the junction. The access road is also to be altered for larger vehicles accessing the site and the car parking area is proposed to be amended to allow delivery vehicles to turn for entry and exit in forward gear. The existing Public Right of Way to the south east of the site boundary is not to be altered as part of the scheme. For every tree being removed at least one will be planted of native species.
9. Parking for the site has been assessed on the basis of a comprehensive parking assessment for the overall centre.
10. As part of the submission a Tree Survey, Ecological Appraisal, Parking Assessment Report and Drainage Statement was provided along with a Desk Based Assessment on Archaeology.

SITE HISTORY

11. 19/01047/DEMOL - Demolition of Units 1- 4C – granted May 2019.
12. 18/02462/FUL - Demolition of existing play area, construction of new play area on site of former police station, and creation of new terrace area with timber bin store to serve Hotpots café – approved December 2018.
13. 16/02873/DEMOL - Demolition of a pair of two-storey semi-detached houses, 12 terraced three-storey town houses, a single-storey garage block, along with associated fences, gates and hardstandings – granted December 2016.
14. 16/02137/FUL - refurbishment of 10 existing retail units; the change of use of the first floor from C3 residential to B1 office and A2 financial and professional services, with associated access, parking, open space, play area and landscaping and the demolition of buildings housing a Medical Centre, Police Station, ATM and Library – approved November 2016.
15. 16/02136/FUL - Proposed Multi Service Centre comprising; Medical Centre, Pharmacy, Library, Town Council Office, Police Office and ATM; including associated landscaping, fencing, car parking and external works (following the demolition of 14 residential properties) – approved November 2016.

REPRESENTATIONS

Ward Councillor(s)

16. One Ward Councillor (Cllr Healy) raises no objection.
17. One Ward Councillor (Cllr Butler) raises no objection. However, he requests that any permission is subject to conditions relating to deliveries/loading to the new units. In particular:
 - Screening of the loading/delivery areas;
 - Substantial security measures; and
 - Restrict the time and days that deliveries/loading is carried out. i.e. during day working hours such as 8am to 5pm and none on Sundays and Bank Holidays (in the interest of public realm and amenity to residential neighbours)

Town/Parish Council

18. Cotgrave Town Council does not object.

Statutory and Other Consultees

19. The Borough Council's Environmental Health Officer recommends conditions. In respect of noise, the proposed retail units are close to residential premises, however they will be located within a commercial setting. Therefore, in order to ensure that the building is designed to minimise noise transfer to the residential premises a condition is proposed regarding an insulation scheme. In respect of lighting, a condition is suggested if external lighting is proposed to be installed. A condition is also recommended to control construction noise and dust
20. The Borough Council's Landscape Officer has advised that, despite the proposed tree removal, he doesn't object, the trees to be felled are reasonably prominent, but are screened from the north west by the retained trees along Candleby Lane and the plans show a net gain with 6 replacement trees. A tree protection condition is recommended.
21. The Borough Council's Recycle to Go Officer noted that the recycling site is shown to be moved and located to the far corner of the car, the proposed position is too close to housing so potentially would not be accepted. He suggests that 2 or 3 of the car parking spaces to the right of the access road into the front car park be used for the recycle site.
22. The Borough Council's Sustainability Officer has provided advice on new wildlife habitats, lighting and construction and also requested that it be demonstrated that there will be a Biodiversity Net Gain.
23. The Borough Council's Planning Policy Manager acknowledges that the proposal forms part of the wider regeneration of Cotgrave, in particular the regeneration of the town centre. The proposal is replacing the former parade of shops which existed in this location and were demolished recently. The proposal is supported by the Spatial objectives iv and v, and by policies 6 (Role of Town and Local Centres) and policy 7 (regeneration) of the Core Strategy.

24. The proposal is located within the identified local centre, therefore the principle of retail development is supported in Policy 25 of Local Plan Part 2. Policy 25 of the Local Plan permits various uses within ground floor primary frontages in district and local centres for any use, so long as 60% of all units within primary frontages are in A1 use. The demolition of the former units resulted in the remaining frontages in A1 use falling to well below this requirement at 45%. The addition of 4 additional units use will lead to the total number of uses in A1 frontages amounting to 60%. It is however proposed that 1 of the units is for either A1 or A3 use. If the unit is taken up by an A3 use, the overall number of A1 within the primary frontage will be less than 60%. However, this is a marked improvement on the current mix of uses. In addition, the proposal may offer additional benefits in terms of the overall regeneration benefits and improving the retail offer has the potential to increase the town centres viability and vitality, in line with the objectives of policy 6 (4) of the Core Strategy.
25. To conclude, having regard to the development plan as a whole, there is no objection to the proposal.
26. The Ramblers have co comments.
27. The Environment Agency has no comments.
28. Nottinghamshire County Council as Highway Authority has commented on the application that this is phase 4 of the wider Cotgrave village Centre redevelopment, of which the wider Highway implications have been considered and found to be acceptable. Having reviewed the content of the Transport Statement supporting the development, the officer is content it will not result a severe impacts on the local highway network or significant unacceptable risks to highway safety. Conditions are therefore recommended.
29. Nottinghamshire County Council Planning Policy advises that they do not have any strategic transport planning observations to make and no contributions towards local bus service provision are sought. They have requested that a Planning Obligation be added tin respect of the following:
- A Bus Stop Infrastructure contribution of £23,000 is paid to provide improvements to the bus stops RU0338 and RU0835 and shall include:
 - RU0338 Candleby Lane – Install real time bus stop pole & display including associated electrical connection, enforceable bus stop clearway and lighting in shelter.
 - RU0835 Candleby Lane – Install real time bus stop pole & display including associated electrical connection, raised boarding kerb and enforceable bus stop clearway.
30. After discussion with the officer, they have advised that they would accept this being dealt with by way of a condition.
31. Nottinghamshire County Council as Lead Local Flood Authority believes it is not required to respond to the application and provides general guidance:
1. The development should not increase flood risk to existing properties or put the development at risk of flooding.
 2. Any discharge of surface water from the site should look at infiltration – watercourse – sewer as the priority order for discharge location.

3. SUDS should be considered where feasible and consideration given to ownership and maintenance of any SUDS proposals for the lifetime of the development.
4. Any development that proposes to alter an ordinary watercourse in a manner that will have a detrimental effect on the flow of water (eg culverting / pipe crossing) must be discussed with the Flood Risk Management Team at Nottinghamshire County Council.

Local Residents and the General Public

32. 2 representations have been received objecting to the application on the following grounds:
 - a. Property opposite has for 50 years looked out onto the rear elevation of the shops that are approximately 50m this property's windows, including views of rubbish.
 - b. Anti-social activities, taking of drugs, radios at full volume, attempted arson, urination, fornication, rats - no action has been taken.
 - c. The Council could rectify this by talking to the affected residents and asking for their opinion.
 - d. A sensible solution would be to locate the police office on the ground floor so that they had a better view of the precinct.
 - e. The units should be located on the land opposite the Coop which would allow opening hours and deliveries without restriction.
 - f. If approved, extended opening times would be opposed and restrictions on delivery hours and HGV's with audible reversing claxons would be necessary.

PLANNING POLICY

33. The Development Plan for Rushcliffe consists of The Rushcliffe Local Plan Part 1: Core Strategy 2014 (LPP1) and The Rushcliffe Local Plan Part 2: Land and Planning Policies 2019 (LPP2). The overarching policies in the National Planning Policy Framework (the NPPF) are also relevant, where the local Development Plan is silent.

Relevant National Planning Policies and Guidance

34. 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. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area. In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development. There are three dimensions to sustainable development, economic, social and environmental.

35. The presumption in favour of sustainable development is detailed in Paragraph 11 of the NPPF. For decision making this means:
- “c) approving development proposals that accord with an up-to-date development plan without delay; or
 - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting planning permission unless;
 - i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (and designated as Green Belt); or
 - ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.”
36. There are three overarching objectives to sustainable development: economic, social and environmental.
- Economic objective – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
 - Social objective – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations, and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and
 - Environmental objective – contributing to protecting and enhancing our natural, built and historic environment, and as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.
37. Section 6 - 'Building a Strong and Competitive Economy' states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future.
38. Chapter 12 'Achieving well designed places' states that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area not just for the short term but over the lifetime of the development, are visually attractive as a result of good architecture, are sympathetic to local character and history, including the surrounding built environment and landscape setting while not preventing or discouraging

appropriate innovation or change, with a high standard of amenity for existing and future users. Importantly, permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. However, where the design of a proposed development accords with clear expectations of plan polices, design should not be used by decision makers as a valid reason to object to the development.

Relevant Local Planning Policies and Guidance

39. Policy 1 of the Rushcliffe Local Plan Part 1: Core Strategy reinforces the positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. It states that the Council will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.
40. Policy 2 (Climate Change) advises that development proposals will be expected to mitigate against and adapt to climate change, and to comply with national and local targets on reducing carbon emissions and energy use.
41. Policy 6 (Role of Town and Local Centres) identifies Cotgrave as a Local Centre and is also specifically referred to in point 4 as being in need of regeneration. The policy seeks to ensure that the vitality and viability of all centres will be maintained and enhanced, including widening the range of uses whilst maintaining a strong retail character, environmental enhancements and improvements to access.
42. Policy 10 (Design and Enhancing Local Identity) states that all new development should be designed to make; a positive contribution to the public realm and sense of place; create an attractive, safe, inclusive and healthy environment; and reinforce valued local characteristics; reflect the need to reduce the dominance of motor vehicles.
43. Development will be assessed in terms of its treatment of the following elements:
 - a) structure, texture and grain, including street patterns, plot sizes, orientation and positioning of buildings and the layout of spaces;
 - b) impact on the amenity of occupiers or nearby residents;
 - c) incorporation of features to reduce opportunities for crime, the fear of crime, disorder and anti-social behaviour, and to promote safer living environments;
 - d) permeability and legibility to provide for clear and easy movement through and within new development areas;
 - f) massing, scale and proportion;
 - g) materials, architectural style and detailing;
 - h) the potential impact on important views and vistas, including of townscape, landscape, and other individual landmarks, and the potential to create new views; and
 - i) setting of heritage assets.
44. Policy 11 (Historic Environment) Proposals and initiatives 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. Planning decisions will have regard to the contribution heritage assets can make to the delivery of wider social, cultural, economic and environmental objectives.

45. Policy 14 (Managing Travel Demand) The priority for new development is selecting sites already, or which can be made, accessible by walking, cycling and public transport.
46. The Rushcliffe Local Plan Part 2: Land and Planning Policies was adopted in October 2019 and sets out non-strategic allocations and detailed policies for managing development. The following policy in the Rushcliffe Local Plan Part 2 is particularly pertinent:
47. Policy 1 (Development Requirements) sets out that planning permission for new development will be supported provided that where relevant, a list of criteria set out in the policy are met. This list includes aspects such as no significant adverse effect upon the amenity by reason of the type and levels of activity on the site, or traffic generated, suitable access being provided, the relationship with nearby uses in terms of the amenity, the scale, density, height, massing, design, layout and materials of the proposal is sympathetic to the character and appearance of the neighbouring buildings and the surrounding area, noise attenuation is achieved and light pollution is minimised, it can be demonstrated that wherever possible, development is designed to minimise the opportunities for criminal activities and aspects such as ensuring no significant impact on wildlife, landscape character etc.
48. Policy 25 (District and Local Centres) main town centre uses (retail, office, entertainment, cultural and leisure) will be permitted within the District Centres and Local Centres, as defined within the policies map, provided they are designed at a scale and character which reflects the role, function and distinctive qualities of the centre. Any development that would have a significant adverse impact on the vitality and viability of a defined centre will not be permitted.
49. Within the primary frontages, as defined within the policies map, ground floor development will be permitted provided:
 - a) it does not result in A1 uses forming less than 60% of the total units;
 - b) it does not result in non-retail uses exceeding 20% of the total units; and
 - c) it does not result in A5 (hot food and take-away) uses exceeding 10% of the total units.
50. In District and Local Centres, development will be expected to create a more accessible, well-connected and well-designed centre. It should therefore:
 - a) be of a high standard of design and not adversely affect the centre by reason of its scale, bulk, form, layout or materials;
 - b) not result in the loss of buildings or other features, including open space, which make an important contribution to the appearance of the centre;
 - c) not cause a significant adverse impact on the amenity of nearby residents and occupiers;
 - d) not give rise to unacceptable environmental or public safety impacts; and
 - e) provide appropriate provision for servicing and parking.

51. The Adopted Policies Map identifies the application site as being within the primary retail area having a primary retail frontage facing into the horseshoe.
52. Policy 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) outside of the Biodiversity Opportunity Areas developments should, where appropriate, seek to achieve net gains in biodiversity and improvements to the ecological network through the creation, protection and enhancement of habitats, and the incorporation of features that benefit biodiversity.
53. Policy 40 (Pollution and Land Contamination) sets out a number of criteria including in respect of lighting schemes to be designed to use the minimum amount of lighting necessary to achieve their purposes and to minimise any adverse effects beyond the site, and that proposals for development must identify potential nuisance issues arising from the nature of the proposal and address impacts.

APPRAISAL

54. The main issues to consider in this application are:
 - The principle of development;
 - The design of the proposed development and its impact on the appearance of the surrounding area;
 - The impact of the proposed development on the amenity of neighbouring properties;
 - The impact on highway safety/parking;
 - The impact on trees; and
 - The impact on archaeology.
55. The overarching Policy 1 in the LPP1 reinforces that a positive and proactive approach to decision making should be had which reflects the presumption in favour of sustainable development contained in the NPPF. In this instance the proposed development is considered to be a sustainable development and therefore is acceptable in principle subject to other material considerations being acceptable.
56. In respect of the appearance of the proposal in the area, the development replaces what was a two storey retail block with a single storey block having the same design and material ethos as the rest of the retail development/refurbishment within the centre. In that regard it is considered to sit well in this context. From the rear, particularly when viewed from Candleby Lane and the properties opposite, the development would appear smaller than the former building on this site, however it would continue to have a blank rear elevation facing towards Candleby Lane. Due to intervening roads and landscaping it is not considered to result in significant harm to the appearance of the area when travelling along Cadleby Lane.
57. The adjacent properties on Candleby Lane are around 50m from the development, however the application site is on a higher level than this road and properties. Whilst it was suggested in representations received in relation to the application that the development be relocated elsewhere on the wider retail site, this is the site that was previously developed and until recently accommodated retail units. The planning process should not withhold

permission where material considerations of the application under consideration leads to a favourable outcome. Issues of security, noise and deliveries are matters that can be addressed in the design and layout of the scheme and by condition.

58. The comments of the residents are noted in respect of noise from deliveries and antisocial behaviour that may have historically taken place in the rear car park area of the site. A Ward Councillor has also expressed a desire to ensure that conditions limit delivery times and that adequate security is provided. The Council's Environmental Health Officer has not raised a concern with the proposal from an amenity/security issue however a condition is proposed to limit the time of deliveries to the units and also the opening times so as to accord with both economic delivery but also the protection of amenity.
59. The proposal would involve some alterations to the access to the highway, some and internal alterations to the car parking. Whilst there would be a reduction in the level of the parking in this particular part of the site, the redevelopment/regeneration of the precinct has resulted in an increase in the level of parking provision across the wider area. The Car Parking Appraisal which accompanied the submission concludes, amongst other things, that the total proposed car parking provision on the site, i.e. the wider town centre site, of 187 spaces is considered adequate to accommodate the required level of vehicle parking expected on the site. The Highway Authority have not raised an objection to the proposed changes subject to conditions.
60. In respect of the potential impact on trees and landscaping, the proposal would involve the removal of a number of reasonably prominent trees. However, on the basis of the overall improvements made to the access to the site and the indication that replacement trees will be planted, no objections to the proposal have been received from the Landscape Officer, provided a condition is imposed for the replacement planting and a condition regarding tree protection for those that are to be retained.
61. In respect of archaeology, the supporting documentation accompanying the submission advises that there *"...is a low to moderate potential for the Site to contain archaeological remains of Early Medieval, Medieval and Post-medieval date, and low potential for earlier remains. Any remains of prehistoric or early medieval date could be of regional or national significance, depending on their nature. Later remains are likely to be of local significance. If archaeological remains do exist within the Site boundary, they may be subject to direct adverse impacts as a result of the proposed development. The site of the new buildings has previously been levelled and developed which may have impacted on archaeological deposits, although the exact level of truncation is unknown. It is considered that there is a low potential for archaeological remains to be found during the building works on this part of the site. Works for the widened access road will take place on ground undisturbed by prior development and within the Cotgrave Historic Village Core. This area has a higher potential for sub-surface remains and is therefore more likely to suffer direct adverse impact. It is considered that archaeological mitigation in the form of a watching brief is required, in respect of the western part of the site which falls within the Historic Village Core."* It is considered that the suggested approach is proportionate to the likely significance of any archaeological features that may be encountered on the site.

62. In view of the concerns raised by the Recycling to Go Officer and the potential for the recycling facilities to impact on the amenities of neighbouring residential properties, these facilities have now been omitted from the scheme and the applicant has advised that they are likely to be located elsewhere within the wider town centre site.
63. The development/end use is of a type which would be required to make payments under the Community Infrastructure Levy and would attract a sum of around £63,000. Improvements are also required to nearby bus stops, to be secured through a condition of any planning permission.
64. In principle, the development is considered acceptable. Furthermore, it is considered that the proposed development would be acceptable in terms of its impact on the appearance of and the character of the area. It is also considered that the proposed development would not adversely impact on the amenities of occupiers of nearby residential properties and would not adversely impact upon archaeology or highway matters. Accordingly, the proposed development would accord with the policies of the LPP1 and of the LPP2. The application is therefore recommended for approval subject to conditions.
65. Negotiations have taken place during the consideration of the application to address adverse impacts identified by officers. Amendments have been made to the proposal, addressing the identified adverse impacts, thereby resulting in a more acceptable scheme and the recommendation to grant planning permission.

RECOMMENDATION

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

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

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

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

3522 01C SITE LOCATION PLAN
 3522 02K-SITE BLOCK PLAN
 3522 03J-PROPOSED FLOOR PLANS
 3522 05D PROPOSED ELEVATIONS
 3522 06 PROPOSED CGIS 1
 3522 07 PROPOSED CGIS 2
 3522 12 Proposed Context Elevations
 COTG-A-2001 B
 Proposed External Levels CGP4-BSP-ZZ-XX-DR-C-210 P4
 Swept Path Analysis CGP4-BSP-ZZ-XX-DR-C-SK03 P2
 Proposed drainage layout CGP4-BSP-ZZ-XX-DR-C-240 P4
 Design and access statement, Tree report, Historic Environment Desk-Based Assessment, Cotgrave Shopping Precinct,
 Phase 2 Ecological Appraisal, Drainage Strategy, Car Parking Appraisal,

Transport Statement

[For the avoidance of doubt, in the interest of amenity; and to comply with Policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

3. No part of the development hereby permitted shall be brought into use unless or until enhancements to the two bus stops on Candleby Lane (RU0338 and RU0835) have been made to the satisfaction of the Local Planning Authority, and shall include a real time bus stop pole & display including associated electrical connections, enforceable bus stop clearway and lighting in shelter at stop RU0338 and a real time bus stop pole & display including associated electrical connection, raised boarding kerb and enforceable bus stop clearway at stop RU0835.

[To encourage the use of buses as an alternative to the car; and to comply with policy 1 of the Local Plan Part 2: Land and Planning Policies)

4. No part of the development hereby permitted shall be brought into use until the widened vehicle access onto Candleby Lane shown indicatively on drawing 02 Revision H is available for use and constructed in accordance with the Highway Authority specification to the satisfaction of the Local Planning Authority.

[In the interest of highway safety; and to comply with policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

5. No part of the development hereby permitted shall be brought into use until the proposed parking, turning and improved servicing arrangements as shown for indicative purposes on drawing number 02 Revision H have been provided and constructed with provision to prevent the discharge of surface water from the parking area to the public highway. The provision to prevent the discharge of surface water to the public highway shall be retained for the life of the development.

[In the interest of highway safety; and to comply with policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

6. Before the use of the buildings is commenced, an insulation scheme to effectively reduce the transmission of noise to adjacent properties, shall be submitted to and approved by the Local Planning Authority. The sound insulation scheme shall have regard to BS 8233: 2014 Sound Insulation and Noise Reduction for Buildings, and BS4142:2014, stating all assumptions made. The approved scheme shall be installed prior to the use commencing and be retained for the life of the development.

[In the interest of the amenities of nearby residential properties and to comply with policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

7. If external lighting is to be installed, it must be designed, located and installed so as not to cause a nuisance to neighbouring residents. The details of any such lighting shall be submitted to and approved by the Local Planning Authority, together with a lux plot of the estimated illuminance. The lighting

shall be implemented in accordance with the approved scheme and shall be retained as such thereafter.

[In the interest of residential amenity and to comply with policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

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

[In the interest of highway safety; and to comply with policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies. This condition needs to be discharged before work commences on site to ensure that the mitigation measures are fully incorporated into any working practices during the demolition/construction phase of development].

9. A minimum of 6 replacement trees, of a species and details of which have been submitted to and approved in writing by the Borough Council shall be planted in position(s) previously agreed in writing by the Borough Council, during the first planting season after the felling of the tree(s) to be removed. Any tree(s) within a period of 5 years from the completion of the planting which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Borough Council gives written consent to any variation.

[In the interest of amenity and landscape value; and to comply with policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies]

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

[In the interest of amenity and landscape value; and to comply with policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies. This condition needs to be discharged before work commences on site to ensure that the tree protection measures are erected prior to the construction phase of the development].

11. The opening hours of all 4 units hereby approved shall be limited to Monday to Saturday: 8am-8pm and Sundays: 10am-4pm.

[In the interest of amenity; and to comply with Policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies]

12. Deliveries to all 4 units hereby approved shall be limited to

Monday to Friday:7am to 8pm

Saturday:7am to 8pm

Sunday: No deliveries

[In the interest of amenity; and to comply with Policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies]

13. Units annotated as 1-3 on the approved plans shall be used for A1 Retail purposes only. Unit 4 Shall be used for either A1 Retail and/ or A3 cafe only.

[For the avoidance of doubt and to comply with Policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies]

14. Details of any external seating shall be submitted to the Local Planning Authority prior to an area being used for any such purposes. The seating shall thereafter be installed and retained in accordance with the approved details.

[For the avoidance of doubt, in the interest of amenity; and to comply with Policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

15. No development shall take place until the applicants, or their agents or successors in title, have secured the implementation of a programme for a watching brief to be carried out during construction or excavation work on the site, by a professional archaeologist or archaeological organisation and the details of such a scheme have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the scheme shall be fully implemented during the relevant stages of the construction phase.

[To record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact and to make this evidence (and any archive generated) publicly accessible and to comply with NPPF 16 (Conserving and enhancing the historic environment), policy 11 (Historic Environment) of the Rushcliffe Local Plan Part 1: Core Strategy and policies 28 (Historic Environment: Conserving and Enhancing Heritage Assets) and 29 (Development Affecting Archaeological Sites) of the Rushcliffe Local Plan Part 2: Land and Planning Policies. This condition needs to be discharged before development commences on site to ensure that measures are in place to record any finds of archaeological importance that may be found during excavations on site].

Notes to Applicant

Please be advised that all applications approved on or after the 7th October 2019 may be subject to the Community Infrastructure Levy (CIL). The Borough Council considers that the approved development is CIL chargeable. Further information about CIL can be found on the Borough Council's website at <https://www.rushcliffe.gov.uk/planningandgrowth/cil/>

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.

The above proposals involve works within the public highway, that is land over which you have no control. The Highway Authority will therefore require you have any the relevant legal agreements / licenses in place to cover the design and construction of the works prior to their commence . Please contact Mr Jan Witko Tel. 0115 9774364 at an early stage to how best this can be achieved.

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Application Number: 19/01771/OUT
Pathways, London Lane, Willoughby-on-the-Wolds



scale 1:1000

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19/01771/OUT

Applicant Sharon Vincent & Stephen Harding

Location Pathways, London Lane, Willoughby On The Wolds

Proposal Construction of four new dwellings to side and rear of existing dwelling (Outline application with all matters reserved except for access).

Ward Keyworth And Wolds

THE SITE AND SURROUNDINGS

1. The proposed development site comprises part of the residential amenity space/rear garden of Pathways, London Lane, Willoughby on the Wolds. Pathways forms one-half of a traditional brick-built semi-detached pair of houses that date from circa 1950s. The dwellinghouse features an attached double garage on its northern (side) elevation that was constructed in the mid-1980s.
2. The linear site is approximately 92m in length and extends to approximately 1,995sqm. The site is bounded by existing residential properties to the north, south and west. Open fields lie immediately to the east, with residential properties beyond.
3. The site has a gentle 3m gain in height from front to back but is otherwise relatively flat. The northern and eastern boundaries are predominantly formed of established hedgerow. The southern boundary is a mixture of hedgerow and post and wire fence. The boundary to London Lane is a mixture of low brick wall and hedging.
4. Pedestrian and vehicular access is directly off London Lane.

DETAILS OF THE PROPOSAL

5. This application seeks outline planning permission for the construction of four residential dwellings to the side and rear of the existing dwellinghouse. All matters except for access (i.e. appearance, landscaping, layout and scale) are reserved for subsequent approval.
6. Whilst the application seeks outline planning permission, layout plans have been submitted for illustrative purposes. The layout plan shows a proposal to erect two detached two-storey dwellings and one 1½-storey dwelling to the rear of the existing garden, and a further detached two-storey dwelling to the side of the existing property, with frontage directly to London lane. This breaks down as follows:
 - Plot 1 – 3 bedroom dwelling of approx. 1,028 sq.ft
 - Plot 2 – 3 bedroom dwelling of approx. 1,348sq.ft
 - Plot 3 – 3 bedroom dwelling of approx. 1,348sq.ft
 - Plot 4 – 3 bedroom dwelling of approx. 1,294sq.ft

7. The layout plan shows that plots 1, 2, 3 and the original property, Pathways, would share a parking court providing two spaces per dwelling. There would also be a further two visitor spaces. A detached single garage and two parking spaces are shown to serve Plot 4.
8. The illustrative layout plan shows that each dwelling could be provided with adequate amenity space, the proposed new dwellings would have 11m long rear gardens (the garden to the 1½ storey dwelling would be 9.3m),
9. Both the new and existing properties would utilise a widened access off London Lane.
10. The existing hedges to the north and east boundaries are to be retained where possible. The boundary between the existing garden and the adjacent Goodacre Close would comprise a new 1.8m high fence. The existing eastern boundary to London Lane, which consists of a mixture of low brick wall topped with fencing and hedgerow, would be re-modelled and replaced with a low brick wall to suit the widened vehicular access.
11. Whilst matters of appearance are reserved, the applicant has indicated that the dwellings would be of traditional form with pitched roofs, gables, porches and bay windows with attention to the detailing of cills, lintels, chimneys etc.
12. During the course of determination, in response to concerns raised by statutory consultees and neighbouring occupiers, a revised layout plan incorporating changes to the siting/orientation of the proposed dwellings was submitted. Given the nature of the amendments, a full 21-day re-consultation was undertaken.

SITE HISTORY

13. 85/01855/N1P – Side extension to form additional garage – granted January 1986.

REPRESENTATIONS

Ward Councillor(s)

14. One Ward Councillor (Cllr Edyvean) objects to the proposal. His comments on the original plans are summarised as follows:
 - The proposed outline plan is over intensive and out of keeping with the surrounding area.
 - There are a number of trees shown for removal, some of which are said to not belong to the property in question.
 - It would appear that the electricity supply to neighbouring properties crosses the site and no provision is made for showing how this would be dealt with.
 - London Lane is the location of the village hall and parking frequently renders this into a single lane highway, the number of cars associated with this proposal would make entry onto the highway potentially dangerous.

- The village as a whole currently has a sewage system that is already overloaded, resulting in frequent discharges of raw sewage onto the main road and into the Kingston Brook, a problem known to Severn Trent, there should be no further new house builds in Willoughby until Severn Trent can verify that the sewage problem will be dealt with.
15. Following further consultation in respect of the revised plans and discussions with the Ward Councillor, Cllr Edyvean maintains his objection to the proposal expressing particular concern over the capacity of the sewage system in the village and the impact of heavy rainfall which causes the drains to overflow. He is concerned that although this issue first manifested about two years ago, Severn Trent have not yet approved any upgrades to the system. He states that he is unable to support any further new build developments in Willoughby until Severn Trent does something about the problem or can prove that the existing system is adequate.

Town/Parish Council

16. Willoughby Parish Council object to the proposal. Their concerns, submitted in respect of the originally submitted plans, are summarised as follows:
- Lack of clarity on provision of electricity supply to Dalcroft, which currently crosses the proposed development.
 - Indication that further tree removal will take place, some trees marked do not belong to the plot.
 - No provision to manage water run-off, adding to a road that already suffers from considerable standing water problems.
 - Removal of hedgerow at front of property will be detrimental to the character of the street scene.
 - No provision for household waste disposal, it would be unacceptable to have the number of bins required blocking the pavement.
 - Over intensive and out of keeping with the surrounding properties.
 - It would lead to highway dangers from the increased number of cars trying to exit a driveway onto a road where car parking for the village hall already renders the highway into a single lane.
 - The village sewerage system is already known to be inadequate with frequent issues of raw sewage being discharged onto Main Street and into the watercourse. We should ask that Severn Trent positively verify that they will upgrade the system for any further new developments.

Statutory and Other Consultees

17. Nottinghamshire County Council as Highway Authority do not object to the proposal subject to the imposition of suitable conditions regarding driveway surfacing, provision of vehicular access over a footway and visibility splays. Their response includes the following points to note:
- The proposal incorporates a shared private drive to serve a total of five dwellings, and the width detailed is acceptable. The access should be designed as a dropped kerb footway crossing, to maintain priority to pedestrians.

- Whilst layout is a reserved matter, it is noted that the indicative layout as detailed is considered acceptable in terms of parking and turning provision.
 - Considering that the access drive is to remain private, refuse collection vehicles will not access the development, and refuse collection will take place from London Lane. A bin collection point will need to be provided within the site adjacent to the public highway to ensure bins do not cause an obstruction on the footway of London Lane. This matter will need to be addressed within the reserved matters submission.
18. Severn Trent Water have provided comments only on the proposal. Their response is summarised as follows:
- Planning Practice Guidance and section H of the Building Regulations 2010 detail surface water disposal hierarchy. The disposal of surface water by means of soakaways should be considered as the primary method. If this is not practical and there is no watercourse is available as an alternative, other sustainable methods should also be explored. If these are found unsuitable, satisfactory evidence will need to be submitted, before a discharge to the public sewerage system is considered. No surface water to be discharge into the foul system by any means.
 - Building Regulations section H recommends self-protection. If the development is likely to create a new low point in the network it is advised that they consider the use of non-return valves on their sewer connections to provide greater resilience to surcharge in the network and mitigate any flood risk.
 - For the use or reuse of sewer connections either direct or indirect to the public sewerage system the applicant will be required to make a formal application to the Company under Section 106 of the Water Industry Act 1991.
 - The following informative is suggested:
 - Severn Trent Water advise that although our 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.
19. The Borough Council's Conservation & Design Officer provided comments on the proposal. Their response is summarised as follows:
- From the illustrative layout what is essentially being proposed in a single hit is what has been created on the adjoining site (Westview) across several applications over 12 years (19/0253/FUL - 1 dwelling at rear of site, 14/00244/OUT and 14/02147/REM - 2 dwellings at rear and 07/01162/FUL, semi-detached pair of dwellings to side).
 - Given what has been achieved on the adjoining site and that the proposal essentially mirrors this he would have no basis to raise concern or objection on design grounds. As with the adjoining

development there would be no prospect of the property at the rear being serviced by refuse vehicles and as such a bin collection point would need to be provided in some accessible location

- In terms of archaeology, the site is within what is identified as being the historic core of the settlement, however its position at the fringes of the historic settlement limits potential to archaeology associated with the agricultural hinterland of the settlement.
- For the neighbouring site, as development was brought forwards in 1's and 2's development was never of sufficient scale to justify archaeological conditions. With the proposal here being for 4 dwellings the scale being advocated at one time is more substantial, however potential would remain low and under the circumstances he would not advocate an archaeological condition.

20. The Borough Council's Environmental Health Officer has raised no objection subject to the imposition of conditions in respect of contaminated land and construction noise/dust.

21. The Borough Council's Environmental Sustainability Officer initially raised concerns regarding the lack of a Preliminary Ecological Assessment (PEA) and recommended that the application should not be determined until this was completed. A PEA was submitted by the agent on 11th September 2019. On receipt of this information, the Environmental Sustainability Officer raised no objection to the proposal subject to the imposition of suitable conditions. They noted that, given the sites historic use as an orchard, the opportunity to establish an orchard on part of the site should be taken, if possible.

Local Residents and the General Public

22. Objections have been received from four nearby occupiers. Three neutral responses (neither objecting to nor supporting the application) have also been received. The responses are summarised below (for ease of reference, responses have been split into those received in respect of the original plans and those received in respect of the revised plans).

23. Comments on the original plans:

- a. Electricity supply to Dalcroft currently crosses the corner of Plot 1. There is no mention of moving this supply. The telegraph pole is in an established hedge.
- b. The hedge adjacent to Dalcroft belongs to Dalcroft. The proposed buildings on Plots 1 and 2 are on the border. Access must be available to maintain this hedge which provides a habitat for wild birds.
- c. On the development side of the hedge on the border of Dalcroft there is a drainage ditch. There has been a number of issues with flooding on London Lane and there is no mention of what the plans are for this. In recent years there has been flooding in the corner of the development site where Plot 1 is situated.
- d. There is an Ash tree in the border with Dalcroft (by Plot 2) that is marked for removal. This tree does not belong to the development site and should not be removed.

- e. The proposed site is nearly opposite the village hall which is well utilised. The proposal has provision for up to thirteen vehicles and these will be turning into/out of the site in to what is quite often reduced to a single lane due to the number of parked cars.
- f. The application makes no provision for the storage of waste. If waste bins are left on the pavement this causes a health and safety issue – obscuring the view for vehicles pulling out and obstructing the way for pedestrians.
- g. Additional vehicles turning in or out of this new development will add traffic on the lane and will reduce the on-road parking options due to widening the existing access.
- h. The proposed development will potentially add to the on-road parking due to not enough proposed visitor parking for each new property.
- i. The speed and traffic survey did not take into account farm vehicles using London Lane for extended periods of time during harvesting. Extra traffic to the new development is going to add to existing problems with vehicle flow.
- j. Another access would be impractical and possibly dangerous.
- k. The additional water that will run onto London Lane from the proposed properties/hardstanding areas being built is going to add to the flooding issue.
- l. There doesn't appear to be enough room for oil/general delivery vehicles to access the properties or turn in the site.
- m. The outline plans show hedges being removed on the front boundary and being replaced by fencing, which will affect wildlife and dramatically change the existing look of London Lane.
- n. Not considered that because a development was granted for the neighbouring property that this should set a precedent for similar development.
- o. This development negatively affects existing properties on all four sides of the current boundaries.
- p. There is no provision for an oil tanker to be sited for each property. Does this limit the choice of heating method for future occupants?
- q. Neighbour not contacted personally despite their property directly overlooking the site.
- r. The existing plot has been disused for many years. In preparation for this application, extensive clearing of the plot has taken place, including removal of trees/ hedgerow thinning. This has affected wildlife and the site is more visible from neighbouring property.

- s. Plot 4 will be directly visible from neighbouring garden and a number of windows will overlook garden. The side elevation of Plot 2 will be visible from neighbouring house.
- t. Whilst accepting further housing development is necessary, it is of concern that the newly built properties on Goodacre Close have been let rather than sold.
- u. There has been a noticeable increase in noise and artificial light in this rural location.
- v. Fewer and smaller properties would ease concerns.
- w. Trees and hedges should be re-planted along the borders to help screen the properties and allow wildlife to return.
- x. The orientation/ layouts/ locations of windows of Plot 4 and Plot 2 should be revised to ensure overlooking is minimised and obscured.
- y. Plot 4 is only 10.9 meters from recently approved development on neighbouring plot in Goodacre Close 19/00253/FUL. The northern elevation on this dwelling has two windows in the roof trusses. Reassurance is sought that there is not going to be a privacy issue.
- z. The applicants cut down the 150-year old trees before putting in the application – this plot should be reserved as a village orchard.
- aa. Plot 4 seems to be of particular nuisance overlooking a number of properties. The building is also too close to neighbouring boundary fence and adjacent to a manège which is used for personal recreational use. The arena will be unsafe for use during construction of the site and could be unsafe to use following the construction of the site.
- bb. The wildlife report undervalues the contribution the site makes to wildlife.

24. Comments on the revised plans

- a. Note with interest the revised plans submitted, however no consideration has been given to previous concerns raised about privacy.
- b. Plot four is directly in line of sight with Orchard House and therefore will be a blight on property and its value.
- c. The proposal is so close to border with Orchard House, it would significantly affect privacy.
- d. Previously requested that plot four on the original plan had obscure glass to the rear to protect neighbouring privacy, but now the plan has been re-submitted to turn the building through 180 degrees, meaning that the front of the building would need obscure glass, which isn't really practical.

- e. If this application were to be granted a precedent would be set to allow further development to the rear of Dalcroft, which would also be totally unacceptable.
- f. Felt as though the applicant is over developing the site and that plot four should be removed completely.

PLANNING POLICY

25. The Development Plan for Rushcliffe consists of The Rushcliffe Local Plan Part 1: Core Strategy (referred to herein as the 'Core Strategy') and The Rushcliffe Local Plan Part 2: Land & Planning Policies (referred to herein as the 'Local Plan Part 2'). The National Planning Policy Framework (NPPF) is a material consideration in the determination of applications.

Relevant National Planning Policies and Guidance

26. 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.
27. Section 5 (Delivering a sufficient supply of homes) is relevant to this application. Paragraph 68 states that Local Planning Authorities should *"...support the development of windfall sites through their policies and decisions - giving greater weight to the benefits of using suitable sites within existing settlements for homes..."*
28. The proposal should also be determined in accordance with section 12 (Achieving well-designed places), particularly the criteria outlined in paragraph 127. 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.

Relevant Local Planning Policies and Guidance

29. 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.
30. Policy 3 of the Core Strategy outlines the distribution of development in the Borough during the plan period. The policy promotes urban concentration by directing the majority of future development towards the built-up area of Nottingham and the Key Settlements identified for growth of Bingham, Cotgrave, East Leake, Keyworth, Radcliffe on Trent and Ruddington. The policy states that in other settlements development will be for 'local needs only' where it is envisaged that provision will be made on small scale infill plots.
31. Policy 10 requires all new development to be designed to make; a positive contribution to the public realm; create an attractive, safe, inclusive and healthy environment; reinforce local characteristics; and reflect the need to reduce the dominance of motor vehicles.
32. Policy 1 (Development Requirements) of the Local Plan Part 2 is relevant to the determination of this application. The policy seeks to ensure, amongst

other matters, that proposals do not result in significant adverse impacts on amenity, a suitable access can be provided and that proposals are sympathetic to the character and appearance of the surrounding area.

33. Policy 11 (Housing on unallocated sites within settlements) allows for housing development within settlements provided that, amongst other matters, the scale/location of development accords with the Council's Spatial Strategy, the proposal would not adversely affect the character/pattern of the area, residential amenity is protected and appropriate access and parking is provided. The Local Plan does not identify the settlement boundaries within which Policy 11 will apply. Nevertheless, paragraph 3.10 states that development to meet 'local needs' at 'other villages' will be limited to small scale infill development, exception site development and the allocation of land by neighbourhood plans. It goes on to state 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*".
34. The 2009 Rushcliffe Residential Design Guide sets out a number of issues that should be considered in respect of 'backland' development. These include access, connectivity to the surrounding settlement and the protection of residential amenity.

APPRAISAL

35. The development proposal has been submitted in outline form with all matters, except for access (i.e. appearance, landscaping, layout and scale) reserved for subsequent approval.
36. The main issues of relevance to the determination of this application are the principle of development on the site, impact on the character and appearance of the area, impact on residential amenity and access/highway safety matters. Concerns have been raised regarding flooding/site drainage and, as such, this matter has been given due consideration in the determination of the application.

Principle of Development

37. As a proposal for housing development on an unallocated site, the proposal falls to be determined under Policy 3 of the Core Strategy and Policy 11 of the Local Plan Part 2.
38. The proposed development site is located within the built-up part of Willoughby on the Wolds. Willoughby on the Wolds is not identified as an area for growth in the Core Strategy, instead falling into the category of 'other villages' where development will be for 'local needs only'. Paragraph 3.10 of the Local Plan Part 2 states that development to meet 'local needs' at 'other villages' will be limited to small scale infill development, exception site development and the allocation of land by neighbourhood plans. It goes on to state 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*".

39. The application site is bounded by existing residential properties to the north, south and west. Open fields lie immediately to the east, with residential properties beyond. Taking account of its context, including the location of other residential properties in the immediate environs, the application site is considered to comprise a small gap within the existing built fabric of the village. Furthermore, in light of the site's position relative to the other built-up parts of the village and bearing in mind its relatively enclosed nature, it is considered that the site is capable of being developed without resulting in a harmful impact on the pattern or character of the area. The scale of the development is relatively minor and would not compromise the objectives of the Council's Spatial Strategy.
40. Overall, with reference to Policy 3 of the Core Strategy and Policy 11 of the Local Plan Part 2, it is considered that the principle of residential development on the site is acceptable subject to the proposal being found acceptable in respect of all other considerations, including impacts on the character and appearance of the area, residential amenity, access etc.

Impact on the Character and Appearance of the Area

41. The application is in outline with all matters, except for access, reserved for subsequent approval.
42. Whilst matters of layout are reserved for future consideration, the submitted illustrative site plan indicates that Plot 1 would be located towards the front of the site (adjacent to Pathways), Plot 2 and 3 would be located close to the central part of the site (adjacent to two modern properties that have been built to the rear of 'Westview') and Plot 4 would be located at the rear of the site (adjacent to an approved but not yet constructed two-bedroom dwelling to the southeast). In terms of impact on the pattern of development, whilst backland there is no strong rear build-line along this part of London Lane and there are other dwellings set back from the London Lane frontage occupying a similar build line to the proposed new dwellings.
43. In terms of scale, the application states that the four proposed dwellings would have three bedrooms and would be two-storey (Plots 1, 2 and 3) and 1.5 storey (Plot 4) respectively. It is considered that, with careful design, the site could accommodate the proposed dwellings without resulting in a cramped appearance and the detailed design would be assessed at the reserved matters stage. Whilst relatively narrow and linear in form, the proposed development plot is comparable in size to others on London Lane, including the plot immediately to the south.
44. The site has a gentle 3m gain in height from front to back but is otherwise relatively flat. The northern (side) and eastern (rear) boundaries are predominantly comprised of an established hedgerow, supplemented by trees in the north-eastern corner of the site. The south (side) boundary is a mixture of hedge and post and wire fence. The boundary to London Lane is a mix of low brick wall and hedging. The boundary treatments coupled with the existing residential properties to the north, south and west, results in the site appearing relatively enclosed. As a result, the proposed dwellings would be somewhat screened from the wider environs. Overall, subject to satisfactory details at the reserved matters stage, the dwellings would not be unacceptably prominent from the public realm or the open countryside to the rear.

45. To retain the sylvan appearance of the streetscene, the landscaping scheme for the site should include the reinstatement of hedgerow along the frontage of the property (outside of the required visibility splays). An informative is recommended to this effect.

Impact on Residential Amenity

46. The application site occupies a gap in the existing built fabric, surrounded by other residential properties on three sides. Due consideration is required in respect of potential overlooking/loss of privacy to the existing property, Pathways, and the nearest residential receptors to the north and south, as well as having regard to the amenity of future occupiers of the proposed dwellings.
47. As the application is in outline with all matters (except for access) reserved, the siting, design and external appearance of the proposed buildings does not form part of this application.
48. It is noted that concerns have been raised by nearby occupiers regarding potential for overlooking and loss of privacy. The location of windows are not known at this stage (this would be considered as part of a reserved matters application) but given the orientation/siting and separation distances between the proposed dwellings and the nearest residential receptors, it is not considered that impact on residential amenity is a fundamental constraint to the development of the site. The vegetation on the northern and eastern boundaries, which includes a number of trees to be retained, would partially screen the nearest receptors to the north. Further consideration of potential for overlooking would be a relevant factor at the detailed stage when position of windows and use of rooms would be known.
49. Given the size of the plot, it is considered that ample residential amenity and circulation space exists to serve both the existing dwelling and proposed new dwellings. The Site Plan indicates garden sizes that are in general accordance with the Residential Design Guide.
50. Subject to satisfactory details at the reserved matters stage, it is considered that development of the site for residential purposes would be achievable and would not lead to an unacceptable impact on residential amenity.

Access

51. The development proposal incorporates a shared private drive to serve a total of five dwellings (i.e. the host dwelling and four proposed dwellings).
52. It is noted that concerns have been raised by a number of nearby occupiers in respect of the safety of the proposed access and the impact of the proposal on traffic flow.
53. Nottinghamshire County Council as Highway Authority do not object to the proposal subject to the imposition of suitable conditions regarding driveway surfacing, provision of vehicular access over a footway and visibility splays. They note that, whilst layout is a reserved matter, the indicative layout as detailed is considered acceptable in terms of parking and turning provision. Finally, they advise that a bin collection point will need to be provided within

the site adjacent to the public highway to ensure bins do not cause an obstruction on the footway of London Lane. This matter should be addressed within the reserved matters submission.

54. Under paragraph 109 of the NPPF, development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Given the scale and nature of the development, it is not considered that the resultant highways would be 'severe'.
55. In light of the above and, bearing in mind that no objection is raised by the Local Highway Authority a reason for refusal on highways grounds could not be substantiated.

Flooding/ Site Drainage

56. The application site lies within Flood Zone 1 (i.e. land having a less than 1 in 1,000 annual probability of river or sea flooding). Furthermore, the maps which identify the risk from surface water flooding show that the site and the majority of the surrounding area is within an area at 'very low risk' of flooding.
57. Concerns have been raised regarding sewerage capacity in Willoughby on the Wolds and the impact that an additional four houses would have on this capacity. Councillor Edyvean commented that the sewage system is already overloaded, resulting in frequent discharges of raw sewage onto the main road and into the Kingston Brook, a problem known to Severn Trent. He goes on to state that there should be no further new house builds in Willoughby until Severn Trent can verify that the sewage problem will be dealt with. In light of these comments, the views of Severn Trent have been sought.
58. Severn Trent Water do not object to the proposal and have provided observations only. They commented that the disposal of surface water by means of soakaways should be considered as the primary method. If this is not practical and there is no watercourse is available as an alternative, other sustainable methods should also be explored. If these are found unsuitable, satisfactory evidence will need to be submitted, before a discharge to the public sewerage system is considered. They go on to state that or the use or reuse of sewer connections either direct or indirect to the public sewerage system the applicant will be required to make a formal application to the Company under Section 106 of the Water Industry Act 1991.
59. The Water Authority (in this case Severn Trent) has a statutory duty under Section 94 of the Water Industry Act 1991 to ensure that the public sewerage system operates in a satisfactory manner. Government guidance makes clear that controls under the planning and pollution control regimes should complement rather than duplicate each other. The applicant has indicated that surface water would be dealt with via a sustainable drainage system.
60. Bearing in mind that set out above and given that Severn Trent have not objected to the proposal, it is considered appropriate to deal with matters of site drainage/foul disposal at the reserved matters stage. A condition is recommended in this regard.

Other Matters

61. Concerns have been raised regarding the lack of provision for the storage of waste. The indicative plans show that each property would have a private amenity area where wheeled bins could be stored. However, this is an issue which could suitably be addressed at reserved matters stage when the intended layout of the development would be confirmed.
62. Issues have been raised in terms of the submitted Ecological Appraisal undervaluing the contribution that the site makes to local wildlife. The application site is a residential garden and is not considered to be ecologically significant. The Borough Council's Environmental Sustainability Officer has raised no objection to the proposal subject to the imposition of suitable conditions. It is not considered that a refusal on ecological grounds could be reasonably substantiated.
63. Concerns have been raised in terms of potential for disturbance on the adjacent ménage during and post construction. Some level of disturbance is an inevitable side effect of any development and although an advisory note regarding hours of construction can be included, potential for disturbance does not constitute a reason for refusal. Post construction, it is not considered that the proposed residential use would result in an unacceptable level of disturbance.
64. Concerns have also been raised regarding the potential repositioning of a telegraph pole, the lack of provision for oil tanks and the letting (rather than sale) of properties on Goodacre. These are not material planning considerations and are, therefore, not relevant to the determination of this application.

Conclusion

65. This application seeks outline planning permission for the construction of four residential dwellings to the side and rear of an existing dwellinghouse in the built-up part of Willoughby-on-the-Wolds. With reference to Policy 3 of the Core Strategy and Policy 11 of the Local Plan Part 2, the principal of development is considered acceptable.
66. Whilst concerns have been raised in respect of, but not limited to, the impact upon the character of the area, residential amenity, access, flooding, site drainage etc., for the reasons set out in the body of the report these are not considered to be fundamental constraints to development. This application seeks approval for the principle of development and access arrangements only. Matters relating to appearance, landscaping, layout and scale are reserved for future determination.
67. Negotiations have taken place during the consideration of the application to address concerns/raised in letters of representation submitted in connection with the proposal. Amendments have been made to the proposal, addressing the identified adverse impacts, thereby resulting in a more acceptable scheme and the recommendation to grant planning permission.

RECOMMENDATION

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

1. Application for approval of reserved matters must be made no later than three years beginning with the date of this permission and the development must be begun not later than the expiration of two years from the final approval of reserved matters, or in the case of approval of reserved matters on different dates, the final approval of the last such matter to be approved.

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

2. The development hereby permitted shall only be carried out in accordance with detailed plans and particulars relating to the following items and the development shall not be commenced until these details have been submitted to and approved in writing by the Borough Council:

- The siting, design and external appearance of the proposed buildings;
- A landscaping scheme for the site with details of the treatment proposed for all ground surfaces, including hard areas;
- Sections and cross sections of the site showing the relationship of the proposed development to adjoining land and premises;
- The finished ground levels for the site and floor levels of the dwellings relative to existing levels and adjoining land;
- The means of enclosure to be erected on the site;
- The provision of a refuse collection point within the site and adjacent to the public highway; and
- A scheme for surface water management and foul disposal.

[To ensure the appearance of the development is satisfactory and to comply with Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 1 (Development Requirements) of the Local Plan Part 2: Land and Planning Policies].

3. This permission shall relate to the erection of no more than four dwellings.

[To clarify the extent of this permission and to prevent the overdevelopment of the plot in compliance with Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 1 (Development Requirements) of the Local Plan Part 2: Land and Planning Policies].

4. The dwellings shall not be occupied until the private drive has been surfaced in a bound material (not loose gravel) for a minimum distance of 5.0 metres behind the highway boundary, and which shall be constructed with provision to prevent the discharge of surface water from the driveway to the public highway. The bound material and the provision to prevent the discharge of surface water to the public highway shall be retained for the lifetime of the development.

[In the interest of highway safety to comply with Policy 1 (Development Requirements) of the Local Plan Part 2: Land and Planning Policies].

5. The dwellings shall not be occupied until the private drive access is fronted by a vehicle crossing constructed in accordance with the Highway Authority specification, and the redundant crossing has been reinstated, to the satisfaction of the Local Planning Authority.

[In the interest of highway safety to comply with Policy 1 (Development Requirements) of the Local Plan Part 2: Land and Planning Policies].

6. No part of the development hereby permitted shall be brought into use until the visibility splays shown on drawing ref. 11771 001 titled Initial Access Design, dated: 27/06/2019 are provided. The area within the visibility splays referred to in this condition shall thereafter be kept free of all obstructions, structures or erections exceeding 0.6 metres in height.

[To maintain the visibility splays throughout the life of the development and in the interests of general Highway safety and to comply with Policy 1 (Development Requirements) of the Local Plan Part 2: Land and Planning Policies].

7. In the event that any evidence of unexpected land contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must then be undertaken and where remediation is necessary a remediation scheme must be prepared and submitted for the approval in writing by the Local Planning Authority. Thereafter, the remediation scheme shall be implemented in full prior to the occupation of any dwellings.

[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 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

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

[In the interests of residential amenity and to comply with Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 1 (Development Requirements) of the Local Plan Part 2: Land and Planning Policies. This condition needs to be discharged before work commences on site to ensure that appropriate measures are implemented during the construction phase to minimize the impact of noise, dust and vibration on nearby properties].

9. The dwellings hereby approved shall be designed and constructed to meet the higher Optional Technical Housing Standard for water consumption of no more than 110 litres per person per day.

[To promote a reduction in water consumption and to comply with criteria 3 of Policy 12 (Housing Standards) of the Local Plan Part 2: Land and Planning Policies].

10. Prior to work commencing on site, a scheme for the disposal of surface water from the development shall be submitted to and approved by the Local Planning Authority. The scheme shall have regard for the drainage hierarchy, with preference for infiltration to the ground, unless this is not technically feasible, and full justification for the proposed method of disposal. Thereafter, the development shall be carried out in accordance with the approved scheme and the means of surface water disposal shall be provided prior to occupation of the dwellings.

[To ensure an acceptable means of surface water drainage and to comply with Policy 2 (Climate Change) of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 18 (Surface Water Management) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

Notes to Applicant

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

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

In order to retain the sylvan appearance of the streetscene, the landscaping scheme for the site should include the reinstatement of hedgerow along the frontage of the property (outside of the required visibility splays).

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

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

Please be advised that all applications approved on or after the 7th October 2019 may be subject to the Community Infrastructure Levy (CIL). The Borough Council considers that the approved development is CIL chargeable, and the amount payable will be calculated following approval of any subsequent Reserved Matters application. Further information about CIL can be found on the Borough Council's website at <https://www.rushcliffe.gov.uk/planningandgrowth/cil/>

Severn Trent Water advise that although their statutory sewer records do not show any public sewers within the area specified in the application, 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.

Condition 9 requires the new dwellings to meet the higher 'Optional Technical Housing Standard' for water consumption of no more than 110 litres per person per day. The developer must inform their chosen Building Control Body of this requirement as a condition of their planning permission. Guidance of this process and the associated requirements can be found in Approved Document G under requirement G2, with the requirements laid out under regulations 36 and 37 of the Building regulations 2010.

Consideration of this application has included details of the location and layout of the access to serve the proposed development. Notwithstanding the details shown on the submitted plans, the Highway Authority has specified that the access should be designed as a dropped kerb footway crossing, to maintain priority to pedestrians. With regard to works affecting the highway you are advised that Nottinghamshire County Council are the Highway Authority and it is suggested that you contact the Highways Area Office by telephoning 03005008080 for further information.

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Application Number: 19/02424/FUL
8 The Rashes, Gotham



scale 1:1000

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Rushcliffe Borough Council - 100019419

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19/02424/FUL

Applicant Mr & Mrs Pank

Location 8 The Rushes Gotham Nottinghamshire NG11 0HY

Proposal Demolition of conservatory and kitchen extension, construction of single storey rear extension, new roof to garage and porch and internal alterations.

Ward Gotham

THE SITE AND SURROUNDINGS

1. The application relates to a two storey detached dwelling of traditional construction, being red brick with a dark concrete tile roof. It is located within an established residential area of Gotham, characterised by dwellings of a similar age and style, circa 1950's/60's.

DETAILS OF THE PROPOSAL

2. The current application seeks planning permission for the demolition of a conservatory and kitchen extension and the construction of a single storey rear extension and a new roof to the existing garage and porch and internal alterations.

SITE HISTORY

3. There is no planning history on the property, however there is an existing conservatory and a kitchen extension at the rear, most likely built pursuant to permitted development rights.

REPRESENTATIONS

Ward Councillor(s)

4. One Ward Councillor (Cllr Walker) has declared a non-pecuniary interest in the application

Town/Parish Council

5. No representations have been received from Gotham Parish Council

Local Residents and the General Public

6. No representations have been received from neighbours or nearby residents.

PLANNING POLICY

7. The Development Plan for Rushcliffe consists of The Rushcliffe Local Plan Part 1: Core Strategy 2014 and The Rushcliffe Local Plan Part 2: Land and Planning Policies 2019. The overarching policies in the National Planning Policy

Framework (the NPPF) are also relevant. Additionally, the Rushcliffe Residential Design Guide 2009 as a Supplementary Planning Document is a material consideration.

8. The Gotham Neighbourhood Plan has reached an advanced stage in the process and has been considered by an Examiner. The report of the Examiner was considered at the meeting of Full Council on 19 September 2019 where it was resolved to approve the holding of a referendum, which will now take place on 30 January 2020. There are no policies within the plan of direct relevance to the current proposal.

Relevant National Planning Policies and Guidance

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

Relevant Local Planning Policies and Guidance

11. Policy 1 of the Rushcliffe Local Plan Part 1: Core Strategy reinforces the positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. Policy 10 of the Core Strategy states, *inter alia*, that all new development should be designed to make a positive contribution to the public realm and sense of place and reinforce valued local characteristics. Of particular relevance to this application are 2(b) whereby the proposal should be assessed in terms of its impacts on neighbouring amenity; 2(f) in terms of its massing, scale and proportion; and 2(g) in terms of assessing the proposed materials, architectural style and detailing
12. In setting out the development requirements for the Borough, policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies broadly echoes policy 10 of the Core Strategy. Specifically, it states that planning permission will be granted for extensions provided that there is no significant adverse effect upon the amenity of adjoining properties or the surrounding area; and the scale, density, height, massing, design, layout and materials of the proposal are

sympathetic to the character and appearance of the neighbouring buildings and the surrounding area. Extensions should not lead to an over intensive form of development, be overbearing in relation to neighbouring properties, nor lead to undue overshadowing or loss of privacy.

13. Consideration should also be given to the supplementary guidance provided in the Rushcliffe Residential Development Guide which suggests that the style and design of any extension should respect that of the original dwelling and should not dominate over it. The Guide also requires that 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

14. The dwelling sits on an ample sized plot and it is not considered that the proposal would lead to an over-intensive or cramped development, ample garden and circulation space would be maintained. Materials would match those of the existing dwelling.
15. The single storey rear extension would have a projection of 2.926m against the boundary with the adjacent dwelling to the east, no. 1 Holland Close. This dwelling lies at a 90° right angle to the application site, as such the side boundary of the application site forms the rear boundary with no. 1 Holland Close.
16. There is a shed/garden building on the boundary in the rear garden of no. 1 Holland Close providing ample screening from the proposed single storey rear extension, and with conservative ridge and eaves heights, 3.3m and 2.2m respectively, it is not considered that the proposal would have an undue impact on the residential amenities of no. 1 Holland Close in terms of over-looking or over-shadowing.
17. The mono-pitch roof of the rear extension would extend and 'wrap-around' the north-west corner of the dwelling, forming a canopy style open corner with a corner support post. The roof would then run forwards to re-roof the existing garage and front porch. The garage would be converted to habitable accommodation
18. There are three windows in the side elevation of no. 10 The Rushes, the dwelling to the west of the application site. Given their sizes and locations, these are likely to serve non-habitable rooms. On the rear elevation of no. 10 is a rear door nearest to the boundary with no. 8, the nearest window being at least 4m away from the new pitched roof over the corner canopy. It is not considered that the dwelling at no. 10 would be unduly impacted by the proposal in terms of over-looking or over-shadowing.
19. The new roof section on the front of the dwelling would replace the existing roof over the porch at a projection of 800mm. It would extend the same distance beyond the front elevation of the garage forming a canopy at the front of the converted garage. The garage door would be removed and replaced with windows as part of its conversion to a habitable space. It is not considered that these changes visible from the public realm would have negative impact on the street scene or the area in general.

20. There were no perceived problems with the application and therefore no requirement for negotiation with the applicant/agent or the need to request any amendments. Consequently, the application is recommended for approval.

RECOMMENDATION

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

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

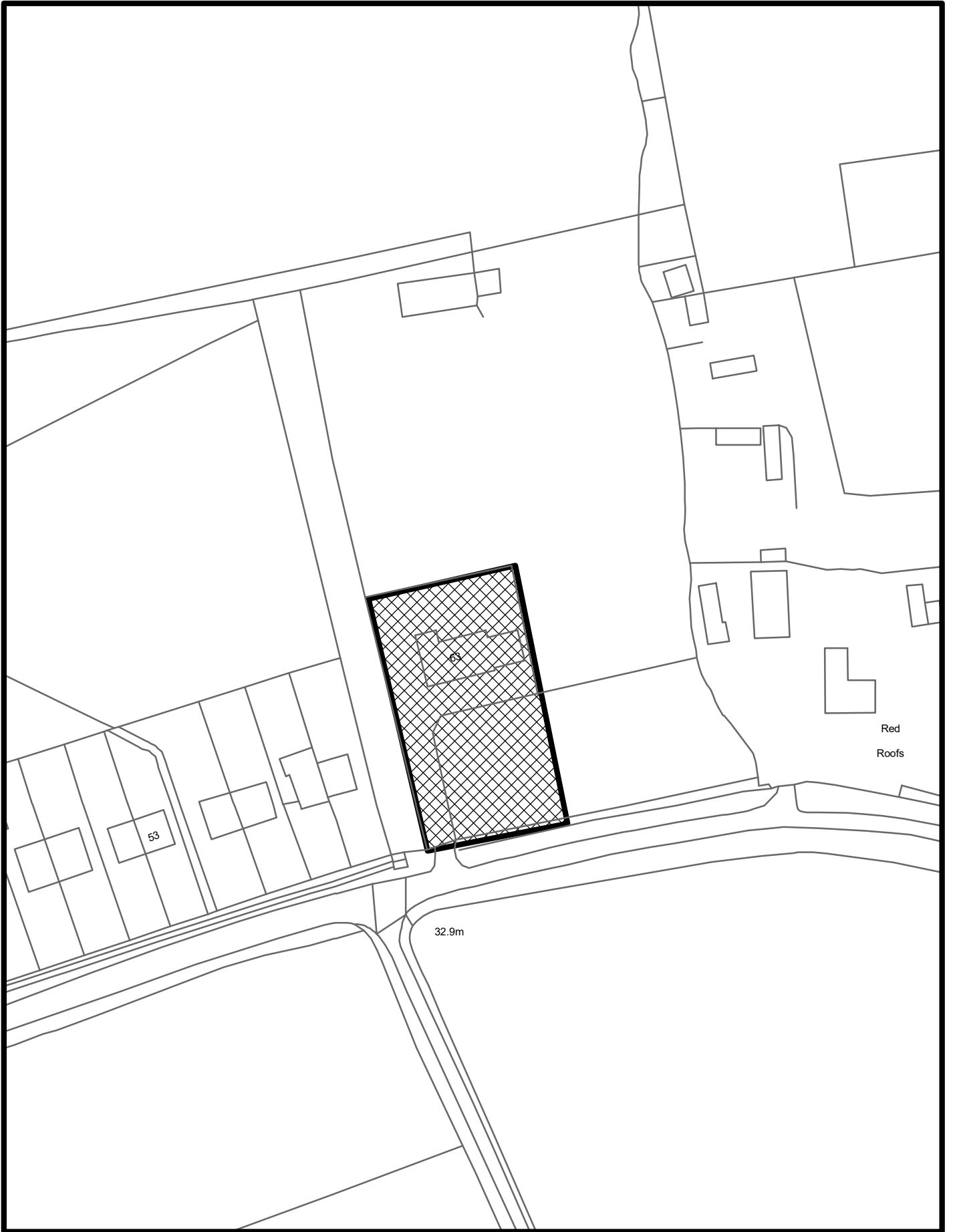
[To comply with Section 91 of the Town and Country Planning Act 1990, as amended by the Planning & Compulsory Purchase Act 2004].

2. The development hereby permitted shall be carried out in accordance with the following approved plan(s): 2255/02, 2255/05, and 2255/06

[For the avoidance of doubt and to comply with Policy 1 (Presumption in Favour of Sustainable Development) of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land & Planning Policies].

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

[To ensure the appearance of the development is satisfactory and to comply with Policy 1 (Presumption in Favour of Sustainable Development) of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land & Planning Policies].



Application Number: 19/02814/FUL
63 Moor Lane Gotham



scale 1:2000

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19/02814/FUL

Applicant Mr A Towle

Location 63 Moor Lane Gotham

Proposal Demolition of outbuilding. Erection of timber clad, slate roof, triple car port with games room/hobbies room to the loft space with dormer.

Ward Gotham

THE SITE AND SURROUNDINGS

1. The application relates to the site of a detached bungalow, originally approved as an agricultural workers dwelling, (dating from circa 1970) located towards the end of a linear row of two-storey semi-detached dwellings at the south-eastern edge of Gotham village.
2. The site is rectangular in shape and the bungalow sits towards the rear of the plot, some 33 metres back from the highway, with a small paddock between the road and the front of the dwelling. Access is off Moor Lane via a private driveway on the west side of the site leading to a parking area at the front, side and rear of the bungalow. The bungalow has been previously enlarged with an extension off the east elevation. There is also single storey timber kennel type outbuilding at the rear of the bungalow used for storage.
3. The site is enclosed by a 1 metre high post/wire fence along the front (southern), side (eastern) and rear (northern) boundaries and by a mixed evergreen hedge along the western side boundary.
4. To the north is a small paddock (owned by the applicant), beyond which are agricultural fields. To the east is another paddock (upon part of which outline planning permission was granted on appeal in 2019 for a new single dwelling. To the south, on the opposite side of the Moor Lane are fields extending into open countryside. Adjoining the site to the west is a 7.5 metre wide strip of land beyond which are the linear row of semi-detached dwellings extending back towards Gotham.
5. The site is located wholly within Green Belt.

DETAILS OF THE PROPOSAL

6. Planning permission is sought to demolish the existing timber kennel type outbuilding and erect a triple car port building with games/hobby room in the roof.
7. The existing timber outbuilding is a lightweight structure approximately 10.3 metres long by 2.1 metres wide. It has a low mono-pitched roof measuring 2.2 metres at the front and 1.9 metres at the rear.

8. The proposed car port would be sited at the rear of the bungalow to the north of the extension off the east elevation. It would stand at a right angle to the back of the bungalow facing west. It would measure 9.6 metres long by 6.36 metres deep. It would have a dual-pitched roof measuring 2.5 metres to the eaves and 5.9 metres to the ridge. The exterior of the proposed building would be clad in timber with the roof covered by Marley Eternit “Edgemore” interlocking slate tiles. There would be three 2.9 metre wide openings in the west elevation with a centrally aligned pitched roof dormer above with a single roof light either side. There would be an external stair case on the side (north) elevation leading up to a single door into the games/hobby room above the garage. There would be two roof lights in the east (rear) elevation.

SITE HISTORY

9. 16/01261/CLUExD – Application for a Certificate of Lawfulness for the occupancy of the dwelling without complying with condition 2 of planning permission S/21/345, which retained the dwelling for occupation by a person working the surrounding land for agricultural purposes. Certificate granted on 7 July 2016.
10. 18/02716/OUT - Development of one detached dwelling with new access (Outline application with all matters reserved except for access) (resubmission). Allowed on appeal 17 June 2019.

REPRESENTATIONS

Ward Councillor(s)

11. One Ward Councillor (Cllr R Walker) has declared an interest in the application as it borders the property at which he lives. He makes no further comments on the application.

Town/Parish Council

12. At the time of writing this report no comments have been received

Statutory and Other Consultees

13. None.

Local Residents and the General Public

14. At the time of writing this report, no comments have been received.

PLANNING POLICY

15. The Development Plan for Rushcliffe consists of The Rushcliffe Local Plan Part 1: Core Strategy 2014 (*RLPP1*) and The Rushcliffe Local Plan Part 2: Land and Planning Policies 2019 (*RLPP2*). The overarching policies in the National Planning Policy Framework (*the NPPF*) are also relevant, particularly where the Development Plan is silent. Additionally, the Rushcliffe Residential Design Guide 2009 as a Supplementary Planning Document is also a material consideration.

16. The Gotham Neighbourhood Plan has reached an advanced stage in the process and has been considered by an Examiner. The report of the Examiner was considered at the meeting of Full Council on 19 September 2019 where it was resolved to approve the holding of a referendum, which will now take place on 30 January 2020. There are no policies within the plan of direct relevance to the current proposal.

Relevant National Planning Policies and Guidance

17. The NPPF carries a presumption in favour of sustainable development and states that, for decision taking, this means “*approving development proposals that accord with the development plan without delay*”.
18. Chapter 12 of the NPPF concerns achieving well-designed places. Specifically, it requires that development should function well and add to the overall quality of the area, not just in the short term but over the lifetime of the development. Development should also be visually attractive as a result of good architecture, layout and landscaping and should be sympathetic to local character and history and maintain a strong sense of place. Importantly, permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. However, where the design of a proposed development accords with clear expectations of plan policies, design should not be used by decision makers as a valid reason to object to the development.
19. Chapter 13 of the NPPF concerns protecting the Green Belt and identifies the essential characteristics of the Green Belt as being its openness and permanence (paragraph 133). The NPPF is clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances (paragraph 143). It also stresses that substantial weight should be given to any harm to the Green Belt and ‘very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, are clearly outweighed by other considerations (paragraph 144).
20. The NPPF requires Local Planning Authorities to regard the construction of new buildings in the Green Belt as ‘inappropriate development’ unless it satisfies one of the exceptions outlined at paragraph 145.

Relevant Local Planning Policies and Guidance

21. Policy 1 of the RLLP1 reinforces the positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.
22. Policy 4 of RLPP1 defines the areas in the Borough that are within the Green Belt.
23. Policy 10 of the RLPP1 states, *inter alia*, that all new development should be designed to make a positive contribution to the public realm and sense of place and reinforce valued local characteristics. Policy 10 requires new development to be assessed in terms of its treatment of certain elements. Of particular relevance to this application are those elements outlined at paragraphs 2(a) structure, texture and grain, including street patterns, plot sizes, orientation and positioning of buildings and the layout of spaces; 2(b) impact on neighbouring

amenity; 2(f) massing, scale and proportion; and 2(g) materials, architectural style and detailing.

24. In setting out the development requirements for the Borough, policy 1 of the RLPP2 broadly echoes policy 10 of the RLPP1. Specifically, it states that planning permission will be granted for new development provided that there would be no significant adverse effect upon the amenity of adjoining properties or the surrounding area; and the scale, density, height, massing, design, layout and materials of the proposal is sympathetic to the character and appearance of the neighbouring buildings and the surrounding area. New development should not lead to an over intensive form of development, be overbearing in relation to neighbouring properties, nor lead to undue overshadowing or loss of privacy.
25. Policy 21 of RLPP2 states that applications for development in the Green Belt will be determined in accordance with the NPPF.

APPRAISAL

26. The main issues to consider in this application are:
 - Whether the proposed development constitutes 'inappropriate' in the Green Belt.
 - The impact of the proposed development on the openness of the Green Belt.
 - Whether there are any 'very special circumstances' to outweigh any harm to the Green Belt.
 - The design of the proposed development and its impact on the character of the surrounding area.
 - The impact of the proposed development on the amenity of neighbouring properties.

'Inappropriate development' in the Green Belt

27. As outlined above, the construction of new buildings in the Green Belt must be regarded as 'inappropriate development' unless one of the exceptions set out at paragraph 145 of the NPPF is satisfied. In this regard, of relevance to this application are the exceptions at 145, (c), (d), (e) and (g).
28. Paragraph 145(c) provides an exception for the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. Whilst the proposed car port would be free standing, it would be within close proximity, around 1.7 metres at its closest point, to the dwelling. In previous appeal decisions, Inspectors have treated outbuildings in close proximity to a dwelling as an extension for the purposes of interpreting Green Belt policy. However, in this instance, the combined footprint of the previous extension to the dwelling and proposed car port building would equate to an increase of approximately 81% over and above the footprint of the original dwelling. Such an increase is considered to amount to disproportionate additions and, as such, would not satisfy the requirement of paragraph 145(c) and would, therefore, amount to inappropriate development.

29. Paragraph 145(d) provides an exception for the replacement of an existing building, provided that the new building is in the same use and is not materially larger than the one it replaces. The submitted plans show the existing timber building would be demolished to accommodate the new car port building (although only a very small part at the eastern end of the existing outbuilding overlaps the footprint of the new building). Notwithstanding this, the proposed car port building would be almost 3 times larger in terms of its footprint area and nearly 6 times larger in terms of its volume than the existing timber outbuilding. It would also be significantly taller than the existing outbuilding. As such it is considered that the new car port building would be materially larger than the existing building and therefore would not benefit from the exception at paragraph 145(d) of the NPPF.
30. Paragraph 145(e) provides an exception for limited infilling in villages. The terms 'limited' and 'infilling' are not defined in the NPPF and whilst the term 'small scale infilling' is referred to in the RLLP2 as being "*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*" this is in respect of policies relating to land supply for housing development not Green Belt policy. The Planning Portal defines 'infill' as being "*the development of a relatively small gap between existing buildings*". In this instance the proposed building would be at the rear of the bungalow beyond which lies open countryside. As such it is considered that the building would not 'infill' a gap within the existing built fabric of the village or indeed between existing buildings. Therefore, the proposed building would not benefit from the exception at paragraph 145(e) of the NPPF either.
31. Paragraph 145(g) provides an exception for limited infilling or partial or complete redevelopment of previously developed land which would, *inter alia*, not have a greater impact on the openness of the Green Belt than the existing development. For the reasons outlined in the preceding paragraph of this report, it is considered that the proposed car port would not constitute limited infilling. Similarly, it would not constitute complete redevelopment of the land. Whilst it might be argued that by demolishing the existing outbuilding the proposed car port would constitute partial re-development of the site, the definition of previously developed in the NPPF excludes land in built-up areas such as residential gardens. Notwithstanding this, even if it were to be accepted that the application site amounted to previously developed land, given the substantial increase in the size and height of the proposed building, it would undoubtedly have a greater impact on the openness of the Green Belt than the existing timber outbuilding. As such it is considered that the proposed building would not benefit from the exception at paragraph 145(g) of the NPPF.
32. In light of the above, it is considered that the proposed building should be regarded as 'inappropriate development' within the Green Belt and, therefore, by definition causes harm to the Green Belt which must be afforded substantial weight.

Impact on openness of the Green Belt

33. As outlined above, the NPPF identifies the essential characteristics of the Green Belt as being its openness and permanence. The word 'openness' is generally held to mean an absence of built development and the concept of openness has both spatial and visual aspects to it.

34. Given its large size and height, the proposed building would reduce openness in spatial terms. Furthermore, whilst the building would be at the rear of the existing bungalow, given that it would be almost 6 metres high it is likely that the gable end of the building would be visible from Moor Lane above the ridge of the side extension on the dwelling as well as from other vantage points along Moor Lane to the south-east. The building would also be visible from the public footpath that runs east-west across the fields some 65 metres to the north.
35. Overall it is considered that in both spatial and visual terms the proposed building would undoubtedly reduce the openness of the Green Belt and as such would be harmful to openness, one of the essential characteristics of the Green Belt. In accordance with the NPPF substantial weight must be given to this harm.

Very Special Circumstances

36. The applicant has not forwarded any very special circumstances and officers do not consider that any exist that would outweigh the harm to the Green Belt of inappropriate development, both by definition and in terms of the harm to openness discussed above.

Design and impact on the surrounding area

37. On its own, the design of the car port is considered to be appropriate as a functional domestic outbuilding. Having said this, its scale and proportions would not be insubstantial compared to the relatively diminutive size of the existing bungalow on the site. As outlined above the proposed building would be visible from both Moor Lane to the south and from the public footpath to the north, although it is acknowledged that such views would be screened somewhat by the intervening hedgerows and trees. The proposal to clad the exterior of the building in timber would not be particularly in keeping with the materials used on either the host bungalow or indeed the majority of the other buildings in the vicinity, although it is acknowledged that the roof materials would match the existing bungalow.
38. Overall, it is considered that the scale and proportions of the proposed building would be too large and would result in a building that would appear overly dominant behind the existing bungalow on the site. As such it is considered that the proposed building would appear as an incongruous and intrusive feature at the edge of the settlement that would cause some localised harm to the rural fringe character of the area.
39. In light of the above, it is considered that the proposed building would be contrary to policy 10 of the LPP1, policy 1 of the LPP2, chapter 12 of the NPPF and the Rushcliffe Design Guide.

Impact on amenity

40. The proposed building would be some 30 metres from the side boundary of the nearest residential property to the south-west at 61 Moor Lane, which also stands somewhat forward of the application bungalow. As such it is considered unlikely that the proposed building would have an adverse impact upon the amenities of the occupiers of that property, or indeed the other residential

properties to the west.

41. To the south-east of the proposed building would be some 60 metres from the residential property at Red Roofs and would be reasonably well screened by the existing trees/hedgerow on the west side of that property. Given these factors it is considered that the proposed building would be unlikely to have an adverse impact upon the amenities of the occupiers of that property either.
42. Notwithstanding that there is an extant outline planning permission (with all matters reserved except for access) for a new dwelling on the land immediately to the east of the application site, given the width of that plot it is considered that the proposed building would not prejudice the delivery of that development in terms of its impact on the amenities of future occupiers of the new dwelling.
43. In light of the above it is considered that the proposed building would be in conformity with policy 10 of the RLPP1 and policy 1 of the RLPP2 in respect of its impact upon the amenities of occupiers of neighbouring properties.

Conclusion

44. For the reasons outlined above it is considered that the proposed building would cause substantial harm by virtue of being 'inappropriate development' in the Green Belt and also because of its impact on the openness of the Green Belt. Moreover, the building would cause some localised harm to the character of the immediate area by virtue of its substantial scale and proportions.
45. It is not considered that the building would have any significant adverse impact upon the amenities of occupiers of the nearby/neighbouring properties, however these are neutral factors that do not clearly outweigh the harm to the Green Belt that has been identified. Furthermore, the applicant has not adduced any other reasons that would weigh in favour of the development.
46. In light of the above it is considered that in this particular instance 'very special circumstances' do not exist that clearly outweigh the substantial harm and other localised harm that has been identified. As such it is considered that the proposed development would be contrary to policies 4 and 10 of the LPP1, policies 1 and 21 of the LPP2, Chapters 12 and 13 of the NPPF and the Rushcliffe Design Guide. It is also considered that there are no conditions that could be imposed which would make the proposed development acceptable in this regard. As such the application is recommended for refusal.
47. There is a fundamental policy objection to the proposed development and it is considered that this cannot be overcome. As such officers have not sought to negotiate amendments to the proposal. The applicant's agent has been made aware of the situation in order to avoid the applicant incurring further abortive cost, consideration of the application has not been delayed.

RECOMMENDATION

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

1. The proposed development would constitute 'inappropriate development' which is, by definition, harmful to the Green Belt. Furthermore, given its substantial size the building would impact on and cause harm to the openness

of the Green Belt, that being one of its essential characteristics. Moreover, its substantial scale and proportions would result in a building that would be overly dominant behind the existing bungalow and would appear as an incongruous and intrusive feature at the edge of the settlement that would cause localised harm to the rural fringe character of the area. No very special circumstances have been adduced that would clearly outweigh the substantial harm that would be caused to the Green Belt by virtue of the proposed buildings inappropriateness and impact on openness or the localised harm that would be caused to the character of the immediate area. As such the proposed development would be contrary to Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy, Policies 1 (Development Requirements) and 21 (Green Belt) of the Rushcliffe Local Plan Part 2: Land and Planning Policies, Chapters 12 and 13 of the NPPF and the Rushcliffe Design Guide.