

When telephoning, please ask for: **Laura Webb**  
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Our reference:  
Your reference:

Date: Wednesday, 4 November 2020

To all Members of the Planning Committee

Dear Councillor

A Meeting of the Planning Committee will be held on Thursday, 12 November 2020 at 6.30 pm in the to consider the following items of business.

The meeting will be live streamed via YouTube for the public to listen and view via the link: <https://www.youtube.com/user/RushcliffeBC>. Please note that until the meeting starts the live stream video will not be showing on the home page. For this reason, please keep refreshing the home page until you see the video appear.

Yours sincerely



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 8 October 2020 (Pages 1 - 20)
4. Planning Applications (Pages 21 - 76)

The report of the Executive Manager – Communities is attached.
5. Planning Appeals (Pages 77 - 82)

The report of the Executive Manager – Communities is attached.

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NG2 7YG

## Membership

Chairman: Councillor R Butler

Vice-Chairman: Councillor Mrs M Stockwood

Councillors: N Clarke, P Gowland, L Healy, A Major, D Mason, J Murray,  
F Purdue-Horan, C Thomas and D Viridi

<b>Meeting Room Guidance</b>
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**MINUTES  
OF THE MEETING OF THE  
PLANNING COMMITTEE  
THURSDAY, 8 OCTOBER 2020**  
Held at 6.30 pm via Zoom

**PRESENT:**

Councillors R Butler (Chairman), Mrs M Stockwood (Vice-Chairman), N Clarke, P Gowland, L Healy, A Major, D Mason, J Murray, F Purdue-Horan, C Thomas and D Virdi

**ALSO IN ATTENDANCE:**

Councillors

**OFFICERS IN ATTENDANCE:**

A Pegram  
E Dodd  
T Coop  
L Webb

Service Manager - Communities  
Principal Area Planning Officer  
Democratic Services Officer  
Democratic Services Officer

**11 Declarations of Interest**

There were no declarations of interest reported.

**12 Minutes of the Meeting held on 10 September 2020**

The minutes of the meeting held on 10 September 2020 were approved.

**13 Planning Applications**

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

**20/01826/CTY – Proposed development of the East Midlands energy Re-Generation (EMERGE) Centre (a Multi-fuel Energy Recovery Facility, recovering energy from waste material) and associated infrastructure – Ratcliffe on Soar Power Station, Green Street, Ratcliffe on Soar, Nottinghamshire NG11 0EE.**

**Updates**

A number of representations were received from East Leake Parish Council, local residents and Borough Councillor's after the agenda had been published and were circulated to the committee before the meeting.

In accordance with the Council's public speaking protocol for planning committee, Mr A Read (Applicant's Agent) addressed the Committee.

## **Comments**

Councillor Thomas requested a recorded vote for this item, which was taken as follows:

### **Motion to object to the application**

For: Cllr P Gowland, Cllr J Murray and Cllr C Thomas

Against: Cllr R Butler, Cllr N Clarke, Cllr L Healy, Cllr A Major, Cllr D Mason, Cllr F Purdue-Horan, Cllr M Stockwood and Cllr D Viridi

### **Motion that Rushcliffe Does not object to the application**

For: Cllr R Butler, Cllr N Clarke, Cllr L Healy, Cllr A Major, Cllr D Mason, Cllr F Purdue-Horan, Cllr M Stockwood and Cllr D Viridi

Against: Cllr P Gowland, Cllr J Murray and Cllr C Thomas

## **DECISION**

**It was RESOLVED that the Nottinghamshire County Council be advised that the Borough Council DOES NOT OBJECT to the development, subject to the County Council being satisfied that the proposal accords with the relevant development plan and that all other material considerations can be satisfactorily addressed, including the following:**

- Odour
- Air quality
- Pest Control
- Health Impacts
- Pollution/Contamination
- Traffic Generation
- Landscaping
- Availability of Waste
- Impact on Heritage Assets

**20/00810/FUL – Seasonal change of use, erection of 3 tipis each 10.3m diameter to be used from 1<sup>st</sup> May to 30<sup>th</sup> September annually to allow for 28 events to be held and erection of pagoda for wedding ceremonies, part use of existing dwelling as bridal suite (limited to bridal use during the 28 events only) – Overgrown Acres, Cotgrave Road, Normanton on the Wolds, Nottinghamshire, NG12 5PE.**

As Ward Councillor for Tollerton, Councillor D Mason removed herself from the meeting and did not take part in the following discussion.

## **Updates**

A number of late representations were received from neighbouring properties after the agenda had been published and were circulated to the Committee before the meeting.

In accordance with the Council's public speaking protocol for planning committee, Mrs M Woodward (Applicant), Mrs Y Burbank (Objector) and Councillor D Mason (Ward Councillor) addressed the Committee.

## **DECISION**

### **PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:**

1. This permission shall expire on 30 September 2021 after which, unless a further planning permission has been granted, the tipis and associated timber base shall be removed from site and the site be restored to its former condition within 28 days of this date; the use of the dwelling as a bridal suite shall cease; and the land shall not be used for events unless a further consent has been granted.

[To enable the Borough Council to monitor the impacts of the use and effectiveness of mitigation measures, in the interests of neighbouring amenity and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

2. The tipis shall only be erected between the 1 May and 30 September annually. The tipis shall accord with the specification for the 'big hat' tipis detailed on page 2 of the technical information sheet dated 7 April 2020. The tipis shall be sited in accordance with the Block Plan received on 10 June 2020.

[To ensure a satisfactory appearance of development and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

3. The use of the site for events, including the use of the dwelling as a bridal suite, shall be limited to no more than 28 event days within a calendar year as defined in paragraph 5 of the Event Plan received on 10 June 2020, with each event capped to a maximum hire period of 46 hours. There shall be a maximum of 28 days with amplified music and/or a licensed bar per calendar year.

[For the avoidance of doubt and in the interest of the amenities of the area and nearby residential occupiers and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

4. Within one month of the date of this permission, a final version of the noise management plan shall be submitted to the Borough Council. The management plan shall include details of noise monitoring to be undertaken, required by condition 12, which would be sought for a minimum of the first three wedding events following the grant of planning permission and shall also include the hours of use, times of amplified/live music, controls to be put in place when guests are leaving the premises e.g. ensure no congregating guests, details of signs to be displayed on the premises (including number, content and location) to

remind patrons/visitors that the venue is located close to other residential properties and to minimise disturbance when leaving the premises, particularly late at night, vehicles leave the premises in an orderly manner and during the evening entertainment that there are no groups of guests congregating near to any residential dwellings. The use hereby approved shall only be carried out in accordance with the approved noise management plan.

[In the interest of the amenities of the area and nearby residential occupiers and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

5. The development shall not be brought into use until the site access has been surfaced in a hard-bound material for a minimum distance of 10m to the rear of the highway boundary, and suitably drained to prevent surface water from the driveway discharging to the public highway. The hard-bound material and measures 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 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

6. The speaker system shall be the 'zone array' system to the speciation tested in report P4113-R1-AD-V1 and no other or alternative speaker or PA system shall be used.

[In the interest of the amenities of the area and nearby residential occupiers and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

7. No further weddings/events shall be held at the site until all sound attenuation measures detailed in the Noise Impact Assessment P4271-R1-V3 (produced by Noise Air Acoustic Consultancy and Solutions) have been implemented and, thereafter, the use shall be carried out in accordance with the mitigation measures detailed within the report and these measures shall be retained for the lifetime of the development.

[In the interest of the amenities of the area and nearby residential occupiers and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

8. Within one month of the date of this permission, a site management plan shall be submitted to the Borough Council. This shall include reasonable avoidance measures (RAMs) to avoid impacting on wildlife. This should consider ensuring the grass on the development site remains short at all times, including when the tipis are removed (to prevent wildlife making use of the grassland) and for a visual check to be carried out each time the tipis and any ancillary structures are to be erected. Permanent fencing of more sensitive sites (e.g. adjacent woodland) to prevent unauthorised access should be included. The plan should also set out habitat improvements that will be made to provide a biodiversity net

gain. Thereafter, the approved management plan shall be implemented for the life of the development.

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

9. Prior to the tipis being brought into use, an acoustic barrier shall be constructed in accordance with paragraph 5.1.6 and Fig. 14 of the Noise Impact Assessment P4271-R1-V3 Version 3, details of which shall be first submitted to and approved in writing by the Borough Council. These details shall include the design of the barrier and details of when this will be erected and disassembled. The barrier shall be implemented to the agreed specification and erected for the duration of any events for the lifetime of the development.

[In the interest of the amenities of the area and nearby residential occupiers and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

10. No camping or caravanning shall be permitted on the site.

[In the interest of the amenities of the area and nearby residential occupiers and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

11. The use of Chinese lanterns or fireworks on the premises is not permitted.

[In the interest of the amenities of the area and nearby residential occupiers and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

12. The approved use shall be subject to noise monitoring to include but not limited to 3 events with music entertainment and guest numbers at 130 (+/- 5), to verify that the noise levels at the nearest sensitive receptors as specified within by Noise Air Acoustic Consultancy and Solutions report ref P4271-R1-V3 dated 21/7/20 are as predicted. Before any monitoring is undertaken the applicant shall liaise with the Local Planning Authority to provide details of the event proposed for monitoring in order to agree noise monitoring locations. The post monitoring verification report shall be submitted to the Local Planning Authority for approval following the event and prior to further events being held. The noise monitoring shall continue until 3 events have been held with guest numbers at 130 (+/- 5). If any further mitigation measures are required by the post completion report these shall be fully implemented and maintained before further events are held.

[In the interest of the amenities of the area and nearby residential occupiers and to comply with Policy 1 (Development Requirements) 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.

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

- The use of external lighting (during construction and post construction) should be appropriate to avoid adverse impacts on bat populations, see [http://www.bats.org.uk/pages/bats\\_and\\_lighting.html](http://www.bats.org.uk/pages/bats_and_lighting.html) for advice and a wildlife sensitive lighting scheme should be developed and implemented.
- The maximum usage of the site, times of use and noise control measures should be conditioned.
- A basic metric biodiversity net gain assessment should be provided as recommended in section T2.8.1 on page 124 of CIRIA (2019) Biodiversity Net Gain – Principles and Guidance for UK construction and developments.
- Permanent artificial bat boxes / bricks and wild bird nests should be considered on adjacent retained trees.
- New wildlife habitats should be created where appropriate, including wildflower rich neutral grassland, hedgerows, trees and woodland, wetlands and ponds.
- Any existing hedgerow / trees should be retained and enhanced, any hedge / trees removed should be replaced. Boundary verges should be retained and enhanced.
- Where possible new trees / hedges should be planted with native species (preferably of local provenance and including fruiting species). See <https://www.rushcliffe.gov.uk/conservation/trees/hedges/and/landscaping/landscapingandtreeplanting/plantingonnewdevelopments/> for advice including the planting guides (but exclude Ash (*Fraxinus excelsior*)).
- Good practice construction methods should be adopted including:
  - a. 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.
  - b. No works or storage of materials or vehicle movements should be carried out in or immediately adjacent to ecological mitigation areas or sensitive areas (including ditches).
  - c. 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.
  - d. 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.

- e. Root protection zones should be established around retained trees / hedgerows so that storage of materials and vehicles, the movement of vehicles and works are not carried out within these zones.
- f. Pollution prevention measures should be adopted
- It is recommended that consideration should be given to energy efficiency, alternative energy generation, water efficiency, travel sustainability (including electric vehicle charging points and cycle storage), management of waste during and post construction and the use of recycled materials and sustainable building methods.

The development makes it necessary to amend a vehicular crossing over a verge of the public highway. These works shall be carried out to the satisfaction of the Highway Authority. You are therefore required to contact Via (in partnership with Nottinghamshire County Council) on 0300 500 8080 to arrange for these works to take place.

Councillor D Mason re-joined the meeting at this point.

**20/01615/FUL – Demolition of existing garages and erection of two no. 2 storey houses with associated parking. Creation of an area of hard-standing for use for 9 car parking spaces – Garages South of 15 Orchard Close, Barnstone, Nottinghamshire.**

### **Updates**

A number of late representations were received from local residents after the agenda had been published and were circulated to the Committee before the meeting.

In accordance with the Council's public speaking protocol for planning committee, Mr A Gatehouse (Applicant), Mrs N Heath (Objector) and Councillor S Bailey (Ward Councillor) addressed the Committee.

### **DECISION**

#### **PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:**

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

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

2. The development hereby permitted shall be carried out strictly in accordance with the Planning Statement, Transport Appraisal ref: SP/JW/21332-05c and subsequent information. Tree Report ref: SJA482.100 Rev E, Ecology Report ref: 551330LTJUNE20FV03\_Orchard\_CL\_PEA, Bat Survey ref: 551330LTJUNE20FV03\_Orchard\_CL\_BATS, Land and Utility Survey ref: 919336 S1, Asbestos Demolition Survey Report ref: J187308, details outlined in the Garages Occupancy Data and Parking Survey submitted on the 7th August 2020, details outlined in supporting information received on the 15<sup>th</sup> and 21<sup>st</sup> September 2020, revised site plan received on the 17<sup>th</sup> September 2020 ref: 100-663/(P) 052 Rev M, Stopping Up Plan received on the 21<sup>st</sup> September 2020 ref: 100-663/(P) 054, layout and elevations plan submitted with the application on the 7<sup>th</sup> July 2020 ref: 100-663(P) 053 Rev A and boundary treatment plan submitted with the application on the 7<sup>th</sup> July 2020 ref: 100-663/(P) 056 Rev C.

[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. 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 the appearance of the development is satisfactory having regard to Policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

4. Before development is commenced, a Contaminated Land Report shall be submitted to and approved in writing by the Borough Council. As a minimum, this report will need to include a Desktop Study documenting historical uses of the site and its immediate environs, site specific interpretation and a conceptual site model explaining results. Where the Desktop Study identifies potential contamination a Detailed Investigation Report will also be required, including a site investigation documenting the characteristics of the ground, an evaluation of all potential sources of contamination and a risk assessment, together with an updated conceptual model. In those cases where a Detailed Investigation Report confirms that contamination exists, a remediation report and validation statement confirming the agreed remediation works have been completed, will also be required. All of these respective elements of the report will need to be submitted to and approved in writing by the Borough Council, prior to development commencing, and the development shall be carried out in accordance with the approved details.

[This condition is pre-commencement to ensure adequate controls are in place prior to works starting in order to protect the amenities of neighbouring residents and the wider area and to comply with policy 1

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

5. The dwellings hereby permitted shall be designed 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 Rushcliffe Local Plan Part 2: Land and Planning Policies].

6. Notwithstanding the provisions of Schedule 2, Part 1 Class A & B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) there shall be no enlargement or alteration of the proposed dwellings, no additional windows and no additions to the roof without the prior written approval of the Borough Council.

[The development is of a nature and density whereby future development of this type should be closely controlled to protect the amenities of neighbouring residents and future occupiers alike, and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

7. The development will require the stopping up of the public highway and no part of that development hereby permitted (or any temporary works or structures) shall obstruct the public highway until the areas of public highway as shown on Plan Ref 100-663/(P) 054 – Orchard Close – Stopping-Up Plan have been formally stopped up.

[In the interests of highway safety and to protect the amenities of neighbouring residents and future occupiers alike, and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

8. No part of the development hereby permitted shall be brought into use until the site access works as shown indicatively on Plan Ref 100-663/(P) 052 L have been provided in accordance with the Highway Authority specification to the satisfaction of the Local Planning Authority.

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

9. No part of the development hereby permitted shall be brought into use until the parking and turning area is provided and surfaced in a bound material with the parking bays clearly delineated in accordance with the approved plans. The parking and turning area shall be maintained in the bound material for the life of the development and shall not be used for any purpose other than the parking/turning/loading and unloading of vehicles.

[In the interests of highway safety and to comply with policy 1

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

10. No part of the development hereby permitted shall be brought into use until the parking and turning area is constructed with provision to prevent the unregulated discharge of surface water from the parking and turning area to the public highway in accordance with details first submitted to and approved in writing by the LPA. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.

[To ensure surface water from the site is not deposited on the public highway causing dangers to road users and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

11. No part of the development hereby permitted shall be brought into use until the additional on-plot parking for existing properties no. 10 and 15 Orchard Close as shown indicatively on the approved plans has been provided, surfaced in a hard-bound material and suitably drained to prevent the unregulated discharge of surface water to the public highway.

[In the interests of highway safety and to protect the amenities of neighbouring residents and future occupiers alike, and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

### **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. Full details of the amount payable, the process and timescales for payment, and any potential exemptions/relief that may be applicable will be set out in a Liability Notice to be issued following this decision. Further information about CIL can be found on the Borough Council's website at <https://www.rushcliffe.gov.uk/planningandgrowth/cil/>

Good practice 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 in or immediately adjacent to ecological mitigation areas or 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.
- Root protection zones should be established around retained trees / hedgerows so that storage of materials and vehicles, the movement of vehicles and works are not carried out within these zones.
- Pollution prevention measures should be adopted

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

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

Condition 5 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.

It is possible that the roofspace, and/or behind the soffit, fascia boards, etc. may be used by bats. You are reminded that bats, their roosts and access to roosts are protected and it is an offence under the Countryside and Wildlife Act 1981 to interfere with them. If evidence of bats is found, you should stop work and contact English Nature on 01476 584800.

You are advised that the demolition and disposal of asbestos requires special measures. Further advice can be obtained from Nottinghamshire County Council (0115 977 2019). Alternatively, you can obtain an asbestos fact sheet from their website [www.nottinghamshire.gov.uk](http://www.nottinghamshire.gov.uk)

The applicants should consult Severn Trent Water Limited who should be satisfied that the sewerage and sewage disposal systems serving the development have sufficient capacity to accommodate additional flows, generated as a result of the development, without causing pollution.

Section 278 Agreement (Highways Act 1980).

In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under

Section 278 of the Act. Please contact the County Highway Authority for details.

The deposit of mud or other items on the public highway, and/or the discharge of water onto the public highway are offences under Sections 149 and 151, Highways Act 1980. The applicant, any contractors, and the owner / occupier of the land must therefore ensure that nothing is deposited on the highway, nor that any soil or refuse etc. is washed onto the highway, from the site. Failure to prevent this may force the Highway Authority to take both practical and legal action (which may include prosecution) against the applicant / contractors / the owner or occupier of the land.

The proposed development requires a Stopping-Up Order. No part of the development hereby permitted or any temporary works shall obstruct the public highway until an Order has been secured.

**19/01500/FUL – Demolition of existing offices, workshops and stores an erection of 4 two storey dwellings (Emended Description) – PJ Fletchers and Sons Ltd, builders Yard, Cropwell Road, Langar, Nottinghamshire, NG13 9HD.**

### **Updates**

A late representation was received from the Planning Officer after the agenda had been published and were circulated to the Committee before the meeting.

In accordance with the Council's public speaking protocol for planning committee, Mr N Bacon (Applicants Agent) and Councillor T Combella (Ward Councillor) addressed the Committee.

### **Comments**

Members considered the development to be at risk of flooding as the properties would be sited within flood zone 1 and near to flood zones 2 and 3 and requested that the method of construction for surfacing, driveways and parking be permeable.

### **DECISION**

#### **PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:**

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

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

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

Location Plan, dated 1 May 2019

Proposed Block Plan dated 23 September 2020

Plots 1, 2 & 4 Floor Plans and Elevations, dated 12 February 2020  
Plots 3 Floor Plans and Elevations, dated 12 February 2020  
Garage to Plot 1, dated 12 February 2020

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

3. Prior to the commencement of development, a detailed land remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. The remediation scheme shall bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
  - a) The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.
  - b) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared and submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared and submitted to and approved in writing by the Local Planning Authority.
  - c) All work must be carried out in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

[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 40 (Pollution and Land Contamination) of the Rushcliffe Local Plan Part 2: Land and Planning Policies. This condition needs to be discharged prior to work commencing on site to ensure that any contamination issues can be addressed during the construction phase].

4. No development shall commence, except ground investigations and remediation, until infiltration testing and soakaway design in accordance

with Building regulations Part H, section 3 (3.30) have been undertaken to verify that soakaways will be suitable for the development. If the infiltration test results demonstrate that soakaways are not appropriate, an alternative method of surface water drainage shall be submitted to and approved in writing by the Local Planning Authority and the approved method installed prior to the occupation of the development.

[To ensure that an appropriate method of surface water drainage is installed and in the interests of flood risk management in accordance with policy 18, Surface Water Management of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

5. No construction of the external walls of the development shall commence or roof covering added until specific details of the facing and roofing materials to be used on all external elevations are submitted to and approved in writing by the Local Planning Authority. The development shall only be undertaken in accordance with the materials so approved.

[To ensure the appearance of the development is satisfactory and to comply with policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and policies 1 (Development Requirements) and 28 (Conserving and Enhancing Heritage Assets) of the Rushcliffe Local Plan Part 2: Land and Planning Policies.]

6. No operations shall commence on site until the existing trees and/or hedges which are to be retained as indicated on block plan drawing dated 23/09/2020 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.

[This is a pre commencement condition to ensure that careful consideration is given to retaining existing vegetation on the site and to ensure the provision of an appropriate landscape setting to the development in accordance with policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and policies 1 (Development Requirements) and 28 (Conserving and Enhancing Heritage Assets) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

7. No occupation of the dwellings hereby approved shall commence until a hard and soft landscaping scheme has been submitted to and approved in writing by the Local Planning Authority, showing details of all trees, hedgerows and other planting to be retained, a planting specification to include numbers, size, species and positions of all new trees, hedgerows and shrubs, details of proposed walls, fences and other boundary treatment, surface treatment of the open parts of the site, and



a programme of implementation.

All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme of implementation agreed in writing with the Local Planning Authority. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of the development being completed, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the Local Planning Authority. All hard landscape works shall be permanently retained in accordance with the approved details.

[To ensure the provision of an appropriate landscape setting to the development in accordance with policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and policies 1 (Development Requirements) and 28 (Conserving and Enhancing Heritage Assets) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

8. The development hereby approved shall be carried out in full accordance with the Reasonable Avoidance Measures described in section 5.8 of the Protected Species Survey at Fletcher's Yard, Cropwell Road, Langar, Nottinghamshire, NG13 9HD by Andrew P Chick, dated February 2019.

[To avoid harm to wildlife, including protected species and nesting birds, in accordance with policy 1 (Development Requirements) and policy 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the Rushcliffe Local Plan Part 2: Land and Planning Policies]

9. Prior to occupation of the dwellings hereby approved details of a scheme for the provision of compensatory habitat for bats and nesting birds shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be erected on the site and retained for the lifetime of the development.

[To achieve a net gain in biodiversity, in accordance with policy 17 (Biodiversity) of the Local Plan Part 1: Core Strategy and policy 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

10. Occupation of the proposed dwellings shall not take place until details of the surfacing materials for the accesses, driveways and parking areas as indicated on the approved plan, Proposed Block Plan, dated 28/07/202012, have been submitted and approved in writing by the Local Planning Authority. The access should be surfaced in a bound material (not loose gravel) for a minimum distance of 5.0 metres behind the highway boundary and drained to prevent the discharge of surface water from the driveway to the public highway. The approved details shall be installed prior to occupation of the dwellings hereby approved and shall be retained for the life of the development.

[To prevent deleterious material / surface water from being discharged onto the public highway, in the general interest of highway safety and to comply with policy 1 of the (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies.]

11. Occupation of the proposed dwellings shall not take place until the visibility splays set out in the approved plan, Proposed Block Plan dated 28/07/2020 are provided. The visibility splays shall thereafter be retained for the life of the development.

[To ensure that drivers have an appropriate level of visibility when exiting the site, in the general interest of highway safety and to comply with policy 1 of the (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies.]

12. Any gates to be erected at the access point shall open inward only and be set-back no less than 5.0 metres from the highway boundary.

[To ensure that drivers can station their vehicles clear of the public highway whilst the gates are opened/closed, to comply with policy 1 of the (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies.]

13. An Electric Vehicle Charging Point shall be provided for each dwelling hereby approved and installed prior to occupation and retained in that form thereafter for the lifetime of the development.

[To promote sustainable travel, aid in the reduction of air pollution levels and help mitigate climate change, in accordance with policy 2 (Climate Change) of the Rushcliffe Local Plan Part 1: Core Strategy].

14. 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].

15. The development shall be undertaken in accordance with the recommendations as set out in the submitted FRA dated July 2020 including provision for finished floor levels set out in accordance with Arcelle drawing number 1945/C01 within the FRA and surface water attenuation methods and flood risk mitigation measures of construction.

[To ensure that the properties are adequately protected against any potential flood risk in accordance with the aims of Policy 18 of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

16. In the event that the planning permission is not implemented within 1 year of the date of the planning permission being granted a further protected species survey shall be carried out and submitted to the

Borough Council. Any mitigation measures required shall be implemented in accordance with the approved details to the satisfaction of the Borough Council.

[To ensure the survey reflects the situation pertaining at the time and to comply with policy 38 (Non-designated biodiversity assets and the wider ecological network) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

17. The approved boundary treatments as shown on Block Plan drawing dated the 23/09/2020 shall be implemented prior to the dwellings they serve being occupied and shall be retained in this form thereafter. There shall be no alternative means of enclosure erected without the prior permission of the Borough Council as Local Planning Authority.

[To ensure the provision of an appropriate landscape setting to the development and flood risk considerations in accordance with policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and policies 1 (Development Requirements) and 28 (Conserving and Enhancing Heritage Assets) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

18. The method of construction and surfacing of the driveways and parking areas shall ensure that the areas are permeable, details of which shall be submitted for the approval of the Borough Council prior to the construction of the dwellings proceeding above foundation level. The driveways and parking areas shall thereafter be constructed in accordance with the approved details prior to the occupation of the dwellings. Thereafter, the driveways and parking areas shall be maintained in accordance with the approved details.

[To reduce the risk of flooding of the site and neighbouring land and to comply with Policy 17 (Managing Flood Risk) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

### **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. Full details of the amount payable, the process and timescales for payment, and any potential exemptions/relief that may be applicable will be set out in a Liability Notice to be issued following this decision. Further information about CIL can be found on the Borough Council's website at <https://www.rushcliffe.gov.uk/planningandgrowth/cil/>

The proposal makes it necessary to undertake works within the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact the County Council's Customer Services on telephone 0300 500 80 80 to arrange for these works to be carried out.

Condition 14 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.

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.

You are reminded of your duties under the Wildlife and Countryside Act 1981 and the need to follow the recommendations as set out within the Ecology Report supporting this application.

**20/01772/OUT – Outline planning permission with matters reserved for the erection of a dormer bungalow – The Paddock, 12 Main Street, Kinoulton, Nottinghamshire, NG12 3AE**

### **Updates**

In accordance with the Council's public speaking protocol for planning committee Councillor T Combella (Ward Councillor) addressed the Committee.

### **DECISION**

#### **PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:**

1. Application for approval of reserved matters must be made not later than three years beginning with the date of this permission and the development must be begun not later than the expiration of two years from the final approval of reserved matters, or in the case of approval of reserved matters on different dates, the final approval of the last such matter to be approved.

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

2. 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 means of access;
  - The siting, design and external appearance of the proposed building;
  - The finishes for the hard surfaced areas of the site;
  - 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; and
- The means of enclosure to be erected on the site.

[To ensure the development will be satisfactory and in the interests of visual amenity and to comply with Policy 1 (Sustainable Development) of the Local Plan Part 2: Land and Planning Policies.]

3. This permission shall relate to the erection of no more than one dwelling.

[To clarify the extent of this permission and to prevent the overdevelopment of the plot in compliance with Policy 1 of the Local Plan Part 2].

4. The residential dwelling hereby permitted shall be designed 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 Rushcliffe Local Plan Part 2: Land and Planning Policies].

5. The development hereby permitted shall not be commenced until a scheme for the provision of electric vehicle charging points shall be submitted to and approved by the Borough Council. The scheme shall provide details of the provision of electric vehicle charging points to serve the development on site. Thereafter, the use shall not commence until such time as the site has been serviced with the appropriate electric vehicle charging infrastructure, in accordance with the agreed scheme and the apparatus shall be retained for the lifetime of the development.

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

### **Notes to Applicant**

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

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/>

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

Condition 4 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.

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

This permission does not authorize the relocation of the garage for 12 Main Street and the construction of a new access as indicated on the submitted plans.

#### **14 Planning Appeals**

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

The meeting closed at 10.05 pm.

CHAIRMAN



## Planning Committee

12 November 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
<a href="#">20/01817/FUL</a>	173 Loughborough Road, West Bridgford, Nottingham, NG2 7JS	23 – 41
	Change of Use from Dental Surgery (Use Class D1) to A Place of Worship (Use Class D1)	
Ward	Lutterell	
Recommendation	Planning permission be granted subject to conditions.	
<hr/>		
<a href="#">20/01313/FUL</a>	Land East of 75 Walcote Drive, West Bridgford, Nottingham	43 – 57
	Demolition of existing garages and erection of 5 no. dwellings with associated parking.	
Ward	Lutterell	
Recommendation	Planning permission be granted subject to conditions.	
<hr/>		
<a href="#">20/01749/FUL</a>	201 Musters Road, West Bridgford, Nottingham, NG2 7DT	59 – 75
	Proposed Demolition of the Existing Dwelling and to Construct a Block of 5 Apartments	
Ward	Musters	
Recommendation	Planning Permission be granted subject to conditions.	





**Application Number: 20/01817/FUL**  
**173 Loughborough Road, West Bridgford**



**scale 1:1000**

page 23

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Rushcliffe Borough Council - 100019419

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**Applicant** Fazilat Foundation UK

**Location** 173 Loughborough Road West Bridgford Nottinghamshire NG2 7JS

**Proposal** Change of Use from Dental Surgery (Use Class D1) to A Place of Worship (Use Class D1)

**Ward** Lutterell

## THE SITE AND SURROUNDINGS

1. This planning application relates to the property of No. 173 Loughborough Road, which is a vacant property last used as a dental practice. The property is located on the corner of Loughborough Road and Chaworth Road and was originally constructed as five bedroom dormer bungalow before its use was changed to a dental surgery in 2002, but the building still maintains the appearance of the dwelling within the street scene
2. The main building is located towards the rear of the site with hardstanding to the front and both sides. This hardstanding has been used as parking areas for the dental surgery over the period of its use.
3. The main vehicular access to the site is gained off Loughborough Road, however there are access points to a small area of hardstanding off Chaworth where two sets of dropped kerbs are located. These are longstanding/established access arrangements.
4. The site is located predominantly in a residential suburb but fronts on to Loughborough Road (A60) which is a main vehicular route in and out of the City of Nottingham from south to north and connects to the A52 to the south. In this particular location along Loughborough Road there are a number of commercial properties including an orthodontic centre (opposite to the west), Davisons Veterinary Care (60 metres south), Vertu Volkswagen (65 metres south), The Wolds Public House (270m to the south) and the Large Asda Superstore just beyond. However, Chaworth Road and Northwold Avenue are distinctly residential in character.
5. The site falls within floodzone 3 as defined on the Environment Agency flood risk maps.

## DETAILS OF THE PROPOSAL

6. This is a full planning application for the material change of use of the premises (building and land) from a dental surgery (D1) to a place of worship (D1). The committee may note that these uses actually fall within the same use class as defined by the Use Classes Order and that ordinarily, the change of use to a use falling within the same use class would not be considered as "development" as defined by Section 55 of the TCPA 1990. However, when the Council granted planning permission for the conversion of the residential property to the dental surgery, permission was granted subject to a condition

which stated that; *“This permission shall be for the purposes applied for only and no other uses falling within Class D1 of the Town and Country Planning (Use Classes) Order 1987...”* Therefore, planning permission is required to use this site for any purpose beyond that of a dental surgery.

7. It should be noted that whilst the applicant has indicated in the submission that the building would be used as a mosque, this is not a defined use within class D1 of the Use Classes Order. Rather the Use Classes Order D1 includes *“Any use not including a residential use for, or in connection with, public worship or religious instruction”*. The application should therefore be determined on the basis of a ‘place of worship’ which is not specific to any religion or faith.
8. The development proposes no external physical alterations to the building but proposes to reconfigure the internal arrangement to suit the applicant’s type of facility, in this instance a mosque. The building would have two main prayer rooms, associated washing facilities and both female and male library and reading rooms.
9. The proposed parking layout is intended to be altered. Due to concerns from the Highway Authority over the parking layout, a revised parking layout has been proposed by the applicant, detailed on a drawing showing the retention of 6 existing spaces off Chaworth Road and a further 8 spaces in the main hard surfaced area accessed off Loughborough Road.
10. The application is accompanied by a Design and Access Statement which provides information as to how the applicant intends to operate this place of worship if permission were to be granted. The applicant intends to operate this site as a mosque and carry out prayer services up to 5 times per day with each session lasting between 15 and 30 minutes. The applicant suggests that, due to the size of the building, up to 14 worshippers are likely to use the facility at any one time. On Fridays there would be 45 minute prayer meeting between 1:15pm and 2pm. Evening prayer during Ramadan would take place for 90 minutes and on two other occasion during the year (Eid) 90 minutes prayer would be undertaken. At section 19 of the application form the applicants explain that specific hours of use are proposed in relation to how this site would operate.
11. Following the receipt of initial Highway comments the applicant carried out a parking beat survey and the result of this have been submitted to support the application proposals.

## **SITE HISTORY**

12. 97/01294/FUL - Demolition of existing bungalow; erect single storey building for use as physiotherapy clinic – Refused.
13. 0/01400/FUL - Insert two dormers on front elevation roofslope; form hip roof over existing conservatory – Approved.
14. 01/00413/FUL - Retain 1.8m front/side boundary fence - Approved
15. 02/01580/COU - Change of use to dental surgery – Approved

16. 12/0566/ADV - Double sided free standing signs (x2) (one to be internally illuminated) – Refused
17. 12/01424/ADV - Free-standing aluminium tray - monolith sign (internally illuminated) - Refused
18. 12/01539/CLUPRD - Application for Certificate of Proposed Lawful development for Change of use from dental surgery to D1 (place of worship) – Withdrawn.

## **REPRESENTATIONS**

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

19. One Ward Councillor (Cllr Gray) notes that at the time of writing his comment, Environmental Health have said they would not support the application and so as to support the community objects to this application on the grounds of concern over traffic and likelihood of disturbance.
20. One Ward Councillor (Cllr Begum) notes that the application is for change of use of the building and doesn't see it being a problem for residents as long as there are no plans for a bigger extension being built and it is used for local residents and children.

### **Statutory and Other Consultees**

21. Nottinghamshire County Council as Highway Authority having reviewed the application note the proposed parking provision and layout at the site and that there is a traffic controlled pedestrian junction adjacent to the site. It is also noted that the Loughborough Road/Chaworth Road junction is protected by zig-zig pavement markings and double yellow lines preventing inappropriate parking impacting the safe operation of the junction and crossing.
22. They comment that when considering the application, the Authority has to consider the impact the change of use could create, and whether it would be considered to be severe and that the application is for a D1 use, and as such, if granted would allow any place of worship use falling under this classification to be permitted.
23. The Highway Authority state that, whilst they agree the building itself will restrict the number of attendees, the building could easily facilitate a larger number of people than 14.
24. The Highway Authority have interrogated the TRICS database forecast for the level of traffic the existing dental surgery could generate. The assessment considers weekday hourly arrival and departure movement to enable peak hour impacts to be assessed.
25. The assessment of the best available data showed that dependent upon the place of worship (which religion was being practiced) trips can vary significantly, ranging from 0 trips during an hour period up to 54 for a building area of 180 m2. Taking a worst-case scenario and based on information available to the Highway Authority, the site has the potential to generate a parking demand for 37 parking spaces.

26. The Authority note however that specifically considering the context of the site, the building clearly has a finite person capacity, some visitors will travel to the site in the same vehicle and some visitors are also likely to walk to the site, appreciating the residential location it is situated in. Therefore, it is considered that on balance, a severe traffic impact is unlikely to be created, with development related traffic disbursing quickly on the highway network.
27. In respect of parking provision in general the Highway Authority states that the primary purpose of the public highway is to convey vehicles and as such is should not be used to supply parking for developments as they should cater for such provision internally. However, it is also noted that over provision will not support the focus of encouraging the use of sustainable modes. Therefore, the Highway Authority would consider some overspill parking, if this were infrequent, safe and would not create a detriment to other users of the highway or create stress on local parking demand that would be considered to represent a severe impact.
28. The Highways Authority have concerns for the ability for the Loughborough Road car park to provide 10 adequately sized spaces. Furthermore, as the parking demand for a place of worship has been found to generate a possible 37 cars (worst-case scenario) a parking beat survey is requested as well as further information relating to the occupants' operations with respect to various calendar events. As further information was requested, at this point, the Highway Authority recommended that the application was deferred to enable the applicant to provide such information.
29. Following the receipt of an amended car parking layout and a parking beat survey, revised comments were provided by the Highway Authority.
30. Having reviewed the revised information, in respect of weekday peak hour traffic impact, having considered the site context and the building clearly having a finite person capacity, with some visitors traveling to the site in the same vehicle and some walking to the site, it is considered that on balance, a severe traffic impact is unlikely to be created, with the development related traffic disbursing quickly on the highway network.
31. In relation to parking provision, based on the information provided by the applicant (Parking Beat Survey) it is concluded that there is likely to be up to 100 parking spaces available to act as overspill parking on residential streets within an acceptable walking distance should infrequent demand be created. Therefore, they do not consider that a severe impact would be created should some overspill parking occur.
32. The Authority note that there is sufficient disabled parking and cycle storage provision proposed.
33. The Highway Authority have reviewed the latest 5 years' worth of recorded road traffic accident data and comment that no significant trends or patterns are apparent in the local area that would raise concern regarding the development site exacerbating an existing accident issue.

34. In summary, based on the information provided in support of the planning application, it is considered that the proposed development will not result in a severe impact to the safe operation of the highway network, as defined in the NPPF, and therefore there are no highway objections subject to four conditions. One condition would require the parking provision be laid out in accordance with the submitted details, another requiring the access arrangement and low-level wall at the site be retained. A third condition would require the submission of a Travel Plan and the fourth condition would require on going monitoring of the and reporting of the Travel Plan going forward.
35. Rushcliffe Borough Council Environmental Health Officer having reviewed the Planning Statement raised concerns that the use would have a detrimental impact on the occupiers of neighbouring properties. The Officer notes that the building is located within a predominantly residential area and the applicant advises that prayers will be held 5 times a day. Prayer times can be throughout the day and night, therefore due to the close proximity of residential dwellings the use of the building throughout the day and night is likely to cause disturbance. The Officer also notes the applicant has not provided any details of the sound insulation properties of the building, the proposed use of the car parking area, also whether there will be any audible call for prayer at certain prayer times. Therefore, based on this application in its submitted format the officer would not be able to support this change of use.
36. Following consideration of further information, the officer notes the proximity of the application site to the nearest neighbours at 173a Loughborough and 85 Chaworth Road and that the existing use as a dental surgery involves visits during the daytime. The officer states that due to the daytime noise levels associated with Loughborough Road, the daytime use of the carpark would not increase existing background noise levels and therefore the current use is suitable for daytime activities. The officer notes that the proposed use of the place of worship as a mosque would include early morning activities (as early as 4:45am) and late evening prayer (as late as 10pm). Due to the close proximity of residential premises to the building and the car park area there is the likelihood of disturbance from noise during night time activities (2300 hours – 0700 hours) when noise levels from Loughborough Road reduce.
37. The officer draws attention where the Council refused applications in 2012 at 153 Loughborough Road for increasing the level of accommodation on offer due to noise impacts on neighbouring properties. As such, considering this is a similar application, the officer recommends the imposition of two conditions if planning permission were to be granted; the first requiring the submission and approval of a Noise Management Plan and the second condition restricting the hours of use at the site to between 0700 hours and 2300 hours only each day.

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

38. 554 representations have been received of which 325 have indicated support and 224 have indicated objection. The points of both are summarised below.
39. Comments in support:
- a. Excellent idea to build a mosque.

- b. Fantastic addition to the community.
- c. Mosque is needed by Muslim community.
- d. Usually have to travel for a mosque. Travelling to other sites is a burden. Unfair that Muslims have to travel out of area to pray
- e. West Bridgford has a growing facility of all faiths.
- f. Mosque is needed for future generations.
- g. Will not cause disruption will only be open at select times.
- h. No significant influence on traffic.
- i. Fully in favour of Place of Worship.
- j. Great location for a mosque.
- k. Excellent option for a place of worship.
- l. Nearby churches have no parking.
- m. Very good gesture.
- n. Few individuals will drive.
- o. Every community should have a place to worship.
- p. West Bridgford will become more integrated.
- q. Parking issues are from families having too many cars.
- r. Creates diversity.

40. Comments in opposition

- a. Concerns over detriment to occupiers of neighbouring properties.
- b. No details of sound insulation.
- c. Chaworth Road not designed to take more traffic.
- d. Parking for residents is at breaking point. Residents should be able to park near their homes.
- e. Concerns over safety and traffic flow.
- f. Increased activity will make the situation worse.
- g. Non-existent parking on the road.
- h. Area cannot cope with increased traffic.



- i. Chaworth Road used as cut through for Musters Road.
- j. Use by 14 people is unrealistic. Number of worshipers will increase overtime. The facility is advertised as having capacity for 42. More people will use the facility during EID.
- k. People will use own transport when it snows.
- l. Already have plenty of Places of Worship – No more.
- m. Concern over hours of use.
- n. Lack of public transport link.
- o. The developer has proven incapable of adhering to planning regulations.
- p. The demand is not proven.
- q. There are intentions to build a larger facility.
- r. Cars not keeping to speed limits.

## **PLANNING POLICY**

41. The Development Plan for Rushcliffe consists of The Rushcliffe Local Plan Part 1: Core Strategy (referred to herein as 'Core Strategy') and the Local Plan Part 2: Land and Planning Policies, which was adopted on 8 October 2019.

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

42. National Planning Policy Framework. Relevant paragraphs in the NPPF will be referred to in the appraisal section below.

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

43. Local Plan Part 1:Core Strategy:
- Policy 1: Presumption in Favour of Sustainable Development
  - Policy 3: Spatial Strategy
  - Policy 5: Employment Provision and Economic Development
  - Policy 10: Design and Enhancing Local Identity
  - Policy 12 Local Services and Healthy Lifestyles
  - Policy 14: Managing Travel Demand
44. Local Plan Part 2: Land and Planning Policies:
- Policy 1: Development Requirements
  - Policy 15: Employment Development
  - Policy 17: Managing Flood Risk
  - Policy 30: Protection of Community Facilities
  - Policy 41 Air Quality

## APPRAISAL

45. The main consideration of this application are considered to be:

- Principle of development
- Highway Safety and Parking
- Design, impact upon residential amenity
- Flood Risk
- Other matters

### Principal of development

#### Policy Background

46. Policy 5 of Local Plan Part 1: Employment provision and Economic Development, states that the Economy will be strengthened and diversified by appropriately managing existing employment sites, by:

- a) Retaining viable employment sites, including the strategic employment area at Ruddington Fields Business Park, that are an important source of jobs and cater for a range of businesses particularly where they support less-skilled jobs in and near deprived areas, or have the potential to provide start up or grow-on space; and
- b) Releasing poor quality, underused and poorly located employment sites for other purposes.

47. Policy 12 of Local Plan Part 1: Local Services and Healthy Lifestyles states that; The provision of new, extended or improved community facilities will be supported where they meet a local need, as too will the retention of existing community facilities where they remain viable and appropriate alternatives do not exist. In particular, new or improved community facilities will be sought to support major new residential development (especially in Sustainable Urban Extensions) or in regeneration areas. Where appropriate, contributions will be sought to improve existing community facilities provision where the scale of residential development does not merit direct provision of community facilities. New community facilities of an appropriate scale should:

- a) be located within District, Local Centres or Centres of Neighbourhood Importance, wherever appropriate;
- b) be in locations accessible by a range of sustainable transport modes suitable to the scale and function of the facility; and
- c) where possible, be located alongside or shared with other local community facilities.

48. Policy 15 of Local Plan Part 2: Employment Development states that Planning permission will not be granted for the redevelopment or reuse of existing employment sites or premises for other non-employment purposes unless:

- a) it is demonstrated that there is no demand for the site or premises for its specified employment use;
- b) the site is not viable for re-occupation (including through renewal or refurbishment); and

- c) the proposed use would not cause a significant adverse impact on the amenity of nearby residents and occupiers.

49. Policy 10 of Local Plan Part 2: Community Facility States that:

1. Planning permission for development proposals that would result in the loss of existing community facilities will not be granted unless:
  - a) alternative provision exists with sufficient capacity which can be reasonably accessed by walking, cycling or public transport and would not result in a significant increase in car journeys;
  - b) alternative provision will be provided as part of the redevelopment of the site;
  - c) alternative provision will be provided in an appropriate location which can be reasonably accessed by walking, cycling or public transport and would not result in a significant increase in car journeys; or
  - d) it has been satisfactorily demonstrated that it is no longer economically viable, feasible or practicable to retain the existing community use and its continued use has been fully explored.
2. Where it is demonstrated that an existing community use is not viable, feasible or practicable, preference will be given to the change of use or redevelopment for alternative community uses before other uses are considered.

Assessment

50. The proposed development would see the loss of a dental surgery and the creation of a place of worship. The location, in the heart of a residential area is considered to be widely accessible on foot, by car and through the use of public transport.
51. Whilst a dental surgery offers a small amount of specialist employment, the requirements of Policy 5 (LPP1) and Policy 15 (LPP2) relate more specifically to the loss of office, industrial and warehousing development when reviewing the supporting text. Furthermore, with the restrictive condition requiring only another dental surgery being able to operate from this site, it would not be reasonable to apply the tests of Policy 5 (LPP1) or Policy 15 (LPP2) in this instance in relation to the loss of a very small, niche employment provision.
52. In respect of loss of the community facility, the supporting text identifies both dentists and places of worship as community facilities so while one is being lost, another is being created in this location.
53. Overall, the principle of the siting of a place of worship in a highly sustainable, accessible location within the Borough's principle urban area is considered to be acceptable subject to the matters discussed in further detail below.

## Highway Safety and Parking

### Policy Background

54. Policy 1 (2) of Local Plan Part 2 requires that a suitable means of access can be provided to the development without detriment to the amenity of adjacent properties or highway safety and the provision of parking is in accordance with the advice provided by the Highway Authority.
55. The National Planning Policy Framework at paragraph 108 states that in assessing applications for development, it should be ensured that:
- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
  - b) safe and suitable access to the site can be achieved for all users; and
  - c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
56. Paragraph 109 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

### Assessment

57. The initial comments received from the Highway Authority clarified that the trips generated from the proposed use were not considered to be such that would cause significant traffic congestion or impact upon the capacity within the immediate highway network. This was the case taking account of data held in the TRICS database for various religions. This comment was reinforced in their revised comments (received on the 26<sup>th</sup> October).
58. The applicant responded to the initial highway comments with a revised parking layout which reduced the parking spaces from 16 to 14, but allowed for increased manoeuvrability within the site. This layout has been scrutinised by the Highway Authority who are content that the layout now allows for suitably sized spaces (in the main carpark area) to be laid out and sufficient space to manoeuvre in and around the site and exit in a forward gear, preventing a dangerous situation where cars would have to reverse out onto Loughborough Road. The layout also proposes the inclusion of disabled parking bays and cycle parking.
59. With respect to the six spaces located directly off Chaworth Road, the Highway Authority comment that; *“It is highlighted that the existing parking arrangements on Chaworth Road are substandard and lead to vehicles obstructing the footway. Although of detriment to users of the footway, the reuse of the area for parking is no different to that of the existing, and as such this re-use of an existing parking arrangement does not create a severe impact to highway safety, as defined in the NPPF.”* This an aspect that the Planning Authority will need to consider. In respect of this particular point, the spaces have been present on site for many years and have been clearly utilised as part of the previous use of the premises. Although the dimensions of the

spaces may be slightly deficient for modern standards, they are available for use if the site were to continue to be used as a dental practice and, therefore there is no material difference in them being used as part of another use. The Highway Authority are therefore satisfied that the layout and access of the site are suitable and safe, therefore the development is acceptable when assessed against NPPF paragraph 108 criterion B above.

60. When reviewing the TRICS database it was evident that, through the change of use of the site to a place of worship, parking demand would rise from a demand of approximately 6 spaces when used as a dental practice to a worst-case scenario level of 37 spaces for the place of worship use. Accordingly, as the proposed layout plan only caters for up to 14 spaces, the Highway Authority sought a Parking Beat Survey from the applicant to demonstrate that, if this worst-case scenario were to occur, there would be sufficient on street parking provision to accommodate the additional users and therefore the situation would not cause detriment to highway safety.
61. It was agreed between the Highway Authority and the applicant that a survey would be undertaken on a Friday lunchtime based on peaks identified in the TRICS data. The parking survey considered spaces beyond the previously agreed 400m walking distance requested by the Highway Authority and it was also noted that it included some private parking areas on Loughborough Road. However, the survey indicated that there is likely to be up to 100 parking spaces available to act as overspill parking on residential streets within an acceptable walking distance should the worst-case scenario, infrequent demand be created. Consequently, the Authority do not consider that a severe impact would be created should some overspill parking occur.
62. In terms of NPPF paragraph 108 a), it is noted that the application is conveniently located in a dense residential area with comfortable street networks. There is also a bus stop just to the north of the site on the west side of Loughborough and a signalled crossing immediately outside of the site frontage. This location is therefore one which brings about significant and likely opportunities to take advantage of sustainable transport modes such as walking, cycling and using public transports. This falls in line with the Council's aim and the requirements of the NPPF to reduce car dependency and promote healthier lifestyles.
63. In summary, whilst the proposed change of use will increase trip rates and parking demand above the current use, the traffic generated from the use is not considered to be such that would cause significant congestion of traffic. Whilst the majority of the time in operation, the site's own parking provision is likely to cater for the majority of users, at peak times parking capacity will be exceeded, however this would be satisfactorily catered for by spare "on street" spaces within close walking distance to the site. The proximity of the site, in the heart of a residential area and close to a bus stop will also encourage users to walk rather than be dependent on vehicles. In addition, the small physical size of the building is a self-limiting factor which means there is a finite limit to the amount of people who could use the facility. All matters considered, the officers are satisfied that the proposed change of use of this site to a place of worship would not cause a severe impact to the detriment of highway safety either through traffic/congestion of parking displacement and therefore complies with the requirements of Policy 1 of Local Plan Part 2 and paragraph 108 of the NPPF.

## Design, impact upon residential amenity

### Policy Background

- 64. Policy 10 of the Local Plan Part 1 also requires that new development be assessed in terms of its impacts on neighbouring amenity (such as massing, overshadowing, loss of privacy, noise).
- 65. Policy 1 (1) of the Local Plan Part 2 requires that there is no significant adverse impact upon amenity, particularly residential amenity of adjoining properties or the surrounding area, by reason of the type and levels of activity on the site, or traffic generated. Policy 1 (5) requires that noise attenuation is achieved, and light pollution minimised.
- 66. Paragraph 127 of the NPPF requires developments to create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and fear of crime, do not undermine quality of life of community cohesion.

### Assessment

- 67. There are no alterations proposed to the exterior of the building and the parking reconfiguration and formalisation will marginally improve the appearance of the site.
- 68. The main issue is the impact the use may have upon the amenities of the surrounding residential properties. The previous and authorised use of the site is a dental practice and although able to operate for 24 hours a day, such instances of “out of hours” appointments are likely to have been rare. Furthermore, most dental practices operate in a manner whereby patients are seen on a continuous booking system so there is a steady flow of low-level activity in respect of the general comings and goings. The nearby residents have not therefore been significantly impacted by the previous use of the site.
- 69. The proposed use as a place of worship would operate in a distinctly different fashion, depending on the faith being practiced at the site. Different faiths carry out worshiping activities at different times of the day and may intensify at different times of the year. The local demographic can also contribute towards how intense a use of this type may or may not be as will the proximity of other similar facilities.
- 70. Furthermore, the Council is aware of the ancillary activities which take place at such venues beyond simply prayer. These include reading, small religious based schooling as well as infrequent gatherings for certain occasions in the calendar year.
- 71. The application site is located on the cusp of a distinctly residential street and the busier more active frontage of Loughborough Road. Therefore, whilst the activities taking place at the site must have regard to the residential neighbours nearby, with the back drop of the busy Loughborough Road, daytime activities at this site, having regard to the level of accommodation on offer, are unlikely to cause significant detriment above and beyond the disturbance already experienced from the general activities along this busy main road.

72. However, save for the 24-hour operation at the Asda Superstore south of the application site, the night time movements and general activities in the area are likely to fall away in the late evening as there is little night time economy in the local vicinity. As a result, whilst a moderately intense use during daytime hours would not cause significant disturbance from general comings and goings, such a level of activity during the more sensitive hours of the later evening, through the night and into the early morning would have the potential to cause significant disturbance to the immediate neighbours. The closest neighbours are 173a Loughborough Road, which is immediately adjacent the main parking area, and only 6m from the building, as well as 85 Chaworth Road whose driveway adjoins the physical building of the application site. This site also has an extant permission for a more intensive flat development which would mean disruption to more units and consequently more residents.
73. As this is the situation in this location, it is considered both proportionate and necessary to impose a condition upon any permission granted which restricts the use of this site for any activity to between the hours of 7am and 11pm on any given day.
74. In respect of noise emanating from the use inside the building, the case officer notes that the building appears to be of modern substantial construction, having originally been constructed as a dwelling house, so will prevent certain level of noise transfer from lower level activities such as readings and prayer. However, no evidence has been provided to demonstrate the building is of such construction that the use of audible or noise amplifying equipment from either within or outside of the building would not cause detriment to the reasonable amenity of the surrounding residents, either night or day. In addition, some internal activities may be louder than those carried out under the existing use. In respect of this, the Environmental Health Officer has requested a condition be imposed upon any permission granted which requires the submission and approval of a Noise Management Plan which covers and controls these issues. Using this approach, the Council would be able to evaluate and control the activities which create significant noise within the building and ensure appropriate mitigation measures are taken so as not to cause detriment to surrounding residential properties. This condition is considered both proportionate and necessary to allow the proposed use to operate sufficiently but to provide the required safeguards for residents.
75. In summary, the proposed use is noted to be one which has the potential to cause disturbance above that of the previous use of the dental surgery. However, having regard to the semi residential location, the limited size of the building itself (acting as a self-limiting factor) and the use of the two conditions outlined above, it is considered that there would not be a significant detrimental impact arising from the use of the site for a place of worship. The proposal therefore would comply with the requirements of both Policy 10 of Local Plan Part 1 and Policy 1 of Local Plan Part 2 in this regard.

## Flood Risk

### Policy Background

76. Policy 17 of Local Plan Part 2 states that "Planning permission will be granted for development in areas where a risk of flooding or problems of surface water disposal exists provided that:

- a. the sequential test and exception test are applied and satisfied in accordance with the National Planning Policy Framework and National Planning Policy Guidance; or
- b. where the exception test is not required, for example change of use applications, it has been demonstrated that the development and future occupants will be safe from flood risk over the lifetime of the development; or
- c. the development is for minor development where it has been demonstrated that the Environment Agency's flood risk standing advice has been followed, including:
  - i. an industrial or commercial extension of less than 250 square metres;
  - ii. alterations to buildings that do not increase the size of the building;
  - iii. householder development including sheds, garages within the curtilage of the dwelling; and
- d. development does not increase the risk of flooding on the site or elsewhere, including through increased run-off due to areas of hardstanding, or reduction in ground water storage as a result of basements.

77. The National Planning Policy Framework states at paragraph 55 that *"Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere."*

#### Assessment

- 78. This application seeks permission for the change of use of an existing building from a (restricted) use falling within Class D1 to another type of use also falling within Class D1. The use of a Dental Surgery would fall into the "more vulnerable" category of Table 2: Flood Risk Vulnerability Classification, whereas use of the site for a place of worship would fall into the "Less Vulnerable" category. Therefore, the development represents a betterment in terms of the risk posed to the public through the change of use of the building as proposed.
- 79. There is no requirement for the developer to carry out either a sequential test or exception test for a change of use application.
- 80. The developer, however, has not at this stage provided any details of flood resilience or flood evacuation measures within their submitted Flood Risk Assessment. Therefore, in accordance with the Standing Advice and in recognition of Paragraph 163 of the NPPF, if this application were to be approved, the developer will be required to provide a scheme for appropriate flood resistant and resilience measures as well as a flood evacuation plan prior to the use of the building commencing.

#### Other Matters

- 81. Personal circumstances of the applicant – The personal circumstances of the applicant, their previous actions and/or previous contraventions of planning legislation is not material to the consideration of this application.



82. Residents parking on Chaworth Road – The primary purpose of the public highway is to convey vehicles and is not to provide parking facilities for residential properties. The occupants of residential properties have no greater rights to parking within the highway, outside of their properties than the customers or users of other facilities may do. Whilst highway safety is a material consideration, inconvenience to residents in them not being able to park directly in front of their properties is not

## Summary

83. The proposed use of this site for a Place of Worship is acceptable in principle, with West Bridgford being a highly sustainable location and the site benefitting from very good accessibility for the community. The highway safety impacts of the proposed use have been found to be acceptable as has the impact upon the amenity of nearby residential properties, providing the suggested conditions outlined in this report are imposed upon any planning permission that may be granted. For these reasons, this development is considered to be sustainable in all three aspects (social, environmental and economic) as defined with the National Planning Policy Framework and in the absence of any other materials considerations the development has been found to be compliant with the adopted development plan. As such, the application is recommended for approval by the Planning Committee.
84. Other than to confirm that planning permission was required for the change of use of the building, the proposal was not the subject discussions with officers or a formal pre-application submission to consider the merits of the change of use. However, discussions have taken place during the consideration of the application and further information provided by the applicant in response to queries/concerns raised by consultees, addressing identified issues and resulting in a 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 shall be carried out in accordance with the following approved plans:

“Proposed Plans” – AL-AR-0002 Rev D

“Car Tracking Study” - AL-AR-0004

“Car Tracking Study” - AL-AR-0003

[For the avoidance of doubt and to comply with Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy].

3. This permission shall authorise the use of the premises for the purpose applied for only (a place of worship), and no other uses falling within Class D1 of the Town and Country Planning (Use Classes) Order 1987 (as amended).

[To enable the impacts of any alternative uses to be considered by the Local Planning Authority, in the interests of the amenities of neighbouring/nearby properties and to comply with Policy 1 (Development Requirements of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

4. The use hereby permitted shall not operate between the hours of 2300 hours and 0700 hours inclusive on any day of the year.

[In order to safeguard the reasonable amenities of the surrounding residential properties in accordance with Policy 10 of the Rushcliffe Local Plan Part 1 and Policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

5. Prior to the use hereby approved commencing, a detailed Noise Management Plan shall be submitted to and be approved in writing by the Borough Council. The Noise Management Plan shall identify the types and locations of operational activities which are likely to cause noise disturbance to sensitive receptors and

- Minimise noise arising from operational activities by technical and physical means, and through management best practice
- Identify the person responsible for recording, investigating & dealing with complaints from any residents
- Provide details of the sound insulation scheme which shall include mitigation measures to achieve the internal noise levels specified in BS: 8233 at any affected residential property
- Provide details of the sound insulation scheme for the envelope of the building to prevent noise breakout of the premises
- Provide details of how the internal noise levels in all parts of the proposed development will be controlled & managed to ensure that the noise breakout does not cause noise disturbance

[In order to ensure the noise arising from the use of the building for a place of worship does not cause significant disruption and disturbance to nearby residential properties and the environment and to accord with Policy 10 of the Rushcliffe Local Plan Part 1 and Policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

6. Prior to first use of the development hereby approved, details of flood resilience measures to be incorporated into the building and a flood evacuation plan shall be submitted to and approved in writing by the Local Planning Authority. The measures agreed shall be implemented prior to first use of the building and adhered to for the life of the development.

[In order to ensure the users of the building are safe from fluvial flooding in accordance with paragraph 108 of the National Planning Policy Framework].

7. The use hereby approved shall not commence until the parking areas served from Chaworth Road and Loughborough Road have been demarcated as

shown on drawing reference: AL-AR-0002 Revision D and shall thereafter be maintained for the life of the development.

[In order to ensure that the passing of vehicles is possible at the site entrance and that the entrance is served by adequate visibility 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. The existing 5.6m wide vehicular access serving the development site, and low level walls fronting the site on Loughborough Road will be retained in this format for the life of the development and shall not be altered in any manner.  
[In order to ensure that the passing of vehicles is possible at the site entrance and that the entrance is served by adequate visibility and to accord 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].

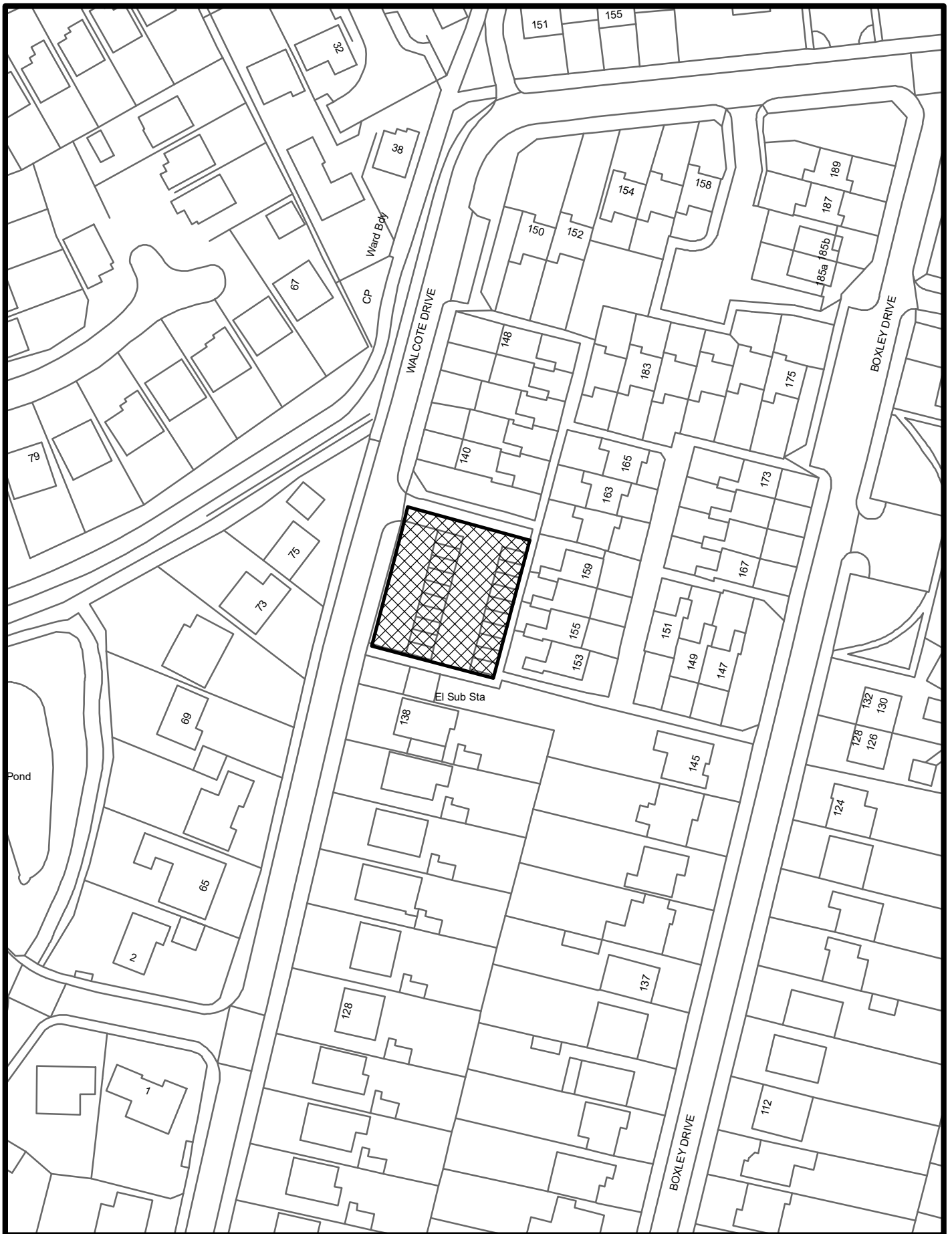
9. The development hereby permitted shall not be brought into use until a detailed Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel plan as a minimum shall contain SMART targets relating to car parking and the promotion of multiple occupancy car born trips, measures, marketing, monitoring and enforcement mechanisms.

[To reduce the likelihood of excessive overspill parking occurring on the public highway, to the detriment of highway safety, in accordance 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. An annual Travel Plan monitoring report is to be submitted to and approved in writing by the Local Planning Authority no later than 3 months post the first anniversary of the place of worship being brought into use, and this shall continue on an annual basis for the life of the development. Each annual monitoring report will include collated parking information to ascertain the level of off-site parking occurring at prayer/event times, revised SMART targets, revised measures alongside revised marketing, monitoring and enforcement mechanisms.

[To reduce the ongoing likelihood of excessive overspill parking occurring on the public highway, to the detriment of highway safety, in accordance 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].

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**Application Number: 20/01313/FUL**  
**east of 75 Walcote Drive West Bridgford (MTV garage site)**



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**Applicant** Mr Andrew Gatehouse

**Location** Land East Of 75 Walcote Drive West Bridgford Nottinghamshire

**Proposal** Demolition of existing garages and erection of 5 no. dwellings with associated parking.

**Ward** Lutterell

## THE SITE AND SURROUNDINGS

1. The application site comprises 20 flat roof garages in two blocks arranged facing inward, opening onto an area of concrete hardstanding. The garage site is accessed via a short driveway from Walcote Drive, running adjacent to No. 140a to the north. The garage site is set back from the highway with a wide grass verge to the front, incorporating a mature maple tree. There is a row of residential properties beyond the rear (east) of the site which have pedestrian-only access from Walcote Drive/Boxley Drive. There is an electricity substation immediately to the south with a neighbouring bungalow beyond this.

## DETAILS OF THE PROPOSAL

2. The application seeks full planning permission for the demolition of the existing garages and the erection of a terrace of five, two storey dwellings comprising three 2 bedroom units, one 3 bedroom unit and one 4 bedroom unit. There would be 7 parking spaces to the front of the site, accessed directly off Walcote Drive. The terrace would measure a total of 27 metres in width and a maximum of 9.9 metres in depth, positioned 17.8 metres from main rear elevation of the properties to the east, at the closest point. The end two properties would measure 5.01 metres to the eaves and 7.84 metres to the ridge, the central 3 properties would have a matching eaves height and a higher ridge height of 8.34 metres. A mature tree to the front of the site would be removed. The plans indicate that the properties would be faced in brick, details of facing materials have not been provided, however they are described as 'commensurate with surrounding properties'.

## SITE HISTORY

3. No relevant planning history.

## REPRESENTATIONS

### Ward Councillor(s)

4. One Ward Councillor (Cllr Gray) objects for the following reason; "There is significant local concern about this application and I would like to object so that the concerns can be heard and considered by the planning committee".

## Statutory and Other Consultees

5. Nottinghamshire County Council as Highway Authority comment that the proposal would result in the loss of the existing garages/parking area, with the potential for displaced parking on the public highway. Whilst not a highway safety concern in this location, it could have an impact on the amenity of nearby residents which should be considered further by the Borough Council. The level of parking provision for the proposed dwellings is considered acceptable. Pedestrian access to the properties at the rear would be maintained. There are no Highway Authority objections subject to the conditions and informatives as detailed in their consultee response.
6. Western Power comment that there are no electricity services going into these garages east of number 75 Walcote Drive. A diversion enquiry showing plans of the new properties should be submitted prior to commencement.
7. The Borough Council's Environmental Health Officer comment that the submitted noise assessment is satisfactory, the sound attenuation measures detailed in the assessment should be fully implemented prior to occupation. The submitted Ground Engineering Site Investigation report does not provide details of potential PCBs from the substation and a full set of gas monitoring records have not been provided. As a result, a contaminated land report is requested in accordance with the details set out in the consultee response. A method statement is requested for the control of noise, dust and vibration during demolition and construction.
8. The Borough Council's Environmental Sustainability Officer notes that the submitted Preliminary Ecological Assessment is in date and appears to have been carried out in accordance with best practice. No protected or priority species were found on site, although there is potential for nesting wild birds and hedgehog activity. The development provides opportunities for ecological enhancement. The conservation status of European Protected Species is unlikely to be impacted by this development. The consultee response details a number of recommendations to be considered.
9. The Design and Landscape Officer commented that the grass verge and the large Maple trees are within the ownership of the Borough Council. The tree report gives the tree a BS5837 'B' classification and it would normally be expected that such trees are to be retained, especially given the visual prominence of the tree. The tree report also reads as though it was carried out after the development proposals were produced rather than it being an initial site survey which influenced the final layout of the design. Ideally the proposals should have looked to retain the tree and worked around it. The proposed replacement tree would have to be a much smaller specimen and the frontage appears to be largely given over to car parking. Whilst the new buildings would be more aesthetically pleasing than the garages, the loss of the tree and grass verge without a more robust landscape strategy is a disappointment.
10. Following discussions with the agent, the plans were amended and three trees are now proposed on the frontage. The Design and Landscape Officer provided comments in response to the revised plans. He considers that the reduction in parking spaces and the two additional trees is positive, softening the frontage of the site and making it less dominated by parking. The loss of the mature tree will result in some initial harm, but in the long term the



replacement trees will be more resilient than a single mature tree. A landscaping condition could be used to ensure that the proposed trees are large enough to have some initial impact.

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

11. Objections have been received from 5 neighbours/members of public with the comments summarised as follows:
  - a. Loss of parking, both the garages and forecourt parking.
  - b. Would cause traffic problems.
  - c. Insufficient parking would result in increased on-street parking, safety concerns.
  - d. Height and design of dwellings not in keeping with neighbours.
  - e. Overlooking of 75 Walcote Drive which is lower than other properties on the street.
  - f. Displacement of parking for Greythorn School, may lead to parking on the bend.
  - g. Additional parking will make the road narrow, danger to school children. Vehicles may be travelling at speed down the hill into a narrow road due to parking.
  - h. Proposal would limit the use of the opposite drive.
  - i. Site floods in heavy rain, proposal could exacerbate this and flood neighbours.
  - j. Foundation works could impact on ground stability and neighbouring properties.
  - k. Loss of light to opposite property.
  - l. Impact on nesting birds in trees.
  - m. Noise and disturbance impact of development, impact of construction traffic.
  - n. Overdevelopment of site.
  - o. Loss of light, views, privacy to refused neighbouring annexe if allowed on appeal.
  - p. Side path would be gated, however residents previously told the path cannot be gated.
  - q. Property closer to substation than a previously refused bungalow that was considered to be too close to it.

- r. Previous application for a bungalow was refused due to lack of parking, however the application proposes the loss of 20 garages.
- s. Window on landing would overlook neighbouring bungalow.
- t. Obtrusive and overbearing on neighbours.
- u. Loss of privacy due to proximity of two storey house to the bungalow.
- v. Loss of a garage space serving a person with limited mobility.

## **PLANNING POLICY**

- 12. The Development Plan for Rushcliffe consists of The Rushcliffe Local Plan Part 1: Core Strategy (2014) and the Local Plan Part 2: Land and Planning Policies (LPP2) (2019). Other material considerations include the National Planning Policy Framework (NPPF) (2019), the National Planning Practice Guidance (the Guidance), and the Rushcliffe Residential Design Guide (2009).

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

- 13. The relevant national policy considerations for this proposal are those contained within the 2019 NPPF and the proposal should be considered within the context of a presumption in favour of sustainable development as a core principle of the NPPF. The proposal falls to be considered under section 12 of the NPPF (Achieving well- designed places) and it should be ensured that the development satisfies the criteria outlined under paragraph 127 of the NPPF. Development should function well and add to the overall quality of the area, not just in the short term but over the lifetime of the development. In line with paragraph 130 of the NPPF, permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

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

- 14. Core Strategy Policy 1 reinforces the need for a positive and proactive approach to planning decision making that reflects the presumption in favour of sustainable development contained in the NPPF. The proposal falls to be considered under Policy 10 of the CS (Design and Enhancing Local Identity). Development should be assessed in terms of its treatment of the criteria listed under paragraph 2 of this policy.
- 15. In considering the sustainability of the location for development, the proposal falls to be considered under Core Strategy Policy 3 (Spatial Strategy). This policy identifies the settlement hierarchy for sustainable development which should be focused on the main built up area of Nottingham and six Key Settlements identified for growth.
- 16. Core Strategy Policy 8 (Housing Size, Mix and Choice) states that residential development should provide a mix of housing tenures, types and sizes.
- 17. The proposal falls to be considered under Policy 1 (Development Requirements) of the LPP2, specifically the following criteria: 1) ensuring there is no adverse impact on neighbouring amenity from activities on site or traffic

generated; 2) ensuring a suitable means of access without detriment to highway safety, with parking in accordance with Highway Authority requirements; 3) providing sufficient ancillary amenity and circulation space; 4) ensuring 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. It 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. The proposal also falls to be considered under Policy 11 of the LPP2 (Housing Development on Unallocated Sites within Settlements), whereby planning permission will be granted subject to compliance with the criteria listed under part 1 of this policy.

18. The Rushcliffe Residential Design Guide (2009) sets out guidelines for minimum garden size standards, whereby semi- detached dwellings should be served by a private garden space of 90sqm, or 55sqm for a 1-2 bed dwelling. Where this cannot be achieved, it should be demonstrated why a smaller garden size is appropriate.

## **APPRAISAL**

19. The proposal falls to be considered under LPP2 Policy 11 (Housing Development on Unallocated Sites within Settlements), whereby planning permission will be granted for development on unallocated sites subject to compliance with the criteria listed under part 1 of this policy. Of specific relevance are criteria a, b, c, f, and g whereby planning permission will be granted provided:
  - a) the proposal in terms of scale and location is in accordance with Local Plan Part 1: Core Strategy Policy 3 (Spatial Strategy);
  - b) the proposal is of a high standard of design and does not adversely affect the character or pattern of the area by reason of its scale, bulk, form, layout or materials;
  - c) the existing site does not make a significant contribution to the amenity of the surrounding area by virtue of its character or open nature;
  - f) the proposal would not cause a significant adverse impact on the amenity of nearby residents and occupiers; and
  - g) appropriate provision for access and parking is made.
20. In terms of the principle of development as set out in criteria a) above, the site falls within the built- up area of West Bridgford and therefore a residential development in this location be in accordance with CS Policy 3 (Spatial Strategy).
21. In terms of neighbouring amenity (criteria f of the above), proposed dwelling Q5 (plot 1) would have a front and rear elevation in line with that of the neighbouring property to the north at 140a Walcote Drive. The proposal would therefore not impact upon the front or rear windows of this neighbouring property. This neighbouring property has no windows in the side elevation facing the application site. Given the positioning of dwelling 'Q5' relative to this neighbouring property, it is not considered that there would be an undue overbearing or overshadowing impact of the rear garden.
22. There is a terrace of properties to the rear (east) of the site which has pedestrian-only access. The rear gardens of these neighbouring properties

back onto the application site, although a rear footpath separates these gardens from the application site. The back-to-back distance between the proposed properties and these neighbouring properties would be 17.8 metres at the closest point, measured to the main rear elevation of the dwellings. The proposed properties would be positioned 10.49 metres from the rear boundary of the application site.

23. Given the distance between the proposed dwellings and the rear boundary, and the footpath separating the site from the neighbouring gardens, it is not considered that there would be an undue overbearing or overshadowing of these neighbouring properties or their rear gardens.
24. The proposed dwellings would feature first floor windows serving habitable rooms. Whilst a separation distance between these windows and the neighbouring properties to the rear would be below the guideline figure advocated in the Residential Design Guide, it is noted that a similar relationship and separation distance already exists between Nos. 140-140a Walcote Drive and the neighbouring properties to the rear. On balance, it is not considered that there would be harmful loss of privacy to the neighbouring properties. The separation distance from the property on the opposite side of Walcote Drive would be approximately 19 metres. The resultant relationship across a road is not uncommon and it is not considered that there would be an undue loss of privacy to this neighbour.
25. A substation is located between the application site and the neighbouring property at 138 Walcote Drive to the south. The closest dwelling would be 10.5 metres from this neighbouring property. Given the separation distance and the position of this neighbouring property to the south, it is not considered that there would be an undue overbearing or overshadowing impacts.
26. The impact of substation noise on the living conditions of future occupiers has been considered. The Environmental Health Officer advises that the submitted noise assessment is satisfactory. The sound attenuation measures detailed in the assessment should be fully implemented prior to occupation. This would be secured by way of a condition should planning permission be granted.
27. The Residential Design Guide sets out guideline minimum garden sizes, whereby terraced dwellings should be served by a 90 sqm of private garden space, or 55 sqm for a 2 bedroom property. The proposal would provide circa 43 sqm for the 2 bedroom dwellings and 80 - 86 sqm for the 3 - 4 bedroom dwellings. These garden sizes would fall short of the suggested garden sizes in the design guide but not significantly so. The garden sizes appear commensurate to those serving other properties in the vicinity.
28. The proposal would result in the loss of 20 garages. Based on tenant surveys undertaken by the applicant, one garage space has been confirmed as in active use. Internal photographs have been taken of some of the garages as part of the asbestos surveys, however not all garages have been surveyed internally. Based on this information, there are 6 garages where the use is unconfirmed, therefore as a worst-case scenario the proposal could result in the loss of up to 7 parking spaces.
29. The application provides sufficient parking for the proposed dwellings and no highway safety concerns have been raised by the Highway Authority. Although

the proposed frontage parking spaces would preclude on-street parking directly in front of the site, it should be noted that there is not a given right to park on the public highway. It is not considered that any parking displaced as a result of the loss of the garages would result in an undue amenity impact given the reasonable amount of on-street parking available in the vicinity. The concerns regarding parking close to the corner of Walcote Drive are noted, however parking in this area is controlled through double yellow lines. At the time of the officers site visit and when viewing the site using historic aerial photographs, the carriageway of Walcot Drive is not particularly congested and there are fairly wide footpaths on either side. Whilst it is acknowledged that the primary purpose of the public highway is to convey vehicles and not to accommodate parking, the dispersion of up to 7 vehicles (worst case scenario) is not considered to cause significant harm to highway safety.

30. The proposed terrace of properties would reflect the built form of the existing two storey terrace of properties to the north and those to the rear of the site. The plans propose some articulation to the front elevation and roof heights to avoid one continuous wall. The overall design and appearance of the dwellings is considered appropriate to the area and it would result in a visual improvement of the current garages and hardstanding.
31. The site is currently fronted by a circa 7.4 metre wide grass verge featuring a mature tree. Despite the negative visual appearance of the garages, the verge and mature tree make a positive contribution to the character and appearance of the street scene. The original plans proposed eight parking spaces to the front of the site and one replacement tree, however this would have been a much smaller specimen than the existing tree. Following concerns raised by officers regarding the dominance of the proposed frontage parking in the street scene and the insufficient replacement tree planting, the application plans were revised.
32. The revised layout plan proposes three replacement trees on the frontage, resulting in the loss of one parking space to accommodate this change. i.e. the revised layout makes provision for 7 parking spaces. Despite the loss of a parking space, the provision of 1 parking space for the 2 bedroom dwellings and 2 parking spaces for the 3-4 bedroom dwellings is considered sufficient, given the location of the site close to a bus route and shops. The revised plans are considered a visual improvement, softening the frontage of the site and making it less dominated by parking. The Design and Landscape Officer does not object to the revised plans subject to securing trees of an appropriate size through a landscaping condition, should planning permission be granted. It is considered that, by securing the replacement trees as proposed a significant level of amenity will be replenished which would initially be lost by the removal of the tree.
33. The application was accompanied by a Preliminary Ecological Appraisal (PEA) which found no protected or priority species on site, although there is potential for nesting wild birds and hedgehog activity. The conservation status of European Protected Species is unlikely to be impacted by this development. The development provides opportunities for ecological enhancement as set out in paragraph 5.9 of the PEA. Enhancements would be secured via condition to comply with Policy 38 of the Local Plan Part 2.

34. Surface water disposal should in the first instance be achieved via soakaways 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. Any soakaways would need to be located at least 5.0m to the rear of the highway boundary. Details of surface water drainage would be secured by way of a condition, should planning permission be granted.
35. In summary, the principle of a residential development in this location is acceptable and it is not considered that there would be a detrimental impact upon the amenities of the neighbouring properties. The proposal would result in the loss of 20 garages, of which one is confirmed as in active use for parking and 6 have not been surveyed and could potentially be in use for parking. The Highway Authority have no highway safety concerns and it is not considered that the loss of garage parking would have a significant amenity impact. The level of parking provision for the proposed development is considered acceptable. The original plans proposed one replacement tree on the highway frontage to replace the existing mature tree, however following discussions with the applicant, it is now proposed that three trees would be planted on the frontage to improve the appearance of the development in the streetscene.
36. The proposal was subject to pre-application discussions with the applicant and advice was offered on the measures that could be adopted to improve the scheme and address the potential adverse effects of the proposal. As a result of this process, modifications were made to the proposal, in accordance with the pre-application advice, reducing delays in the consideration of the application and resulting in a recommendation to grant planning permission.

## **RECOMMENDATION**

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

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 100-663/(P) 089A (Site Location Plan), 100-663/(P) 088 C (Ground/ First Floor Plans), 100-663/(P) 087 B (Elevations), and 100-663/(P) 086 E (Boundary Treatment Plan), received on 9 June 2020; and 100-663/(P) 082J (Revised Site Layout), received on 25 September 2020.

[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. No construction shall take place above damp course level until details of the facing and roofing materials have been submitted to and approved in writing by the Borough Council. The Development shall then be carried out in accordance with the approved details.

[To ensure the appearance of the development is satisfactory and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2:

Land and Planning Policies].

4. 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 method statement shall also detail removal of asbestos. The method statement shall include an ecological construction method statement incorporating reasonable avoidance measures (RAMs). The works shall be carried out in accordance with the approved method statement.

[In the interest of neighbouring amenity and to comply with 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 measures are in place during the construction phase to safeguard against potential impacts].

5. Prior to the commencement of development, a Contaminated Land Report shall be submitted to and approved by the Borough Council which details the potential of PCB's from the electrical substation and a full set of gas monitoring records. As a minimum, this report will need to include a Desktop Study. Where the Desktop Study identifies potential contamination, a Detailed Investigation Report will also be required. In those cases where the Detailed Investigation Report confirms that "contamination" exists, a remediation report and validation statement will also be required, to be submitted to and approved by the Borough Council prior to the commencement of development.

If during development any unexpected, visibly contaminated or odorous material or tanks or structures of any sort are encountered, remediation proposals shall be submitted to and approved in writing by the Borough Council, before further work is undertaken in the affected area and works shall proceed only in accordance with the agreed remediation proposals

[To ensure that the site, once developed, is free from contamination and 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. This is a pre-commencement condition as this matter needs to be addressed before work commences on site to inform any measures that may need to be taken during the construction phase].

6. The approved dwellings shall be constructed to incorporate all of the sound attenuation measures detailed in the noise assessment (Ian Sharland Ltd Noise assessment ref M4531W) dated 2 April 2020 and the development shall not be brought into use until all of the measures have been fully implemented and these measures shall be retained thereafter for the lifetime of the development.

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

7. The development shall not be brought into use until the parking areas have been constructed in accordance with drawing 100-663/(P) 082J and surfaced in a hard-bound material for a minimum distance of 5m from the rear of the highway boundary. The drives shall each be fronted with a suitably constructed

dropped kerb access in accordance with Highway Authority standards. The drives shall be drained to prevent the unregulated discharge of surface water onto to the public highway. The bound material and the provision to prevent the discharge of surface water to the public highway shall be retained for the lifetime of the development.

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

8. No part of the development hereby permitted shall be brought into use until pedestrian visibility splays of 2.0 meters x 2.0 meters (measured from the highway boundary) are provided in accordance with drawing 100-663/(P) 082J. The area of land within these splays shall be maintained free from all obstruction over 0.6 meters above the carriageway level at all times.

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

9. Prior to the development being brought into use, details of surface water drainage shall be submitted to and approved in writing by the Borough Council. Any proposed soakaway shall be located at least 5.0m to the rear of the highway boundary. The development shall then be carried out in accordance with the approved details.

[To manage surface water flooding and in interest of highway safety and to comply with Policy 18 (Surface Water Management) and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

10. Prior to the first occupation of the development hereby approved, a landscaping scheme providing details of the proposed three replacement frontage trees shall be submitted to and approved by the Borough Council. The landscaping scheme shall be implemented within the next planting season following the approval of the landscaping scheme. Any trees which subsequently die, become seriously damaged or diseased within five years of planting shall be replaced in the next planting season with others of a similar size and species, details of which shall be agreed in writing with the Borough Council.

[To ensure a satisfactory appearance of development and to comply with policy 16 (Green Infrastructure, Landscape, Parks and Open Space) of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 1 (Development Requirements) of the Local Plan Part 2: Land and Planning Policies].

11. Prior to the development being brought into use, details of ecological enhancements shall be submitted to and approved in writing by the Local Planning Authority, taking into account, where appropriate, the ecological enhancements detailed in paragraph 5.9 of the Preliminary Ecological Appraisal. The approved ecological enhancements shall be implemented prior to the development being brought into use and shall thereafter be retained for the lifetime of the development.

[To ensure that the proposed development contributes to the conservation and enhancement of biodiversity within the site and for the wider area in



accordance with paragraphs 174-175 of the NPPF and Policy 17 of the Local Plan Part 1: Rushcliffe Core Strategy].

12. Prior to first occupation of each development plot, the approved boundary treatments as shown on plan 100-663(P) 086 E shall be installed to serve that plot and shall be maintained as such thereafter.

[In the interest of the amenities of future occupiers and the character and appearance of the area and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

13. The dwellings hereby permitted shall be designed 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 Rushcliffe Local Plan Part 2: Land and Planning Policies].

14. The development hereby permitted shall not proceed above foundation level until a scheme for the provision of electric vehicle charging points shall be submitted to and approved by the Borough Council. The scheme shall provide details of the provision of electric vehicle charging points to serve the development on site. Thereafter, unless it has been demonstrated that the provision of electric vehicle charging points is not technically feasible, the use shall not commence until such time as the site has been serviced with the appropriate electric vehicle charging infrastructure, in accordance with the agreed scheme and the apparatus shall be retained for the lifetime of the development.

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

## **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 liable, however it may qualify for an exemption as it includes affordable housing which qualifies for mandatory or discretionary Social Housing relief. Full details of the amount payable, the process and timescales for payment, and any potential exemptions/relief that may be applicable will be set out in a Liability Notice to be issued following this decision. Further information about CIL can be found on the Borough Council's website at <https://www.rushcliffe.gov.uk/planningandgrowth/cil/>

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.

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

The garages contain asbestos. You are advised that the demolition and disposal of asbestos requires special measures. Further advice can be obtained from: <https://www.hse.gov.uk/asbestos/essentials/index.htm>

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

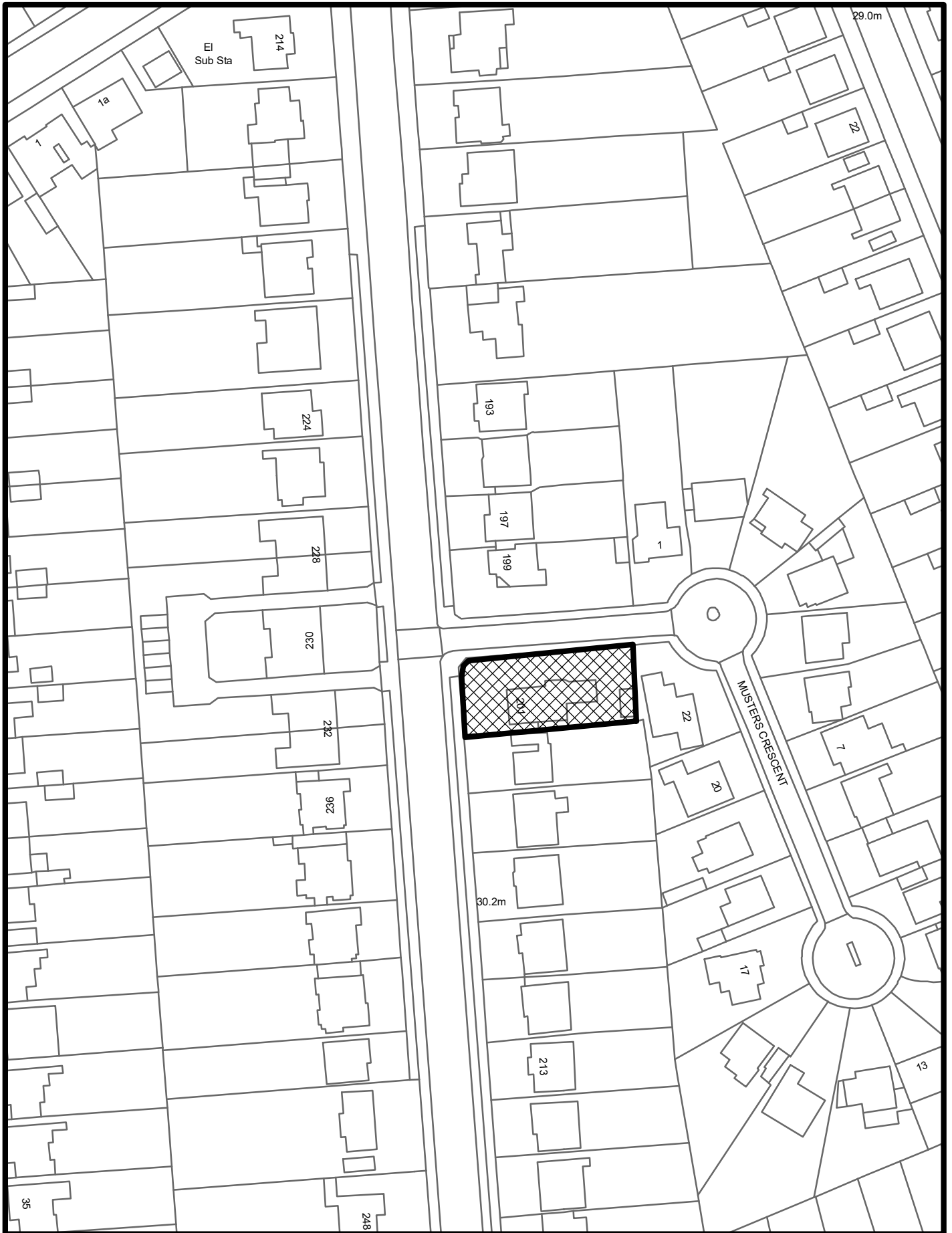
This Authority is charging for the discharge of conditions in accordance with revised fee regulations which came into force on 6 April 2008. Application forms to discharge conditions can be found on the Rushcliffe Borough Council website.

The provision of a vehicular footway crossing requires works within the public highway on land outside your control. You are therefore advised to contact the Highways Authority on 0300 500 80 80 to arrange for these works.

- The use of external lighting (during construction and post construction) should be appropriate to avoid adverse impacts on bat populations, see [http://www.bats.org.uk/pages/bats\\_and\\_lighting.html](http://www.bats.org.uk/pages/bats_and_lighting.html) for advice and a wildlife sensitive lighting scheme should be developed and implemented.
- Permanent artificial bat boxes / bricks and wild bird nests (including Swallow/swift and sparrow cups /boxes) should be installed within buildings and on retained trees. Hedgehog features (corridors, access and shelter) and insect houses should be used as appropriate.
- New wildlife habitats should be created where appropriate, including wildflower rich neutral grassland, hedgerows, trees and woodland, wetlands and ponds.
- Any existing hedgerow / trees should be retained and enhanced, any hedge / trees removed should be replaced. Any boundary habitats should be retained and enhanced.
- Where possible new trees / hedges should be planted with native species (preferably of local provenance and including fruiting species). See <https://www.rushcliffe.gov.uk/conservation/treeshedgesandlandscaping/landscapingandtreeplanting/plantingonnewdevelopments/> for advice including the planting guides (but exclude Ash (*Fraxinus excelsior*))
- Sustainable Urban Drainage schemes (SUDs) where required should be designed to provide ecological benefit.
- Good practice 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 in or immediately adjacent to ecological mitigation areas or 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.
  - Root protection zones should be established around retained trees / hedgerows so that storage of materials and vehicles, the movement of vehicles and works are not carried out within these zones.
  - Pollution prevention measures should be adopted
- It is recommended that consideration should be given to energy efficiency, alternative energy generation, water efficiency, travel sustainability (including electric vehicle charging points and cycle storage and travel plan), management of waste during and post construction and the use of recycled materials and sustainable building methods.

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**Application Number: 20/01749/FUL**  
**201 Musters Road, West Bridgford**



**scale 1:1000**

**page 59**

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**Applicant** Mr Harry Warren

**Location** 201 Musters Road West Bridgford Nottinghamshire NG2 7DT

**Proposal** Proposed Demolition of the Existing Dwelling and to Construct a Block of 5 Apartments

**Ward** Musters

## THE SITE AND SURROUNDINGS

1. 201 Musters Road is a detached single-storey dwelling, with accommodation within the roofspace, set back from the road in a corner-plot. The front elevation of the property is in line with the apparent building line along Musters Road and extends back further into the plot than the adjacent properties. It is bounded by Musters Road to the west and Musters Crescent to the north. Historically a detached garage and vehicular access was located adjacent the boundary with no 22 Musters Crescent, however the garage was removed and the access relocated to nearer the property frontage whilst still being taken directly off Musters Crescent.
2. No.199 Musters Road (2 storey dwelling) is located on the opposite corner of Musters Crescent. This property has its front door at an angle on the corner of the property and windows wrap around this corner of the building at the upper level. A double height bay window is present on the elevation fronting Musters Crescent, facing towards the application site. This property has its parking and garage at the rear of its garden with access off Musters Crescent.
3. Directly to the rear of the application site is a single storey bungalow, 22 Musters Crescent. This property is located around 1m off the boundary, having a hedgerow boundary. There are a number of windows in this facing elevation.
4. To the south is 203 Musters Road which obtained planning permission (ref 15/00023/FUL) for a "single story extension to the rear/side elevation; extension forward to existing bedroom to front elevation above garage including replacement of existing flat roof with pitched/tiled roof; dormer to front elevation; garage extended forward level with existing bay window and flat roof replaced with pitched/tiled roof." This permission has been implemented.
5. Opposite the site on Musters Road are 3 two storey buildings. These are flats 228 (a, b, c, d) 230 (a, b, c, d) and 232 (a, b, c and d). A driveway runs between the three blocks to a 6 bay garage and parking area at the rear of No. 230.

## DETAILS OF THE PROPOSAL

6. The application, as amended, seeks permission for a new purpose-built building containing five 2 bedroom flats over 3 floors. The proposal includes 6 off road parking spaces (4 from Musters Road and 2 from Musters Crescent). An area of communal amenity space would be provided to the rear of the

building (approximately 95 sqm) and there is a bin store proposed to be located to the rear of the building.

## **SITE HISTORY**

7. 20/01072/FUL - Proposed Demolition of the Existing Dwelling and to Construct a Block of 7 Apartments. Withdrawn
8. 19/02393/FUL - Partial demolition of existing dwelling and replacement with new dwelling including a new dropped kerb. Refused
9. 19/02299/FUL - Proposed two storey side/rear extension, roof extension, external alterations and new drop kerb. Withdrawn
10. 18/02714/FUL - Demolition of existing bungalow and construction of two detached dwellings with associated new access, parking, and landscaping. Approved.

## **REPRESENTATIONS**

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

11. One Ward Councillor (Cllr Jones) has commented that; *"The current building would benefit from renovation but not as set out in this application. This corner plot has frontage on both sides. The current bungalow is the first in a line of bungalows on the right-hand side of the Musters Crescent and is set back on the plot and is visually complementary. The nearby properties on Musters Road have a spacious presentation to the street scene. Gardens and off- road parking are considerable.*
12. *The proposed insertion of one building providing a large number of flats/dwellings on this corner site is not in keeping with the character of the area. Reduction from 7 to 6 is insignificant in my view. Its height and mass would be over dominant on the street scene and especially so on neighbouring properties such as those along Musters Crescent. The proposed development would be too great an unbroken mass on a corner plot.*
13. *I have concerns about the pressure on street parking likely to occur from so many residents and visitors. Musters Crescent is very narrow and any restriction of view for entry and exit is a hazard. Any on street parking in that vicinity is an unacceptable risk of accidents. Any renovation of this property would need very clear plans to keep temporary problems to a minimum.*
14. *I am not happy about the very limited 'amenity space' and the loss of greenery and perimeter walls. I was not enamoured by the previous approved plan for two tall houses but at least there was a break in the mass and more 'amenity area' and more nearer adequate parking spaces to the front."*

### **Statutory and Other Consultees**

15. The Borough Council's Sustainability Officer has considered the application and notes that the applicant has stated that no protected species, habitats or sites are found on or adjacent to the property. This appears reasonable due to the age of the building, limited vegetation and lack of records from adjacent



properties. The site provided no records of protected species, however the site may also provide potential for foraging bats and nesting/foraging wild birds. The development provides opportunities for ecological enhancement. The favourable conservation status of Protected Species is unlikely to be impacted by this development. The officer provided a number of ecological recommendations if permission were to be granted.

16. Nottinghamshire County Council as Highway Authority provided comments on the original submission for 6 flats. They advised that *"Based on current policy and guidance, the Highway Authority has no objection subject conditions"*.

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

17. 41 representations have been received from adjacent occupiers raising the following matters:
- a. This application is just a re-hash of application 20/01072/FUL.
  - b. The 'Design and Access Statement' document still refers to 7 apartments and not just 6.
  - c. Lack of parking - there could be 12 - 14 vehicles, 6 spaces is not enough.
  - d. Lack of notice/notification.
  - e. Access to and from the Crescent can be difficult. The exit can be especially difficult and dangerous if there are vehicles parked on Musters Road. Reported to the police 3 near misses.
  - f. Pedestrian access along Musters Crescent impeded by parking – dangerous for pedestrians including school children.
  - g. The new building would be on a corner plot and be three storeys. It would ruin the character of both Musters Road and Musters Crescent.
  - h. The height of the building would also reduce/block the light available to immediate neighbours.
  - i. Privacy - the windows of the rear elevation would allow the tenants to see into at least gardens, bedrooms and bathroom of adjacent properties. No view of neighbour's garden or dwelling has been attempted for the bungalow at the rear.
  - j. The Highway Authority indicated a very casual view, particularly regarding the assumption about likely car use/parking and the probability of dangerous visual obstruction at the Musters Crescent/Musters Road junction - demonstrated by existing conditions. Did they visit?
  - k. Vehicles are regularly parked too close to the junction on both Musters Crescent and Musters Road which reduces visibility along the roads and necessitates an exiting vehicle to drive on the wrong side of the crescent when close to the junction or causes a vehicle to have to halt on entering

the crescent due to an oncoming vehicle in its path, on the wrong side of the road, having had to overtake a parked vehicle.

- l. Double yellow lines at each junction should help to alleviate this problem if parking regulations are adhered to. At present this is not the case as there is on pavement parking, and parking too close to the junction.
- m. The development is not in keeping with the surrounding area. The size and height of the building will dominate and is completely out of sync with the other buildings.
- n. Accept that there is a need for increased affordable housing. This may well be a profitable development for the owner, but it is not a solution to the affordable housing shortage.
- o. The footprint of these plans is bigger than the previous plans, which were refused on size.
- p. Greenery would be lost, and this would impact on the environment. The owner has already cut down a mature Magnolia Tree. It is not possible to follow the recommendations of the Environmental Sustainability Officer.
- q. This property should remain as a single dwelling for the safety of all local residents. A single house would be more in keeping with the area or a pair of dwellings, provided the off-road parking is adequate. This development is for personal profit, consideration is not being given to the community who live in and around Musters Crescent.
- r. The flats on Musters Road opposite the entrance to Musters Crescent have off-street parking to the rear, yet the spaces are not well used as human nature is to park in the easiest position and that is inevitably on the road (either Musters Road or increasingly on Musters Crescent). These are two storey buildings standing well back from the road and are not visually intrusive.
- s. Where would 12 bins go? Not sufficient space for the bins to move from the bin store to the Road. Issues for the bin lorry or an emergency vehicle.
- t. Data for 2018 showed that the average household in the East Midlands owned 1.4 cars, up from 1.3 in 2017 and it is unlikely that young professionals in West Bridgford will not live up to this average.
- u. The additional impermeable ground cover will also affect the run-off, increasing flooding problems further down Musters Road.
- v. This is the fourth planning application and local residents are having to object again.
- w. Gross overdevelopment of the small plot. The footprint of the new proposed building is a massive 12% larger than the proposal with two buildings given permission. The floor plan is also a huge 25% more than the 2 building proposal. The height of this 3 storey proposed dwelling

will tower an even bigger 3m above the roof line of the neighbouring property.

- x. It does not appear that demolishing the existing development without reuse of materials, with the existing surface to be impermeable, achieves sustainability.
- y. The property is surrounded by detached and semi-detached family properties and is particularly visible given it is on a corner plot. Concerns around having less light as a result of the larger building and the fact that several of the apartments would look directly into gardens.
- z. The footprint of this proposal is not much different to application 19/02393/FUL that was refused by Rushcliffe Borough Council because "The excessive scale, resulting bulk and massing of the proposed dwelling and its positioning close to the Musters Crescent frontage would result in an overly dominant building on a prominent corner plot, resulting in harm to the character of the street scene. The proposal would be contrary to Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies, which states, inter alia, that planning permission for new development, changes of use, conversions or extensions will be granted provided that: the scale, density, height, massing, design, layout and materials of the proposal is sympathetic to the character and appearance of the neighbouring buildings and the surrounding area. It 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".

## **PLANNING POLICY**

- 18. 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, particularly where the Development Plan is silent. The Rushcliffe Residential Design Guide 2009 as a Supplementary Planning Document is also a material consideration.

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

- 19. National Planning Policy Framework - Section 5 (Delivering a sufficient supply of homes). 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..."*
- 20. Section 12 (Achieving well-designed places). 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.
- 21. Paragraph 130 states that *"Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account*

*any local design standards or style guides in plans or supplementary planning documents."*

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

22. Rushcliffe Local Plan Part 1: Core Strategy (LPP1)
  - Policy 1 - Presumption in Favour of Sustainable Development
  - Policy 3 - Spatial Strategy
  - Policy 10 - Design and Enhancing Local Identity
23. Rushcliffe Local Plan Part 2: Land and Planning Policies
  - Policy 1 - Development Requirements
  - Policy 11 - Housing Development on Unallocated Sites within Settlements
24. The 2009 Rushcliffe Residential Design Guide provides guidance on ensuring residential amenity is protected, recognising that there are many ways of addressing privacy. The document states that in Rushcliffe it has been previously accepted that 30m between habitable room windows across rear gardens, for one and two storey dwellings, does maintain privacy where distance is the sole determining factor. There is generally less concern where first floor or second floor bedroom windows overlook private spaces.

## **APPRAISAL**

25. The proposed development site is located within the built-up area of West Bridgford. The application proposes the demolition of an existing bungalow and development to create a block of 5 two bedroomed apartments. The scheme has been amended during the consideration of the application, reducing the number of apartments from 6 to 5. This has been achieved by changes to the internal layout of the building and the scale, design and appearance of the building and general layout of the site are unchanged. As such, the latest revised plans have not been subject to further consultation. The representations received object principally to the development of this site with apartments along with associated issues including concerns over amenity, parking/highway issues and the design and scale of the building and, as such, are still relevant to the consideration of the revised scheme and number of units now proposed.

### Principle

26. Residential development on the site accords with the spatial strategy contained within Policy 3 of the Core Strategy (promoting urban concentration) and is, therefore, acceptable in principle. Therefore, the key considerations are design, scale, appearance, impact on the character of the area and impact on the amenity of neighbouring residential properties.
27. Should the proposal comply with other aspects of the development plan, in terms of design and amenity considerations, it is not considered that a reason to refuse the application on grounds of principle could be reasonably substantiated.

## Design and impact on the streetscene

28. There are a variety of house types and styles along this section of Musters Road, with the majority being of two-storey construction and include three buildings opposite the site on Musters Road which are arranged as apartments. The neighbouring property, No. 203 has accommodation within the roof space, i.e. the accommodation within the building is arranged over three floors.
29. Policy 11 of the LPP2 (Housing Development on Unallocated Sites Within Settlements) is a permissive policy, where development proposals are considered to be compliant with the criteria set out in the policy. These include requirements that; the proposal is of a high standard of design and does not adversely affect the character or pattern of the area by reason of its scale, bulk, form, layout or materials; the proposal would not cause a significant adverse impact on the amenity of nearby residents and occupiers; and appropriate provision for access and parking is made.
30. Planning permission has previously been granted for 2 dwellings on the application site with the plot closest to the corner being scaled down, set off the boundary with Musters Crescent and the design form staggered on this side elevation. Both of these units had accommodation proposed in the roofspace and so were effectively three storey. The current proposal, notwithstanding being for a single building with flats over three floors, is considered to maintain the scale, form, massing and location of the building that was previously approved, albeit omitting the gap between the two units. Plans have been submitted to demonstrate that the proposal is no higher than previously approved dwellings, nor would it project forward or further back into the site. The proposal currently under consideration is therefore not considered to be disproportionate to the size of the plot or represent a notable increase in the scale, bulk and massing on the site when compared with the previously approved scheme. The design is considered to be sympathetic to and not detrimental to the character of the area.
31. On this basis it is considered that the development would be compliant with local policy and national guidance and that a refusal on the impact on the character of the area on the basis of its design could not substantiate a refusal.

## Impact on amenity

32. Policy 1 of LPP2 (Development Requirements) is a permissive policy where proposals satisfy the criteria set out in the policy, these include, inter alia, there is no significant adverse effect upon the amenity, particularly residential amenity of adjoining properties or the surrounding area, by reason of the type and levels of activity on the site, or traffic generated; a suitable means of access can be provided to the development without detriment to the amenity of adjacent properties or highway safety and the provision of parking is in accordance with advice provided by the Highways Authority; 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. It 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.

33. In terms of residential amenity, the proposal would not bring the footprint of built development closer to the nearest neighbouring property (No. 203 Musters Road) or closer to Musters Road or Musters Crescent than the previously consented scheme for two houses. As the type of accommodation is different to that previously approved, and when compared to the existing situation, the impact on the amenity of the neighbouring dwellings, particularly in terms of potential for overlooking/loss of privacy, must be carefully considered.
34. Planning permission has previously been granted for two dwellings with accommodation in the roof space and so consideration has to be given to the alternative scheme that can be implemented (18/02714/FUL).
35. The previous permission granted for two 4 bedroom dwellings included rear garden areas of 85 and 88 sqm and parking to the front of the properties, off Musters Road, for 2 cars per plot.
36. The current proposal has been amended so as to reduce the level of accommodation from that originally applied for (under the current application) from 6 to 5 apartments that would all have 2 bedrooms. The layout illustrates bedrooms at the rear of the building on the ground and first floor, bathrooms to the side and open plan kitchen/dining/living accommodation facing towards the Musters Road frontage. The second floor accommodation, within the roof space of the building, indicates a bedroom, bathroom and a separate living area facing to the rear of the site with a bedroom and kitchen/dining space facing towards the Musters Road frontage. The bedroom and bathroom would be served by dormer windows and the living area by a window in a gable end.
37. The rear of the resulting building would be around 11.5m from the rear boundary with 22 Musters Crescent (a bungalow). The plans indicate how the proposal sits largely on the footprint of the approved development. Therefore, in terms of the potential impacts on adjacent occupiers from overlooking, the living room window at second floor level is the only change when compared to the approved application. The window is fairly small and located at the northern end of the elevation, as such, it would look down toward the open side garden of 22 Musters Crescent. In view of this, together with potentially oblique views towards windows in the rear elevation of 22 Musters Crescent and the distance involved, it is not considered that this window would result in significant adverse overlooking impacts.
38. A high close-boarded fence exists at the rear boundary which provides a substantial degree of screening between the two properties. Whilst the windows at first and second floor would increase the potential for impact on the bungalow to the rear, given the intervening distance and the position of the close boarded fence, the level of overlooking is not considered unacceptable.
39. In terms of the side elevation facing towards 199 Musters Road, three ground floor windows are proposed and an obscure glazed bathroom window at first floor level. At second floor level a total of four roof lights are proposed on the side roof slope, two serving the living area and two within the kitchen/dining area, all of which would be positioned to be 1.7m from the floor level within the rooms they serve. In addition, a fixed shut and obscure glazed window is proposed in the gable serving the kitchen/dining area. In view of the position of the windows and the inclusion of obscure glazing to two of the upper floor

windows, it is considered that these windows would not have a significant overlooking impact on the adjacent property.

40. The elevation facing 203 Musters Road would contain a window on the ground and first floor serving bathrooms and 4 rooflights within the roof slope with a sill level at 1.7m from floor level of the rooms they serve. All could be conditioned to be obscure glazed. Again, these would not result in adverse overlooking.
41. On this basis it is considered that there would not be significant undue overlooking arising from the occupiers of the flats than what could occur from a standard dwelling or than could arise from the consented scheme for two dwellings on this site.
42. The roof of the proposed building would alter the current outlook of the dormer window to No. 203 (which is a side dormer overlooking a neighbouring plot). The approved plans for the extensions at No. 203 would suggest that this window serves an en-suite to a bedroom. Given the roof pitch of the proposed building, it is not considered that the proposal would result in an unacceptable loss of light.
43. Considering the distance and intervening public area, it is not considered that the development would result in an unacceptable impact on the properties on the other side of the Musters Road.
44. In overall terms, it is not considered that the proposed increase in scale and mass of built-form on the site would unduly impact on the residential amenity or privacy of neighbouring properties to an extent that would be sufficient to substantiate a robust reason to refuse the application.
45. In terms of amenity for future residents, an area of approximately 95sqm of communal amenity space would be provided. The Rushcliffe Residential Design Guide (2009) sets out guidelines for minimum garden size standards, however this only applies to independent dwellings rather than apartments with shared amenities. In respect of development involving the provision of flats, the design guide advises *"Private or communal garden/outdoor amenity space for apartments is desirable and should be provided where practicable. However, much will depend on the nature of the scheme and the character of the area and every case will be treated on its merits."* In this instance the amenity area is considered to be of sufficient size to serve the development.

#### Highway safety and parking

46. Concern has been expressed regarding vehicular access, including refuse vehicles and emergency services, and parking in the vicinity as a result of the development and level of on-site parking proposed. The amount of parking proposed is considered sufficient to serve the properties. The Highway Authority has raised no objections to the proposal and recommended a number of conditions. Whilst the concerns raised are noted it is not considered that refusal of the application on these grounds could be substantiated. In this regard it is considered that the proposal would be acceptable.

47. It is noted that there are no parking restrictions in the vicinity of the site. The Council cannot control where construction traffic parks during development through the planning function. Neither can the Council require parking spaces are used, only that they are provided and capable for use. Double yellow lines are controlled by the County Council, this is not something that can be required under the planning function.

#### Other matters

48. The layout plan shows a bin store to the rear of the two parking spaces accessed from Musters Crescent. The plans initially showed the bin store to be approximately 3.6 metres wide and 3.7 metres deep with doors to the front, facing the parking bays. No details are provided of this bin store, i.e. whether it is a simple enclosure or a covered store. Following discussions with the R2Go service, it is understood that they would expect a development of this type and scale to be served by individual wheeled bins for each flat (two per flat). In addition, the development may potentially generate a need for one or two green waste bins. Therefore, the development would potentially generate a need for a total of 12 wheeled bins and the bin store should be of a sufficient size to accommodate these, whilst providing sufficient space for access by residents and manoeuvring of the bins on collection days. Revised plans have subsequently been submitted showing the bin store approximately 3 metres wide and 4.25 metres deep, and of a sufficient size to accommodate 12 wheeled bins. In view of the lack of specific details of the design/appearance of the bin store, a condition is recommended requiring final details of this facility to be submitted to the Borough Council for approval.
49. The proposal was subject to pre-application discussions with the applicant's agent and advice was offered on the measures that could be adopted to improve the scheme and/or address the potential adverse effects of the proposal. Further discussions have taken place during the consideration of the application resulting in further changes to the scheme. This process and the modifications made have resulted in an acceptable scheme and a recommendation to grant of planning permission.

#### **RECOMMENDATION**

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

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.  
  
[To comply with Section 91 of the Town and Country Planning Act 1990, as amended by the Planning & Compulsory Purchase Act 2004].
2. The development hereby permitted shall be carried out in accordance with the following approved plans that were received on the 18 September 2020:
  - 728 A01E PROPOSED GROUND AND FIRST FLOOR PLANS
  - 728 A02F PROPOSED SECOND FLOOR PLAN AND SITE PLAN
  - 728 A03E PROPOSED ELEVATIONS



[For the avoidance of doubt having regard to policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

3. Construction of the building shall not proceed beyond foundation level until details of all external materials have been submitted to and approved in writing by the Borough Council, and the development shall only be undertaken in accordance with the materials so approved.

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

4. No occupation of the units shall occur until a landscaping scheme, to include those details specified below, has been submitted to and agreed in writing by the Borough Council:

- (a) the treatment proposed for all ground surfaces, including hard areas;
- (b) full details of tree planting;
- (c) planting schedules, noting the species, sizes, numbers and densities of plants;
- (d) any structures to be erected or constructed.

The approved landscape scheme shall be carried out in the first tree planting season following the substantial completion of the development and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Borough Council gives written consent to any variation.

[To 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 Rushcliffe Local Plan Part 2: Land and Planning Policies].

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

[To ensure 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 Rushcliffe Local Plan Part 2: Land and Planning Policies. This condition needs to be discharged before development commences on site as these details will have implications for the construction of the building].

6. The window(s) in the side elevations of the proposed development at first floor shall be fitted with glass which has been rendered permanently obscured to Group 5 level of privacy or equivalent. The window in the north gable at second floor level shall be fixed shut and fitted with glass which has been rendered permanently obscured to Group 5 level of privacy or equivalent. The roof lights

shall be located with a sill level no less than 1.7m, measured from the floor level in the rooms they serve. Thereafter, the windows shall be retained to this specification unless otherwise agreed in writing by the Borough Council. No additional windows shall be inserted in the side elevations or roofslopes.

[In the interests of the amenities of neighbouring properties and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

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

[In the interest of the amenities of the area and nearby residential occupiers and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies. This is a pre commencement condition as the approved details will need to be confirmed before the existing building is demolished and construction commences, to ensure that the amenity of the area is protected].

8. Notwithstanding the details shown on the approved plans, and prior to the work commencing on the construction of the bin store as shown on the approved layout plans, details of the size, design and appearance of the structure shall first be submitted to and approved by the Local planning Authority. The store shall be capable of accommodating 12 wheeled bins and shall be constructed in accordance with the approved details prior to occupation of any of the flats.

[To ensure an acceptable appearance to the development 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].

9. The development hereby authorised shall not be occupied until bat/bird boxes and/or access points to bat roosts have been installed in accordance with details previously submitted to and approved in writing by the Borough Council. Thereafter the bat/birdboxes and/or access points shall be permanently retained.

[To ensure that adequate biodiversity enhancement measures are carried out and to comply with policies 1 (Development Requirements) and 38 (Non-Designated Biodiversity Assets the Wider Ecological Network) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

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

[To comply with the Government's Optional Technical Housing Standards, in the interests of water efficiency and in accordance with Policy 12 (Housing Standards) of the Rushcliffe Borough Local Plan Part 2: Land and Planning Policies].

11. No apartments hereby permitted shall be occupied until a scheme for the provision of electric vehicle charging points has been submitted to and approved in writing by the Borough Council and the points have been installed in accordance with the approved details. Thereafter the charging points shall be maintained and operated in accordance with the approved scheme for the lifetime of the development.

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

12. Prior to any part of the development being brought into use, each apartment shall be provided with ducting to enable the connection to high speed fibre optic Broadband.

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

13. No part of the development hereby permitted shall be brought into use until a dropped vehicular footway crossing is available for use at each access entrance and constructed with provision to prevent the discharge of surface water from the driveways to the public highway, in accordance with the Highway Authority specification. The crossing and provision to prevent the discharge of surface water to the public highway shall then be retained for the life of the development.

[In the interest of highway safety and to ensure surface water from the site is not deposited on the public highway causing dangers to road users 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 Rushcliffe Local Plan Part 2: Land and Planning Policies].

14. No part of the development hereby permitted shall be brought into use until the driveways and any parking areas are surfaced in a hard-bound material (not loose gravel) for a minimum of 5.0 metres behind the highway boundary. The surfaced driveways and any parking or turning areas shall then be maintained in such hard-bound material for the life of the development.

[To ensure that adequate off-street parking provision is made, to reduce the possibility of deleterious material being deposited on the public highway, and to ensure surface water from the site is not deposited on the public highway, all in the interests of highway safety 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 Rushcliffe Local Plan Part 2: Land and Planning Policies].

15. No part of the development hereby permitted shall be brought into use until pedestrian visibility splays of 1.0 metre x 1.0 metre are provided on each side of the vehicle accesses. These measurements are taken from and along the highway boundary. The area of land within these splays shall be maintained free from all obstruction over 0.6 metres above the carriageway level at all times.

[In the interest of pedestrian safety 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 Rushcliffe Local Plan Part 2: Land and Planning Policies].

16. No part of the development hereby permitted shall be brought into use until the parking/turning areas are provided in accordance with the approved plan ref. 728 A02 Revision E. The parking/turning areas shall be maintained in the bound material for the life of the development and shall not be used for any purpose other than the parking/turning/loading and unloading of vehicles.

[To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking in the area 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 Rushcliffe Local Plan Part 2: Land and Planning Policies]

17. No part of the development hereby permitted shall be brought into use until the existing site access off Musters Crescent, that has been made redundant as a consequence of this consent, is permanently closed and the access crossing reinstated as footway in accordance with details to be first submitted to, and approved in writing by, the Local Planning Authority.

[In the interests of highway safety 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 Rushcliffe Local Plan Part 2: Land and Planning Policies]

## **Notes to Applicant**

The development makes it necessary to construct/reinstate a vehicular crossing over a footway of the public highway. These works shall be carried out to the satisfaction of the Highway Authority. You are therefore required to contact Via (in partnership with Nottinghamshire County Council) on 0300 500 8080 to arrange for these works to take place.

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

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

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

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 may be CIL chargeable. Full details of the

amount payable, the process and timescales for payment, and any potential exemptions/relief that may be applicable will be set out in a Liability Notice to be issued following this decision. Further information about CIL can be found on the Borough Council's website at <https://www.rushcliffe.gov.uk/planningandgrowth/cil/>

Condition 10 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.

It is understood that there may be a covenant on this property which could prevent the use/development authorised by this permission. You are reminded that this decision relates to planning law only and does not override the terms of any covenant.

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 possible that the roofspace, and/or behind the soffit, fascia boards, etc. may be used by bats. You are reminded that bats, their roosts and access to roosts are protected and it is an offence under the Countryside and Wildlife Act 1981 to interfere with them. If evidence of bats is found, you should stop work and contact Natural England on 0300 060 3900 or by email at [enquiries@naturalengland.org.uk](mailto:enquiries@naturalengland.org.uk)

The bin store required by condition 8 shall be designed to accord with the guidance contained in the Council's Waste Management Advice for Planners and Developers, available from the Waste and Contracts Management Team at the Borough Council.

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**Rushcliffe**  
Borough Council

## **Planning Committee**

**12 November 2020**

## **Planning Appeals**

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

<b>LOCATION</b>	Holly Farm Bassingfield Lane Bassingfield Nottinghamshire NG12 2LG		
<b>APPLICATION REFERENCE</b>	19/02462/FUL		
<b>APPEAL REFERENCE</b>	APP/P3040/W/20/3254333		
<b>PROPOSAL</b>	Full planning application for the demolition of Holly Farm and associated buildings and the erection of 7no. dwellings.		
<b>APPEAL DECISION</b>	Dismissed	<b>DATE</b>	20 October 2020

### **PLANNING OFFICERS OBSERVATIONS**

The site comprises a vacant farmhouse and a group of red brick and pantile traditional farm outbuildings/barns with hard surfaced areas to the north and a grassed field to the west, located on the north side of Bassingfield Lane at the junction with Nathans Lane.

Bassingfield is a hamlet comprising late 18th/early 19th century and 20th century dwellings and farm buildings in level Green Belt countryside.

Permission was refused for reasons summarised as follows:

1. The proposed development would constitute inappropriate development in the Green Belt and is, therefore, by definition, harmful to the Green Belt, and there are no very special circumstances to outweigh the harm to the Green Belt by reason of inappropriateness and through harm to its openness and character.
2. Part of the application site (the grassed field) is not previously developed land and is outside the built-up part of the settlement of Bassingfield in countryside and the proposed development would not, therefore, constitute infill development, and would be contrary to policy 3 of the Core Strategy and the definition of infill in Local Plan Part 2.

3. Due to their siting, scale, and design the proposed dwellings and associated access road and driveways/parking areas would materially harm the openness of the Green Belt.
4. The siting, scale and design of the proposed dwellings would have a significant adverse impact on the rural character of the site and surroundings, would not sympathetic to local character and history and would not improve the character and quality of the area.
5. Due to the siting, scale and design of the proposed dwellings, plots 1-4 would result in undue overlooking and loss of privacy to Manor Farm to the south of the site.
6. There are no day to day services/facilities in Bassingfield and it is likely that future occupants of the proposed development would be heavily reliant on the use of private car for day to day needs and would, therefore, be unsustainable.
7. Loss of an unlisted building complex considered to be a non-designated heritage asset resulting in substantial harm to their heritage significance which is not considered to be outweighed by public benefits required by the NPPF.

The inspector agreed with the Borough Council on all but one of the above reasons for refusal. With respect to the impact on Manor Farm, she acknowledged that the appeal site is in rural surroundings where the level of privacy for properties is generally greater than within an urban or suburban context. However, given the distance between the farmhouse and the rear elevations of the proposed dwellings together with the intervening road and hedge line, she was satisfied that the dwellings would not be overbearing and there would be limited overlooking between the development and Manor Farmhouse.



<b>LOCATION</b>	North Of A52 Landmere Lane Edwalton Nottinghamshire		
<b>APPLICATION REFERENCE</b>	20/00306/AGRIC		
<b>APPEAL REFERENCE</b>	APP/P3040/W/20/3249360		
<b>PROPOSAL</b>	To store grain and farm equipment		
<b>APPEAL DECISION</b>	Appeal Dismissed	<b>DATE</b>	18th September 2020

## PLANNING OFFICERS OBSERVATIONS

The proposal relates to a prior approval application for the erection of a building, within an agricultural unit in excess of 5 hectares, on land to the north of the A52 in Edwalton.

The application was submitted under schedule 2, part 6, Class A(a) of the GPDO, which allows for the erection of an agricultural building where this is reasonably necessary for the purposes of agriculture within that unit. It requires the developer to apply to the Local Planning Authority for a determination as to whether its prior approval will be required for the siting, design and external appearance of the agricultural building.

Prior Approval was refused in March 2020 on the grounds that; *'the siting, design and external appearance of the proposed agricultural storage building is considered unacceptable. The proposal would result in a large and imposing isolated building in a prominent flat and open location, which could detract from both the character and appearance of its open countryside location, and harm the openness of the Green Belt.'*

The Inspector noted that the appeal site is within a relatively large field, used for cropping. The field is adjacent to the A52 and gradually rises away from the highway to higher land especially to its northwest and northeast corners. The field boundary to the highway is largely open with trees and hedges providing only partial screening. Several public footpaths run around the field including where adjacent to Sharphill Wood.

In terms of design and external appearance, he accepted that the single span portal framed building with grey concrete panels and green composite panels above, would result in a traditional form of agricultural building.

However, in terms of siting, he concurred with the Borough Council and stated that; *'As a result of its height, proximity to the highway and limited field boundary screening, it would be highly visible from wider public views. It would also be clearly visible from nearby public footpaths including those on higher land adjacent to Sharphill Wood. Furthermore, being in an exposed location the proposed barn would have a significant impact on its surroundings and would be an obtrusive addition within this open setting. This would consequently demonstrably harm the rural character of the area. Furthermore, due to the scale of the proposal any enhanced screening would not*

*adequately mitigate the identified impact. Consequently, the siting of the proposed barn would result in a conspicuous addition to the local vista. The proposal would be in an isolated location and not be part of a group of similar buildings or nestled within landscaping features that would enable its visual impact to be mitigated. As such, the proposal would not be well assimilated into the local landscape and would be a prominent and obtrusive addition to an otherwise open area of land. Accordingly, the proposal would be a discordant and harmful addition to the site.'*

The Inspector dismissed the appeal and prior approval was not granted.

LOCATION	29 Stanton Lane Stanton On The Wolds Nottinghamshire NG12 5BE		
APPLICATION REFERENCE	18/02760/FUL		
APPEAL REFERENCE	APP/P3040/W/20/3249271		
PROPOSAL	Demolition of existing garage and store, and construction of new dwelling with associated car port, enclosed courtyard, and boundary treatment with revised access onto Stanton Lane.		
APPEAL DECISION	Dismissed	DATE	19 <sup>th</sup> October 2020

## PLANNING OFFICERS OBSERVATIONS

The application for a detached dwelling with courtyard to the side of 29 Stanton Lane, Stanton on the Wolds was refused under delegated Authority on the following grounds:

*‘The development proposal comprises the development of a new dwelling in the Green Belt. It does not fall within the exceptions set out in NPPF para 145 and 146 and would therefore be inappropriate development in the Green Belt. It is not considered that there are any ‘very special circumstances’ in this case which would outweigh the identified harm to the Green Belt. Given the location of the Green Belt boundary (dissecting residential curtilage) an assessment was undertaken in respect of the sites contribution to the five purposes of the Green Belt. Based on this assessment, the site was found to be within the general extent of the Green Belt. There are no other material considerations which indicate that the application should be approved contrary to the Development Plan. The development is contrary to Policy 21 (Green Belt) of the Local Plan Part 2 and section 13 of the NPPF.’*

The Inspector considered the main issues to be;

- i. Whether the appeal site is within the general extent of the Green Belt;
  - ii. If so, whether the proposed development would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and the development plan policy;
  - iii. The effect of the proposal on the openness of the Green Belt; and
  - iv. If the development would be inappropriate, whether the harm to the Green Belt by way of inappropriateness and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.
- i. Whilst almost all the site is located within the Green Belt, there are no identifiable features on the ground to define the Green Belt boundary, which results in ambiguity as to its precise location. Having undertaken a site-specific Green Belt review against the five purposes of Green Belt as listed at Paragraph 134 of the NPPF, the Inspector concluded that the site contributes to three of

the Green Belt purposes, and as such, it is within the general extent of the Green Belt and subject to the relevant policies.

- ii. In terms of whether the proposal would be inappropriate development, the Inspector noted that the list of exceptions contained within the NPPF, includes the replacement of a building provided that the new building is in the same use and not materially larger than the one it replaces. The proposal involved the replacement of an existing garage with a two storey dwelling, car port, enclosed courtyard and boundary treatment. The Inspector concluded that; given its nature and scale, the proposal would be inappropriate development in the Green Belt.
- iii. The Inspector stated that the proposal would increase built development on site and as a result, both in spatial and visual terms, the openness of the Green Belt would be reduced, resulting in a degree of harm.
- iv. The Inspector gave limited weight to other permissions and appeal decisions in the vicinity of the appeal site which were raised by the appellants. He concluded that very special circumstances did not exist, and the proposal would conflict with the NPPF and Policy 21 of Rushcliffe Local Plan Part 2.

The appeal was dismissed.

## **COSTS DECISION**

The applicant submitted an application for a full award of costs against the Borough Council, on the following grounds; the Green Belt issue was reported late in the process; the Council's decision was based on vague and generalised assertions; the Council failed to provide clarification for some of their statements.

The Inspector noted that the Green Belt issue was not identified early in the application process, but the appellants were given the opportunity to make comments on this matter. The Council's assessment regarding the Green Belt issue was sufficiently robust so as to justify the decision. The lack of clarification for some of the statements did not change the Council's final decision.

The Inspector was satisfied that the Council's decision was clearly supported with substantive reasons based on the assessment of the site and interpretation of relevant policies, and concluded that there was no unreasonable behaviour on the Council's part. The appellant did not therefore incur unnecessary or wasted expense in respect of the appeal process, and the claim for an award of costs was refused.