

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

Our reference:
Your reference:
Date: Wednesday, 2 December 2020

To all Members of the Planning Committee

Dear Councillor

A Meeting of the Planning Committee will be held on Thursday, 10 December 2020 at 6.30 pm via Zoom 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 12 November 2020 (Pages 1 - 16)
4. Planning Applications (Pages 17 - 78)

The report of the Executive Manager – Communities is attached.

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8.30am - 4.30pm

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Rushcliffe Borough
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Rushcliffe Arena
Rugby Road
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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

Meeting Room Guidance

Fire Alarm Evacuation: in the event of an alarm sounding please evacuate the building using the nearest fire exit, normally through the Council Chamber. You should assemble at the far side of the plaza outside the main entrance to the building.

Toilets: are located to the rear of the building near the lift and stairs to the first floor.

Mobile Phones: For the benefit of others please ensure that your mobile phone is switched off whilst you are in the meeting.

Microphones: When you are invited to speak please press the button on your microphone, a red light will appear on the stem. Please ensure that you switch this off after you have spoken.

Recording at Meetings

The Openness of Local Government Bodies Regulations 2014 allows filming and recording by anyone attending a meeting. This is not within the Council's control.

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



**MINUTES
OF THE MEETING OF THE
PLANNING COMMITTEE
THURSDAY, 12 NOVEMBER 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, J Stockwood, C Thomas and D Viridi

ALSO IN ATTENDANCE:

Councillors B Gray, R Jones

OFFICERS IN ATTENDANCE:

T Coop	Democratic Services Officer
A Pegram	Service Manager - Communities
R Sells	Solicitor
L Webb	Democratic Services Officer

APOLOGIES:

Councillors F Purdue-Horan

15 Declarations of Interest

There were no declarations of interest.

16 Minutes of the Meeting held on 8 October 2020

The minutes of the meeting held on 8 October 2020 were approved as a true record of the meeting. In regards to item 1 condition 12, the Service Manager – Communities advised that after the previous meeting officer's considered that the wording of the condition was not precise and that it was necessary to strengthen this condition and therefore amended wording was included within the decision notice with permission of the Chairman. The Committee confirmed that this amended condition was acceptable.

17 Planning Applications

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

20/01817/FUL – Change of use from dental surgery (use class D1) to a place of worship (use class D1) – 173 Loughborough Road, West Bridgford, Nottinghamshire

Updates

The Service Manager – Communities explained that the applicant had lodged an appeal with the Secretary of State (The Planning Inspectorate) due to non-determination of the planning application. It was noted that jurisdiction to determine the application passed to the Secretary of State and that the Council were no longer able to make a formal decision on the application.

It was explained that in cases of non-determination appeals, it was important to gauge the views of the Planning Committee in order to advise the Planning Inspectorate what the decision of the Planning Committee would have been.

The recommendation for the planning application was changed in the published late representations to:

“It is RECOMMENDED that the Planning Inspectorate be informed that the Borough Council would have approved the Application subject to the following conditions.”

A number of representations were received and additional comments were made by the planning officers 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, Frances Williams (Objector) and Cllr Ben Gray (Ward Councillor) addressed the Committee.

Comments

The Committee considered that the proposal provided inadequate parking and that the proposed operating hours were unsociable and therefore would cause noise and disturbance to residents early in the morning and late at night.

Decision

The Planning Inspectorate be informed that the Borough Council would have refused the application for the following reasons:

1. The use of the premises as a place of worship, as detailed in the documents accompanying the application, would lead to a significant harmful impact, by reason of noise and disturbance, upon the reasonable amenities of the neighbouring/nearby residential properties especially during early morning and late evening/night activity. This harmful impact would arise from general comings and goings, use of the carpark as well as use of the building for the intended use. This is contrary to Policy 10(2)(b) of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 1(1) of the Local Plan Part 2: Land and Planning Policies.
2. The use of the premises as a place of worship, as detailed in the documents accompanying the application, would lead to a significant harmful impact, by reason of noise and disturbance, upon the reasonable amenities of the neighbouring/nearby residential properties especially during early morning and late evening/night activity. This

harmful impact would arise from general comings and goings, use of the carpark as well as use of the building for the intended use. This is contrary to Policy 10(2)(b) of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 1(1) of the Local Plan Part 2: Land and Planning Policies.

20/01313/FUL – Demolition of existing garages and erection of 5 no. dwellings with associated parking – Land east of 75 Walcote Drive, West Bridgford Nottingham

Updates

A representation from Nottinghamshire County Council as Highways Authority who considered that the amended layout would not result in a significant impact on the public highway were received 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, Andrew Gatehouse (Applicant) and Cllr Ben Gray (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 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 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.

20/01749/FUL – Proposed demolition of the existing dwelling and to construct a block of 5 apartments – 201 Musters Road, West Bridgford, Nottingham

Updates

Additional representations from 10 objectors and a clarification from the applicants agent were made 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, Patrick Armstrong (Objector) and Cllr Rod Jones (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 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].

1. 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 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]

3. The use of the premises as a place of worship, as detailed in the documents accompanying the application, would lead to a significant harmful impact, by reason of noise and disturbance, upon the reasonable amenities of the neighbouring/nearby residential properties especially during early morning and late evening/night activity. This harmful impact would arise from general comings and goings, use of the carpark as well as use of the building for the intended use. This is contrary to Policy 10(2)(b) of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 1(1) of the Local Plan Part 2: Land and Planning Policies.
19. The use of the premises as a place of worship, as detailed in the documents accompanying the application, would lead to a significant harmful impact, by reason of noise and disturbance, upon the reasonable amenities of the neighbouring/nearby residential properties especially during early morning and late evening/night activity. This harmful impact would arise from general comings and goings, use of the carpark as well as use of the building for the intended use. This is contrary to Policy 10(2)(b) of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 1(1) of the 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

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

18 **Planning Appeals**

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

The meeting closed at 8.47 pm.

CHAIRMAN

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Planning Committee

10 December 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.

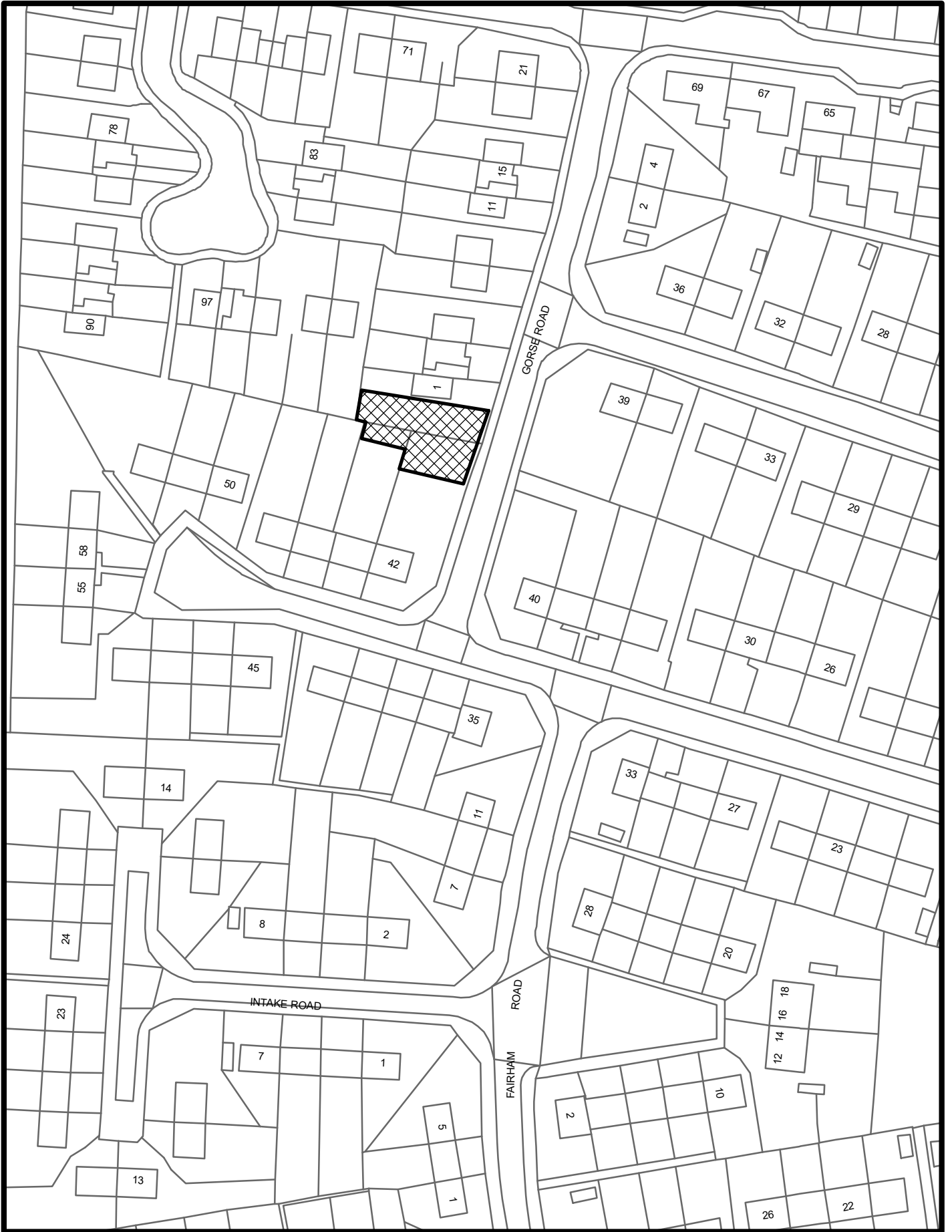
If you have not already made a Building Regulations application we would recommend that you check to see if one is required as soon as possible. Help and guidance can be obtained by ringing 0115 914 8459, or by looking at our web site at

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

Application	Address	Page
20/01839/FUL	1 Gorse Road, Keyworth, Nottinghamshire, NG 5LL Erect building comprising of 2 apartments	21 – 31
Ward	Keyworth and Wolds	
Recommendation	The Executive Manager – Communities be authorised to grant planning permission, subject to receipt by the Council of a signed unilateral undertaking in respect of the additional parcel of land and conditions	
<hr/>		
20/01744/FUL	Grange Farm, Town End Lane, Flintham, Nottinghamshire, NG23 5LU Conversion and associated changes to existing agricultural building to single dwellinghouse including formation of domestic curtilage	33 – 43
Ward	Thoroton	
Recommendation	Planning permission be refused.	
<hr/>		
20/00489/FUL	36 Boundary Road, West Bridgford, Nottinghamshire First floor extensions including raising of roof height, balcony to rear, conservatory, internal alterations, replacement grey windows and render brickwork, and raised decking to rear.	45 – 60
Ward	Musters	
Recommendation	Planning Permission be granted subject to conditions.	
<hr/>		

Application	Address	Page
20/01543/FUL	Brook Close, 22 Main Street, Kinoulton, Nottinghamshire, NG12 3EA	61 – 69
	Demolition of existing single-storey double garage and the construction of two-storey front extensions, including additional dormer windows. Rear single storey roof alteration from hipped to gable end. Landscaping alterations.	
	Re-roofing of existing structure to introduce additional insulation, change of colour of existing windows.	
Ward	Nevile and Langar	
Recommendation	Planning Permission be granted subject to conditions.	
<hr/>		
20/02164/FUL	Walnut Tree Farm Cotgrave Road Owthorpe Nottinghamshire NG12 3GE	71 – 77
	Erection of single storey rear extension	
Ward	Nevile and Langar	
Recommendation	Planning Permission be refused.	

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Application Number: 20/01839/FUL
1 Gorse Road, Keyworth



scale 1:1000

page 21

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Rushcliffe Borough Council - 100019419

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20/01839/FUL

Applicant Mr Steve Coe

Location 1 Gorse Road Keyworth Nottinghamshire NG12 5LL

Proposal Erect building comprising 2 apartments

Ward Keyworth And Wolds

THE SITE AND SURROUNDINGS

1. Planning permission was granted in 2017 for the erection of a two storey detached building comprising two apartments on land to the south of 1 Gorse Road (planning reference 17/01341/FUL). This building is under construction and nearing completion. The current application seeks the erection of an apartment building attached to the south side of the building currently under construction. This would occupy a parcel of land owned by the applicant, situated between the former curtilage of 1 Gorse Road and the neighbour to the south at 42 Plantation Road, comprising an overgrown grassed area enclosed by a closed boarded fence.

DETAILS OF THE PROPOSAL

2. The application seeks planning permission for an attached apartment building comprising two apartments. The building would measure between 4.6 and 5 metres in width, 8 metres in depth, with a front and rear sloping pitched roof measuring 5.2 metres to the eaves and 7.4 metres to the ridge. The building would be faced in materials to match the adjoining apartment building, comprising brick with a feature section of cedar cladding and a concrete tile roof. Each one bedroom apartment would occupy a floor, the ground floor apartment would be accessed via a front entrance, the first floor apartment would be accessed from a shared staircase within the existing apartment building. The existing and proposed apartments would share a 76 sqm rear garden. A refuse store would be sited to the rear. Two parking spaces would be provided to the front of the building.

SITE HISTORY

3. 14/01558/FUL - Erect building comprising 3 apartments. Withdrawn in 2014.
4. 14/02103/FUL - Erect building comprising 3 apartments. Refused in 2014.
5. 17/01341/FUL - Erect building comprising 2 apartments. Granted in 2017.
6. 19/02917/FUL - Erect building comprising 2 apartments. Withdrawn in 2019.

REPRESENTATIONS

Ward Councillor(s)

7. One Ward Councillor (Cllr Inglis) objects to the proposal. Planning permission was previously refused for 3 apartments in 2014 (14/02103/FUL), by reasons of the scale, height, massing, design, and layout including parking arrangements. It was considered over- intensive and out of character and incongruous in the street scene. A revised scheme for 2 apartments was approved in 2017. The current application effectively doubles the size of the previously permitted plans, resulting in four apartments on the site that was refused for three, therefore going against the previous decision. Car parking was previously highlighted as an issue and this will still be the case, resulting in a frontage taken up entirely by cars with likely additional on- street parking. The 72sqm of garden space includes the bin store, discounting this there is just 64 sqm of space, falling well below minimum standards. The applicants design statement shows an old photo and does not reflect the current street scene and massing of the current build, which is already overpowering the street scene and neighbouring properties, exacerbated by the slope of the road. An additional build would give a terracing effect.

Town/Parish Council

8. The Parish Council objects on the basis of insufficient parking, over intensive development, and not being in keeping with the character of the village.

Statutory and Other Consultees

9. The Nottinghamshire County Council as Highway Authority note that the application falls to be considered as standing advice.

Local Residents and the General Public

10. One neighbour objects to the application. They note that the application plans show an increase in land, however this additional land is owned by Metropolitan Housing and not by the applicant. The existing plan also incorrectly shows land not owned by the applicant. The Design and Access Statement does not show the new apartments and is misleading, the apartments already built do not fit in with the current houses on the street. Additional apartments would be out of keeping with the street, resulting in over-development. The level of off-street parking provision is insufficient as it is possible that each property may have two tenants, there may also be insufficient parking for the new-build apartment. Gorse Road is relatively narrow and on a hill with limited spaces, additional parking could cause a safety issue for pedestrians particularly during winter. A previous application for three apartments was declined partly due to lack of parking. A subsequent application for two apartments was approved, therefore if the current application is approved, then it would result in a total of four apartments, affecting amenity, particularly residential amenity.

PLANNING POLICY

11. The Development Plan for Rushcliffe consists of The Rushcliffe Local Plan Part 1: Core Strategy (CS) and the Local Plan Part 2: Land and Planning Policies

(LPP2), which was adopted on 8 October 2019. The Keyworth Neighbourhood Plan was adopted on 1 June 2018 and also forms part of the development plan for the area. 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

12. 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

13. CS 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.
14. In considering the sustainability of the location for development, the proposal falls to be considered under CS 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. Keyworth is a key settlement identified for growth for a minimum of 450 homes.
15. CS Policy 8 (Housing Size, Mix and Choice) states that residential development should provide a mix of housing tenures, types and sizes.
16. 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.
17. 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 adopted Keyworth Neighbourhood Plan is a material planning consideration. Paragraph 30 of the NPPF states that once a neighbourhood plan has been brought into force, the policies it contains take precedence over existing non-strategic policies in a local plan covering the neighbourhood area, where they are in conflict; unless they are superseded by strategic or non-strategic policies that are adopted subsequently. Policy TA3 (Parking Standards) states that for schemes of less than 10 dwellings, an appropriate level of parking should be demonstrated based on the criteria listed under this policy. Policy H3 (Design Requirements for New Development) applies to any scheme for over 10 houses and is therefore not applicable to this application. Policy H1 (Housing Strategy) states that applications for infill development, or on previously developed sites within the settlement boundary, will be supported subject to compliance with other Development Plan policies and provision of suitable vehicular access and sustainable links to shops and services.

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 considering the principle of development, the application relates to an infill plot within a built-up area. Keyworth is identified as a sustainable settlement capable of accommodating growth. The principle of a residential development in this location would accord with CS Policy 3 (Spatial Strategy).
21. In terms of neighbouring residential amenity, the proposed building would abut the rear boundary of 24 Plantation Road. The separation distance between the proposed building and this neighbouring dwelling would be 18.5 metres. The building would be sited adjacent to a concrete drive running across the rear of this neighbouring garden. As No. 24 is situated to the south, the proposed building would not result in a direct loss of sunlight or overshadowing of this neighbouring rear garden. It is not considered that there would be an undue overbearing impact given the separation distance from this neighbouring building. The apartment building would feature a ground and first floor side window facing No. 24, however these would both serve bathrooms rather than habitable rooms. As such, it is not considered that the proposal would result in overlooking or loss of privacy to this dwelling.

22. The proposed building would not project beyond the rear of the approved apartment building and, given the separation distances that would be maintained, it is not considered that there would be a loss of privacy to the neighbour to the rear at 89 Spinney Road. The development has the potential to result in oblique views across the end of the gardens to properties on Plantation Road, but this would not result in unacceptable overlooking or loss of privacy.
23. The application seeks permission for the erection of a building containing 2 apartments, however the 'red line' site plan includes the approved apartment building which has been largely completed. The development is also reliant on this approved building, for example the shared stairwell. As such, the approved and proposed apartments should be assessed together in terms of whether the site, as shown within the red line plan, is capable of accommodating a total of four apartments.
24. Planning permission was refused in 2014 for a building comprising three apartments (ref:14/02103/FUL) on the basis that it would result in an over-intensive development appearing out of character with the surrounding area and street scene; and it would result in insufficient amenity space for the dwelling at 1 Gorse Road with a loss of parking for this dwelling. Subsequently, a revised application for a building comprising two apartments was approved in 2017 (17/01341/FUL). The current application proposes a building/extension comprising two apartments, to be linked to the previously approved apartment building. In comments from the Ward Councillor and a neighbour, it was noted that the application would result in a total of 4 apartments on the site, this being one more than the 2014 refusal. However, the current application differs from the 2014 refusal in that the proposal involves a larger site with the proposed apartment building to be constructed on an adjacent area of land that was not included in the previous application, thus the total of four apartments would be across a larger site area.
25. In terms of design and appearance in the street scene, the proposed apartment building would not project forward of that currently under construction and it would have a lower ridge height, given that it would be a two storey building without the attic floor featured in the approved apartment building. Although the proposed building would be on a slightly higher ground level than the approved apartment building, the lower ridgeline would counteract this change in levels, ensuring a degree of subservience to the approved apartments. It is therefore considered that the building would not appear overly dominant in the street scene. The resultant semi-detached form of the two apartment buildings would reflect the pattern of development in the vicinity comprising a mix of semi-detached and terraced properties running north along Gorse Road. The facing materials would match those on the approved apartment building.
26. In terms of parking, there would be two spaces in front of both the approved and proposed apartment buildings, rather the three spaces in front of one building as was proposed in 2014, reducing the cramped appearance of parking on the frontage. A section of planting is proposed between the two sets of parking spaces, which would help break up the frontage to avoid one long continuous run of parking.
27. Previously application 19/02917/FUL was withdrawn following officer concerns regarding a lack of rear garden space. The plans showed 0.8 metres of space

to the rear of the proposed apartment building, with no linkage to the outdoor amenity space serving the previously approved apartment building. The current application now includes an enlarged rear garden area which would be contiguous with the rear garden space to the rear of the previously approved apartments. The result is a more coherent scheme across the resultant apartment building. However, whilst the applicant controls the land upon which the building would sit, the additional land required to create the larger garden is not currently within their ownership. Securing this additional parcel of land is important to ensuring a cohesive scheme and a usable rear garden space, and also to overcome the concerns with the previously withdrawn scheme. Therefore, it is recommended that the grant of permission should be subject to a legal agreement/unilateral undertaking to ensure that the additional parcel of land is secured prior to work commencing on the construction of the additional apartments.

28. The application plans show that the four apartments (two in the approved building and two in the proposed building) would share 76 sqm of garden space, however it is noted that the refuse store would occupy approximately 6 sqm of this. The Ward Councillor has expressed concern regarding the insufficient rear garden size is noted. 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.”*
29. Concern has been raised in representations regarding land ownership, namely that the applicant does not own part of the application site. The additional area of land to the rear of the proposed building does not currently fall within the ownership of the applicant, however notice has been served on the relevant landowner, satisfying the requirements of Article 14 of the Town and Country Planning (Development Management Procedure) Order 2015. It should be noted that planning permission does not give a legal right over land which the applicant does not own.
30. In terms of parking provision, the scheme would provide one space per apartment. In considering the Nottinghamshire Highway Design Guide and Policy TA3 (Parking Standards) of the Keyworth NP, the site is located within 5 minutes’ walk of the Keyworth Connection bus stop and a small convenience store. The level of parking proposed is considered appropriate given the location close to services.
31. The application was not the subject of pre-application discussions. The scheme however is considered acceptable and no discussions or negotiations with the applicant or agent were considered necessary, resulting in a recommendation to grant planning permission.

RECOMMENDATION

It is **RECOMMENDED** that the Executive Manager – Communities is authorised to grant planning permission, subject to receipt by the Council of a signed unilateral undertaking in respect of the additional parcel of land and 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: OS Site Map, Block Plan, and COE/300/02 (Proposed Plans Sections and Elevations), received on 30 July 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. The materials specified in the application (Design and Access Statement) shall be used for the external walls and roof of the development hereby approved and no additional or alternative materials shall be used.

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

4. The windows in the south elevation of the development hereby approved shall be restricted opening to no more than 10cm and fitted with glass which has been rendered permanently obscured to Group 5 level of privacy or equivalent. Thereafter, the windows shall be retained to this specification.

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

5. The development shall not be brought into use until the shared rear garden space has been provided in accordance with drawing COE/300/02. Thereafter the rear garden shall be retained to this specification, shall not be subdivided and shall be kept available for the use of all residents of the resultant apartment buildings for the lifetime of the development.

[To ensure that the resultant development has sufficient amenity space and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

6. The development shall not be brought into use until the parking area has been provided, surfaced in a bound material (not loose gravel) for a minimum distance of 5.0 metres behind the highway boundary, and is constructed with provision to prevent the discharge of surface water from the driveway to the public highway. The bound material and the provision to prevent the discharge of surface water to the public highway shall be retained for the life of the development.

[To ensure an adequate form of development 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].

7. Prior to the first occupation of the development hereby approved, a landscaping scheme for the planted area on the frontage 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/plants which subsequently die, become seriously damaged or diseased within a period of 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

8. The apartments 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].

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 may be CIL chargeable, as the proposal is for apartments, some with independent access. 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.

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.

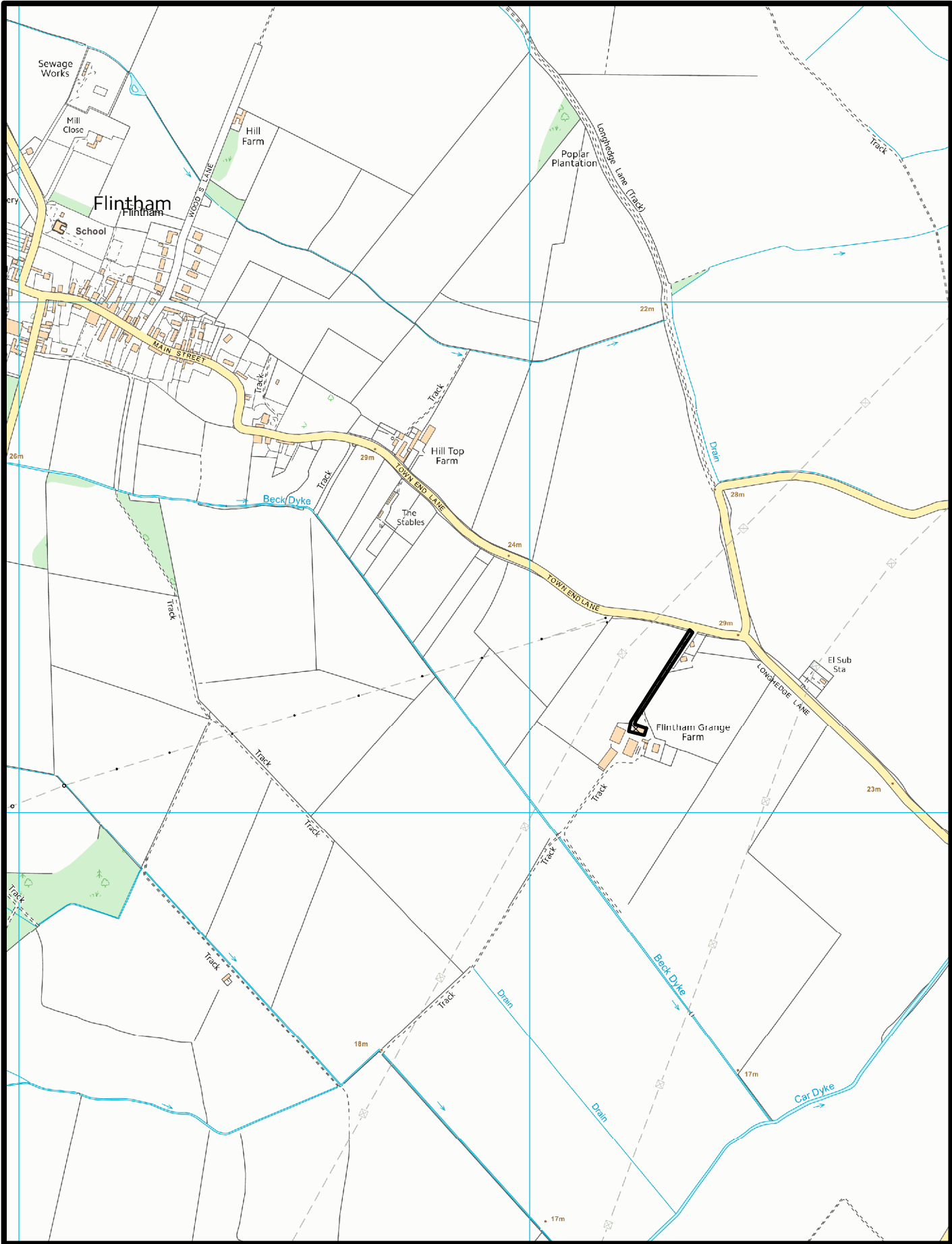
The Borough Council is charging developers for the first time provision of wheeled refuse containers for household and recycling wastes. Only containers supplied by Rushcliffe Borough Council will be emptied, refuse containers will need to be provided prior to the occupation of any dwellings. Please 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 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 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- Nottinghamshire County Council by telephoning 0300 500 80 80.

Condition 8 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.

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Application Number: 20/01744FUL
Grange Farm, Town End Lane, Flintham



scale 1:10,000

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Applicant Mr & Mrs CL & J Brooks

Location Grange Farm Town End Lane Flintham Nottinghamshire NG23 5LU

Proposal Conversion and associated changes to existing agricultural building to single dwellinghouse including formation of domestic curtilage

Ward Thoroton

THE SITE AND SURROUNDINGS

1. The application site comprises a steel portal frame building and a farm access drive which joins Town End Lane to the north. The building is constructed of blockwork at the lower level with corrugated metal cladding above and a corrugated fibre cement roof. It contains an enclosed store with concrete block walls and a roller shutter door to the south elevation. The south and west elevations are predominantly open and a cattle pen with feeder barrier and gates is located in the lean-to which makes up the northern portion of the building. It is currently used for agricultural purposes including housing cattle, and according to aerial maps has been on site for a period of at least 20 years.
2. The building is located within the farm yard to the west of the farm house. There are 3 large agricultural sheds located to the south, south/west of the site and a small group of smaller buildings located to the south east of the building. To the north of the site, to the east of the access drive are two further residential properties. Other than these buildings within the immediate farmstead, the site is surrounded by the open countryside. The site is situated approximately 1km to the south east of Flintham and 1km to the south west of Sibthorpe.

DETAILS OF THE PROPOSAL

3. The application seeks full planning permission for the conversion and associated changes to the existing agricultural building to a single dwellinghouse including the formation of a domestic curtilage. The dwelling would have three double bedrooms on the first floor with associated living accommodation on the ground floor including open plan kitchen and dining space, living room and study. Access to the proposed dwelling would be provided via the existing driveway which links Grange Farm to Town End Lane.
4. The proposed alterations include:
 - Replacing the roof with a curved steel framed roof;
 - the removal of the lean-to which forms the northern range of the building;
 - replacement single storey extension including a shallow mono pitched roof, with a glazed link connecting it to the original barn;
 - the building would be clad in timber laid to mimic the shadow gaps and stacking pattern of the hay roles infilled with hay insulation;
 - create new window and door openings;
 - installation of solar panels to the south facing roof slope;

- a private courtyard garden would be provided in the northwest corner of the site bounded by the proposed dwelling, a new internal retaining wall and external low fencing; and
- Two undercover parking spaces and secure cycle parking would be provided in the southwest corner of the site.

SITE HISTORY

5. Prior approval under Class Q of Part 3 to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) - ref. 20/00521/PAQ was granted for the conversion of 4 fifths of the existing rectangular, steel-framed building into one dwellinghouse. The plans indicated that the building would be split to create a three-bedroom dwelling in the eastern part of the building. The middle two fifths of the building would be split into a garden in the southern section and two covered private parking spaces in the northern section, immediately adjacent to the proposed dwelling. The garden and parking area in total would be no greater than the existing ground floor area of the building. It was not proposed to extend/ increase the footprint of the existing building.
6. The total floorspace to be created (including the floorspace created by the construction of the mezzanine floors) was 218sqm. This permission remains extant, it is due to expire on 29th April 2023.

REPRESENTATIONS

Ward Councillor(s)

7. The Ward Councillor (Cllr Bailey) has no objections and makes the following comments; *“I agree that little of the original building remains, but I feel that the essence of the original barn remains with the arched roof, steel frame/uprights. The barn is some distance from the road, screened by trees, so it is likely to have little impact on the wider landscape. I have no objection to this planning application.”*

Town/Parish Council

8. The Parish Council does not object.

Statutory and Other Consultees

9. Nottinghamshire County Council as Highway Authority raise no objections.
10. The RBC Environmental Health Officer does not object subject to the inclusion of a land contamination report prior to the commencement of development and a condition tying the occupancy of the building to the existing business.
11. The RBC Environmental Sustainability Officer raised no objections to the proposal. He notes the Bat Survey submitted was in date and appears to have been completed in accordance with good practice guidelines. It concludes no bat activity was observed associated with the building on the survey; no assessment has been made of commuting and foraging bats; the site has low potential for nesting and foraging wild birds; the site consists of buildings; no assessment has been made of surrounding land. He notes the development

provides opportunities for ecological enhancement. The favourable conservation status of Protected Species is unlikely to be impacted by this development. He recommends the inclusion of conditions/informatives aimed at protecting habitats and species and resulting in an overall net gain for biodiversity.

Local Residents and the General Public

12. No comments were received in response to the consultation carried out.

PLANNING POLICY

13. The Development Plan for Rushcliffe consists of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).
14. Other material considerations include the National Planning Policy Framework (NPPF) (2019), the National Planning Practice Guidance (NPPG) and Supplementary Planning Documents (SPD's) including the Rushcliffe Residential Design Guide SPD (2009).

Relevant National Planning Policies and Guidance

15. At the heart of the NPPF is a presumption in favour of sustainable development. For decision makers this means: "approving development proposals that accord with an up-to-date development plan without delay". There are three overarching objectives to sustainable development: economic, social and environmental.
16. Chapter 12 'Achieving well designed places' states that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area not just for the short term but over the lifetime of the development, are visually attractive as a result of good architecture, are sympathetic to local character and history, including the surrounding built environment and landscape setting while not preventing or discouraging appropriate innovation or change, with a high standard of amenity for existing and future users.
17. Under Chapter 5 'Delivering a sufficient supply of homes' paragraph 79 states with regard to rural housing, inter alia: "Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:
 - c) the development would re-use redundant or disused buildings and enhance its immediate setting;"
18. With regard to habitats and biodiversity the NPPF states under chapter 15 'Conserving and enhancing the natural environment' at para.174 b): "promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity."

Relevant Local Planning Policies and Guidance

19. Rushcliffe Local Plan Part 1: Core Strategy (CS) Policy 1 'Presumption in favour of sustainable development', a positive and proactive approach to planning decision making should be taken that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.
20. CS Policy 3 'Spatial Strategy' defines the strategic sites which will deliver the majority of new homes in the Borough. The text at 3.3.17 states that elsewhere in the Borough development will meet local needs only through small scale infill development or on exception sites.
21. CS Policy 10 'Design and enhancing local identity' states that all new development should reinforce valued local characteristics and have regard to local context, and that development will be assessed in terms of its impact on the amenity of occupiers or nearby residents.
22. The Rushcliffe Local Plan Part 2: Land and Planning Policies (LPP2) Policy 1 'Development Requirements' sets out the criteria to be met, where relevant, for all new development including:
 - i. 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;
 - ii. 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;
 - iii. sufficient space is provided within the site to accommodate the proposal together with ancillary amenity and circulation space;
 - iv. 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;
 - v. there is no significant adverse effects on important wildlife interests and where possible, the application demonstrates net gains in biodiversity;
 - vi. there is no significant adverse effects on landscape character;
 - vii. the amenity of occupiers or users of the proposed development would not be detrimentally affected by existing nearby uses.
23. LPP2 Policy 12 Housing Standards sets out a number of technical housing standards which where possible should be applied.
24. LPP2 Policy 22 'Development within the Countryside' allows for development within the countryside including "the re-use and adaptation of buildings for appropriate uses, including housing;". This will only be permitted where:
 - a) the appearance and character of the landscape, including its historic character and features such as habitats, views, settlement pattern, rivers, watercourses, field patterns, industrial heritage and local distinctiveness is conserved and enhanced;

- b) except for replacement dwellings, conversions and changes of use, it does not constitute isolated residential development which is separated from the physical edge of the settlement;
 - c) it does not create or extend ribbon development;
 - d) built development is well integrated with existing buildings, where appropriate; and
 - e) the development will not seriously undermine the vitality and viability of existing district and local centres, and centres of neighbourhood importance.
25. LPP2 Policy 38 Non Designated Biodiversity Assets and the Wider Ecological Network provides that where appropriate all developments will be expected to achieve net gains in biodiversity. It also states "Developments that significantly affect a priority habitat or species should avoid, mitigate or as a last resort compensate any loss or effects."
26. LPP2 Policy 40, Pollution and Land Contamination, identifies measures which should be taken in relation to development of land potentially affected by pollution.
27. The 2009 Rushcliffe Residential Design Guide provides guidance on conversion schemes for redundant buildings, with a focus on the conversion of agricultural buildings. It states on page 44; "It is generally accepted that barns and other agricultural buildings may be converted to residential use under certain circumstances particularly, where:
- The building is capable of being converted without need for major rebuilding or extension."
28. It goes on to emphasise that it is important "that these buildings retain their agricultural qualities. They should not be converted into standard dwellings." Also that: "It is vital that any perspective buyer is aware that "Barn style living" will not be the same as living in a new house" and "Any perspective developer should be aware that planning permission may not be forthcoming for any unnecessary extensions."

APPRAISAL

New Housing within the open countryside

29. Although the site is located outside of the main built up area of the neighbouring settlements of Flintham and Sibthorpe, permission is sought for the re-use of an existing buildings. The building appears to be of suitable construction for conversion to residential accommodation, as demonstrated by the grant of prior approval, ref. 20/00521/PAQ. However, in this case the residential conversion would not be achieved without the need for significant interventions. A plan submitted by the Agent indicates the steel frame structure would be the only element of the building to be retained.
30. The application falls to be determined first and foremost against the policies within the Local Plan Part 2. The site is clearly within the countryside and, therefore, of particular relevance to this application is Policy 22 'Development within the countryside'. The provisions of this policy strictly control

development in the countryside and sets out the types of development which may be permitted, which includes 'the re-use and adaptation of buildings for appropriate uses, including housing' or 'where justified, associated workers dwellings'.

31. In this instance very little of the original building would be retained, limited for most part to the steel frame/uprights, and it is therefore not considered that the proposal involves the 'reuse' or 'conversion' of an existing building, instead the resultant development would be tantamount to a new building/new build dwelling.
32. The building is located within the farm complex of Grange Farm which includes the farm house to the southeast and a further two agricultural workers dwellings located to the north. Although the occupancy of the building could be restricted to an agricultural worker, evidence has not been provided to justify the need for an additional agricultural workers dwelling in this location. Therefore, on balance it is considered that the principle of the development would not be acceptable.

Character and Appearance

33. The farm house is traditional in its design, finished white painted render and a red pantile roof. The traditional agricultural buildings which formed a courtyard to the west of the farm house, south of the application site, have been demolished for a number of years and replaced with large blockwork and corrugated metal buildings. The buildings within the farm unit have a modern, functional agricultural character.
34. The principal of converting the building to a dwelling has already been established under prior approval part Q ref. 20/00521/PAQ. The design of the proposed residential conversion is outlined in the Design and Access Statement (DAS) which states; "The removal of the lean-to reduces the overall massing; and allows for an open garden area with direct daylight, unlike the prior approval scheme." It "has been partially replaced with a new structure that takes its shape from that of the original lean-to; utilising a shallow, mono pitched roof. This has been designed with a transparent glass link, to form a juxtaposition between the original barn and the replacement lean-to." It goes on to state "This not only forms a direct link with the previous use as a hay barn, but also utilises natural building materials."
35. Overall the interventions proposed to the main structure of the building are fairly extensive. Other than the main metal frame structure, none of the existing internal structures would be retained. The steel frame would support the timber panels used as an external finish and the roof would be replaced with the inclusion of solar panels. The replacement curved roof and timber cladding would give the building an appearance similar to the hay barn which previously stood on the site.
36. Glazed openings would be introduced into the north elevation of the rebuild where there are currently none in the internal block work structure. The proposed openings in the building's other elevations has been kept to a minimum and those in the southern elevation are mostly screened by timber louvres. Overall, taking into account its modern industrial/agricultural appearance it is considered that the number and size of openings proposed

would be sympathetic to the scale of the building and would not appear overly excessive.

37. The west facing elevations of the proposed extension would include high levels of glazing and would be connected to the original building via a glazed link. The contrast created between the existing building and the new extensions would allow them to be read as clearly modern additions. In addition, it would be of a lesser scale than the lean-to building it would replace and it is not considered it would harm the agricultural character and design of the original building.
38. The interventions to the building to allow for its residential conversion would far exceed those allowed under the part Q conversion. Although the proposal is considered to be sufficiently well integrated into the existing building, it is not considered that the extent of works constitute re-use or conversion, instead this is tantamount to a new building.
39. Although outside of the neighbouring settlements, it would be viewed in the context of the neighbouring residential agricultural workers dwellings as well as the existing agricultural units. Due to the location of the buildings, set back from the road within the site the proposed extensions and alterations, including those to the roof, would not be unduly visible from outside of the site. The design of the conversion would retain the functional agricultural appearance of the building and would not unduly harm the open character of the surrounding countryside or the agricultural character of its immediate surroundings.

Residential Amenity

40. The building is located within, albeit towards the edge, of a working farm unit. It is noted that the Environmental Health Officer has raised no objection to the proposal in relation to amenity of future occupiers, subject to the inclusion of a condition for an agricultural tie. This is indicative of the fact that unrestricted occupancy of the resultant dwelling would not be acceptable, on the basis of the impact the agricultural activities would have on the amenities of future occupants, unless they are involved in some way in the operation of the farm. If a favorable recommendation was forthcoming, the applicant has agreed to the inclusion of such a condition as the dwelling would be for themselves, a farm worker. The inclusion of an agricultural tie should prevent the amenity of occupiers being detrimentally affected by the existing, adjacent agricultural use however, without evidence that there is a defined need for such a dwelling, such a condition may be difficult to enforce or defend if a subsequent application to vary/remove the condition was submitted. Similarly, this could make it difficult to resist the removal of the agricultural tie on one of the other dwellings within the holding.
41. Concentrating the openings in the north elevation of the original building and the west elevation of the extension would protect the privacy of future occupiers and maximise their outlook which is welcomed. To further protect the privacy of future occupiers the openings in the southern elevation would be fitted with timber louvres, as they immediately adjoin the adjacent farm yard. These louvres would still allow daylight through.
42. The creation of an open outdoor amenity space would be an improvement on the covered garden approved under the part Q scheme. The size of the

amenity would be less than the 110 square metres recommended within the Residential Design Guide however, it is considered this is offset by the easy access future occupiers would have to the open countryside.

43. For the reasons outlined above it is not considered that there could be sufficient guarantee that proposal would provide a suitable form of living accommodation and amenity for future occupiers, given the location of the building within a working farm.

Access

44. The site would utilise an existing, gated vehicle access which serves the neighbouring agricultural workers dwellings and the farm unit. It is noted that the Local Highway Authority raise no objections to the proposal on the grounds of highway safety, therefore this issue is not a concern.

Ecology

45. The application was accompanied by a Bat Survey (dated August 2020) which determined no bat activity was observed associated with the building on the survey, i.e. the building the subject of this application. The survey also identified the site had a low potential for nesting and foraging wild birds. It is noted that the Environmental Sustainability Officer does not object to the proposal, stating the survey is in date and appears to have been carried out in accordance with good practice. Therefore, protected species are unlikely to be impacted by this development.
46. The development does, however, provide opportunities for ecological enhancement and the ES Officer has recommended a number of measures, including the installation of permanent artificial bat boxes/bricks and wild bird nests (including Swallow/swift and sparrow cups/boxes) within the buildings; the use of Hedgehog features (corridors, access and shelter) and insect houses where appropriate to help provide an overall net gain in biodiversity, as per the requirements of the National Planning Policy Framework (2019).

Environmental Sustainability

47. Measures to ensure improved levels of energy efficiency and environmental sustainability have been included in the proposed design including its layout, the choice of materials and renewable energy products. The inclusion of photovoltaic panels on the south facing roof slope, and an Air Source Heat Pump (ASHP) used to heat the property is welcomed, as is the inclusion of an electric car charging point. However, these benefits are not considered to outweigh the policy objection to what would be tantamount to a new build dwelling in the countryside.

Contaminated Land

48. Given the use of the land agricultural for agricultural purposes, there is potential for contaminated land within the site. Environment Health have requested a contaminated land report, as the proposed use is residential a pre-commencement condition could address this requirement.

Conclusion

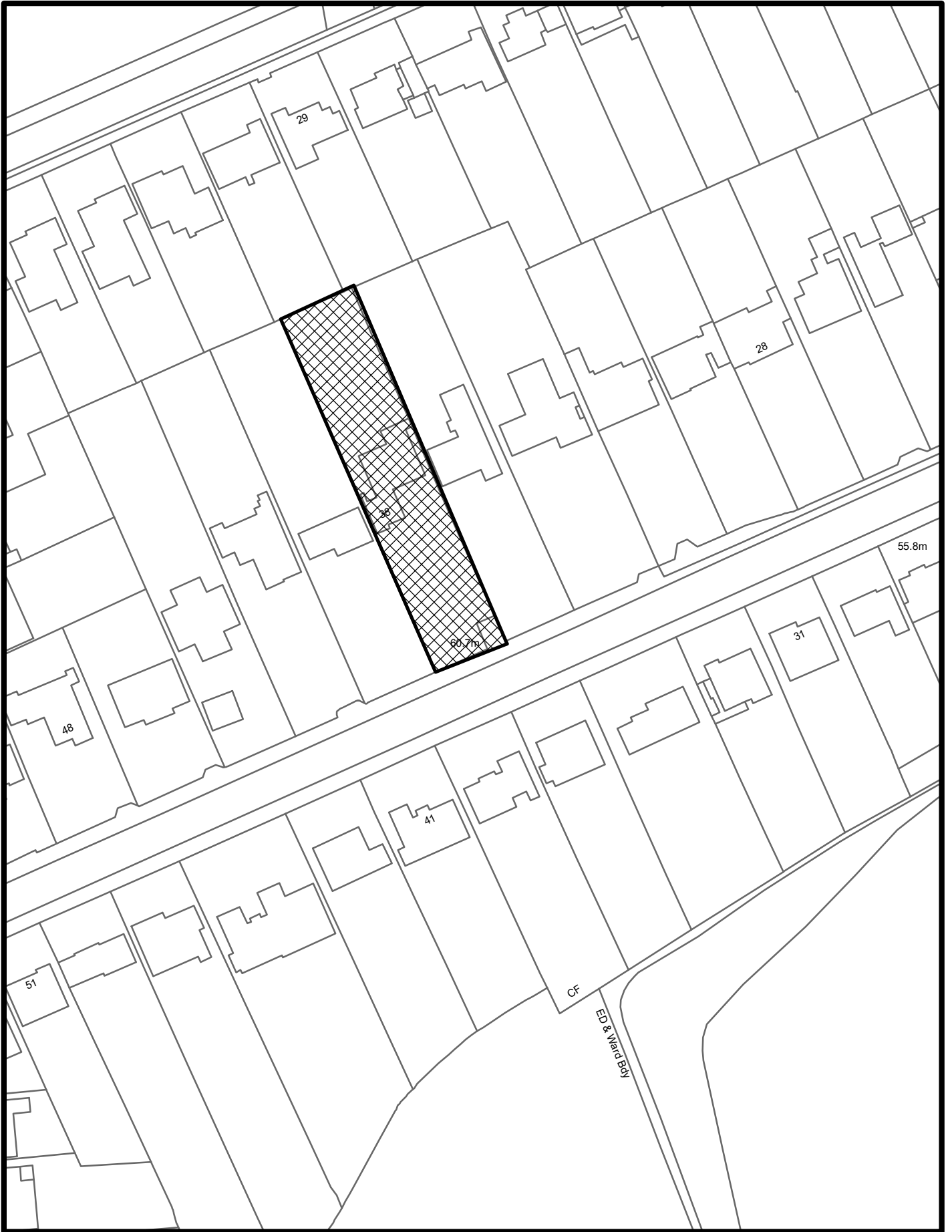
49. Development within the countryside is very tightly controlled by Policy 22 of the Rushcliffe Local Plan Part 2: Land and Planning Policies. Although it does provide for new housing resulting from the 'reuse' or 'conversion' of existing buildings, in this instance very little of the original building would be retained, other than the steel frame/uprights. It is considered that the proposal does not involve the 'reuse' or 'conversion' of an existing building, instead the resultant development would be tantamount to a new building/new build dwelling and is therefore contrary to Policy 22 of the LAPP.
50. There is a fundamental policy objection to the proposal and it is considered that this cannot be overcome. The applicant has been made aware of the situation in writing and in order to avoid the applicant incurring further abortive costs. Pre-application advice was not sought prior to the submission of the application. It was necessary to seek further clarification on the extent of the works proposed during the application process. Due to the need to refer the application to the Planning Committee there has been a delay in issuing a decision however, the Agent has been kept informed and has agreed to an extension of time to allow for this.

RECOMMENDATION

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

1. Other than the steel frame/uprights little of the original building would be retained. As a result of the extensive extensions and alterations proposed to the original building the proposal does not involve the 'reuse' or 'conversion' of an existing building, instead the resultant development would be tantamount to a new building/new build dwelling within the open countryside and is therefore contrary to Policy 22 (Development within the Countryside) of the Rushcliffe Local Plan Part 2: Land and Planning Policies.

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Application Number: 20/00489/FUL
36 Boundary Road, West Bridgford



scale 1:1000

page 45

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20/00489/FUL

Applicant Mr M Harbottle

Location 36 Boundary Road, West Bridgford, Nottinghamshire

Proposal First floor extensions including raising of roof height, balcony to rear, conservatory, internal alterations, replacement grey windows and render brickwork, and raised decking to rear.

Ward Musters

THE SITE AND SURROUNDINGS

1. The application relates to a large detached bungalow located on the north side of Boundary Road in a residential area of West Bridgford. The dwelling is set back from the highway by some 25 metres and stands in the centre of a rectangular plot. The property is faced in white render to the front and red/brown bricks to the sides and rear with a tiled roof. It has previously been extended on several occasions, including front and rear extensions, a dormer extension in the front slope and a detached garage in the front garden.
2. To the south-west is a similarly proportioned bungalow at 38 Boundary Road. To the east is the bungalow at 34 Boundary Road; this neighboring property is at a lower land level to the application site as the land slopes down to the north-east. Similarly, the land also drops away quite significantly at the rear towards the properties on Ellesmere Road.

DETAILS OF THE PROPOSAL

3. The application is a resubmission of a previous scheme following the refusal of permission and dismissal at appeal. This proposal comprises the construction of first floor extensions including raising of the roof height, balcony to rear, conservatory, internal alterations, replacement grey windows and render brickwork and raised decking to rear.
4. The raising of the roof would be to the rear portion of the existing dwelling, to provide three bedrooms, two dressing rooms, two en-suites and a bathroom on the first floor. The ground floor would be enlarged through the provision of the conservatory.
5. A proposed outbuilding is shown on the plans but was not included in the description covering the proposed works. As such, it is not being considered under this application.
6. Revised plans have been received reducing the scale of the side facing dormer windows.

SITE HISTORY

7. 03/00108/FUL - Single storey rear extension – approved.
8. 04/00158/FUL - Insert dormer in front elevation roofslope; construct 2m high front boundary wall/gates – approved.
9. 11/00184/FUL - Double garage and store; front boundary wall (maximum 2.8m high) and gates – refused.
10. 11/01830/FUL - Front extension for garage with storage above; front boundary wall (maximum 2.5m high) and gates – approved.
11. 14/01923/FUL - Detached double garage – approved.
12. 18/01005/FUL - First floor extension, balcony to rear, conservatory, internal alterations, replacement grey windows, and render brickwork – withdrawn.
13. 19/00142/FUL - First floor extension, balcony to the rear, conservatory, internal alterations, replacement grey windows and render brickwork (resubmission – previous one withdrawn) – refused and dismissed at appeal (APP/P3040/D/19/3232006 Sept 19).

REPRESENTATIONS

Ward Councillor

14. In response to the original consultation one Ward Councillor (Cllr R Jones) objected on the grounds that the application must be assessed in the context of previous extensions, the resulting length and bulk of this property is greater than neighbouring properties, the ridge height would be increased by virtually 3 metres, including two substantial dormers to each side with two sets of windows, a first floor balcony is proposed to the north elevation and decking at ground level. The considerably increased ridge height with dormers would create a bulky and ungainly appearance from the front, back and side, the design does not improve the character of the area as the massing and scale are incompatible with the character of the area. Of equal importance is the impact on 34 Boundary Road, which is 1.5 metres lower and has a patio and main living area to the western side. The proposal, within 1.5 metres of the boundary, rises to the existing eave height then adds wide dormer windows rising over 6 metres above the ground level of 34 Boundary Road and some 5 metres wide. The increased ridge height across the length of the property would add to this. Sunlight currently reaching 34 Boundary Road would be reduced and the outlook and overbearing impact on the living conditions would be harmed being overly dominant. Regarding 38 Boundary Road, a much higher ridge height plus a dormer of the same scale on an already long building may have an impact on the amenity of that property. The application property might be higher than properties to the rear and am unsure the distance they would be from the proposed balcony.

15. Following submission of revised plans, Cllr Jones commented that the changes are a slight improvement but not enough to assuage impact on the amenity of neighbouring properties so the objection stands. Expertise required to judge the veracity of the sun paths, for 30 Sept at 6.30 to be total darkness seems very unlikely.

Local Residents and the General Public

Original Consultation

16. In response to the original consultation objections were received from five properties on the following grounds:
 - a. Changes to the roof profile would make this proposal more harmful than the previous, the proposed dormer is at a location that obstructs the afternoon sun reaching the patio and patio doors to the principal living area of 34 Boundary Road, the land of 36 Boundary Road is already 1.5 metres above the patio and this dormer rises 6.34 metres above the patio just 1.5 metres from the boundary, the proposed ridge is a massive 9.35 metres above the patio compared to 6.44 metres for the present ridge which will have a serious overshadowing effect.
 - b. The patio currently receives variable amounts of direct sunlight between 28 February and 12 October, the amount of sunlight increases to a maximum in mid-summer. For instance, between 15 May and 15 August the shadow lengths are 0.91 and 1.13 respectively, which puts virtually the whole of the patio in direct sunlight. In a sample direction on the right-hand side of the dormer, the period of direct sunlight is currently nearly 4 months, lasting from 25 April to 16 August whereas with the proposed structure it would be just 26 days from 3 June to 27 June.
 - c. The dormer wall is 2.5m higher than the existing eaves of 36 Boundary Road. The centre of the dormer wall has been demonstrated to exclude all sunlight on the patio between 22 August and 20 April. The 2.5 metres extra obstruction height of the proposal will obviously cast an additional shadow that will vary in extent according to the inclination of the sun, there would be 3.35 metres extra width of direct sunlight that would be excluded by 2.5 metres extra height, this is extra sunlight for the existing compared to that for the proposed dormer.
 - d. In a similar way the dormer will decrease sunlight throughout the 8 months when the patio now receives sun. This reduction in sunlight also applies to all directions where the sun is behind the large dormer. The sample dates illustrate a strip of 3.35 metres extra direct sunlight on the patio on 20 April and 22 August, on which dates the proposal projects shadow to the base of the door, and therefore excludes all patio sunlight. The proposal would therefore effectively change the patio from one that is now in sun during all the important summer months, to one that is mostly in shade.

- e. This lounge is the major living area of 34 Boundary Road and the period of total shade is increased by the proposed structure from 66 days to 139 days. The lounge does now receive some sunlight for most of the year, the amount of sunlight during that time would be greatly reduced by the proposed structure. The proposal would therefore cause a very large reduction in the sunlight that is currently enjoyed by the neighbouring lounge window for nearly 10 months of the year.
- f. There is only one window on the first-floor landing and the proposed ridge is 4.39 metres above the first-floor eaves of 34 Boundary Road and 2.91 metres above the existing ridge. The proposed roof structure therefore causes shade to the landing window in the season when the sun is lower in the sky. The period during which there is complete shading of the first-floor window increases from 96 days on average to 138 days. Direct sunlight is only part of the consequences as the replacement of open sky by brick and tile will reduce light levels at all times of the year.
- g. There are solar PV panels over most of the length of the roof of 34 Boundary Road starting 2 metres vertically higher than the eaves. This is higher than the existing roof of 36 Boundary Road's existing roof, and the panels are consequently never shaded at present. The proposed ridge is 2.75 metres above these panels, and consequently are shaded towards the end of the day. At the sample sun direction evaluated, this partial shading of the panels occurred from 30 September to 11 March.
- h. The proposed extensions would over-complicate the roof, the roof form would not be complementary to neighbouring properties.
- i. The extension would be incongruous in the streetscene.
- j. The increase in ridge height, the addition of bulky side dormers with windows and the rear first floor projection with balcony would have a significant imposing and dominant impact on neighbouring properties that fully justifies the refusal of planning permission.
- k. The overbearing impact would fundamentally impact on the neighbouring properties for the long term. The outlook would be categorially affected and be so dominant that it would be oppressive and unwelcomed.
- l. The roof line of the current proposal is 1.946 metres higher than that refused in 2019 and of a much more bulky and dominant appearance.
- m. The wide side dormer is much higher than the previous proposal and consequently more overbearing and overshadowing.
- n. There would be overlooking from the balcony to the property to the rear affecting the garden and rear windows of the dwelling and there would be potential noise from the balcony, against additional windows overlooking the side elevation.

17. Following receipt of revised plans, objections were received from two properties commenting:
- a. There have been many extensions approved in recent years to this property, but the most recent applications to build a rear second storey have been refused twice.
 - b. In 2019 permission was refused and also rejected on appeal. The amended scheme would still increase the dominance of the building, would be overbearing and have a greater and more severe impact on 34 Boundary Road than the refused application. There is no section drawing provided to accurately reflect the relationship and levels between the properties.
 - c. There would be a significant increase in ridge height, over-complicated roof form, dormers visible from Boundary Road, not subordinate extensions.
 - d. The roof form is not complementary to neighbours, the proposed roof is higher than the refused scheme, dormers still add bulk and lead to unacceptable overlooking, overbearing impact on principal rooms including living area and overshadowing.
 - e. Previous comments remain valid and an updated Light Impact Study has been submitted.
 - f. There would be intrusiveness from the full height windows and balcony, the extension would impact on the rear of the property at the back of the site.
 - g. The sunpath diagrams are supplied without any explanation with only four dates in the year of which January and March are largely irrelevant. The overall shading shown is not defined, but the implication that there is no sun at 6.30 on June 20th, and 4pm onwards on September 20th is incorrect. On June 20th, the sun is shown to be directly in front of the properties with no shading of the narrow gap between them at 10.00 but the sun does not reach this position until around midday. By 1pm the sun is still able to shine between the properties and the 5ft fence in the rear garden is shown as casting a shadow, but at the same time there is not much increase in the shadow cast by the proposed building. These sunpath diagrams are simplistic and erroneous.
 - h. In contrast, the shade calculations submitted in an earlier objection addressed the shadow effects at the time of day and year when they have a harmful impact on 34 Boundary Road with the conclusion being the overall effect is that a sunny patio becomes a largely shaded patio during important months, and sunlight to the windows is very radically reduced or eliminated during other months. Of even greater importance are the overbearing and bulky issues.
 - i. The previous planning application was refused and dismissed on appeal, the latest proposals are much more detrimental than the refused application as the proposal is higher than the previous application, the dormer in

particular makes the proposal much more overbearing on 34 Boundary Road than the rejected proposal and the bulky appearance from the road is also very significantly greater.

PLANNING POLICY

18. The Development Plan for Rushcliffe consists of the Rushcliffe Local Plan Part 1: Core Strategy (LPP1) and the Local Plan Part 2: Land and Planning Policies (LPP2). Other material considerations include the National Planning Policy Framework (2019), the National Planning Practice Guidance and the Rushcliffe Residential Design Guide (2009).

Relevant National Planning Policies and Guidance

19. The relevant national policy considerations for this proposal are those contained within the 2019 National Planning Policy Framework (NPPF) and the proposal should be considered within the context of a presumption in favour of sustainable development as a core principle of the NPPF. The proposal falls to be considered under section 12 of the NPPF (Achieving Well Designed Places) and it should be ensured that the development satisfies the criteria outlined under paragraph 127. 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, 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

20. Policy 1 of LPP1 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 LPP1. Development should make a positive contribution to the public realm and sense of place and should have regard to the local context and reinforce local characteristics. Development should be assessed in terms of the criteria listed under section 2 of Policy 10, specifically 2(b) whereby the development should be assessed in terms of its impacts on neighbouring amenity; 2(f) in terms of its massing, scale and proportion; and 2(g) in terms of assessing the proposed materials, architectural style and detailing.
21. The proposal falls to be considered under Policy 1 of LPP2 whereby development should not have an overbearing impact on neighbouring properties, nor lead to a loss of amenity. The scale, density, height, massing, design and layout of the proposal all need to be carefully considered and should not lead to an over-intensive form of development.
22. The Residential Design Guide advises that “Extensions should be designed so that they are not readily perceived as merely “add-on” to the original building and therefore scale, proportion and roof form are very important. However, as a general rule the style and design of the original dwelling should remain the dominant element with the extension subordinate to it.”

APPRAISAL

23. The overarching Policy 1 in the LPP1 reinforces that a positive and proactive approach to decision making should be taken which reflects the presumption in favour of sustainable development contained in the NPPF. In this instance the proposed development comprises an extension to an existing dwelling within the main settlement of West Bridgford. As such, it is considered to be a sustainable development and therefore is acceptable in principle, subject to other material considerations being acceptable.

Design and visual amenity

24. Planning permission was refused and dismissed on appeal on this site under planning application ref: 19/00142/FUL. That application sought planning permission to re-model the existing bungalow and construct a large first floor extension at the rear along with a rear conservatory extension with balcony above, alterations to windows and external render to existing brickwork.
25. The first floor extension under that application proposed the substantial remodelling of the roof form at the rear of the property to include increasing the height of the walls and eaves down both sides of the property by almost a metre and creating a large, two storey high gable end wall in the rear facing elevation with a central flat roof between two asymmetric slopes either side when viewed from the rear. When viewed from the front this would have created two additional roof pitches that would rise above and flank the slope of the existing roof. The raised roof at the rear would not have exceeded the ridgeline of the existing dwelling. A series of roof lights were proposed in both side facing slopes of the raised roof.
26. Despite the substantial roof alterations proposed under that application the actual footprint of the existing dwelling would have only been increased by a relatively modest amount at the rear. The proposed conservatory would have been around 3.4 metres by 6.9 metres in floor area and would have infilled an L shaped area of decking at the rear of the house, effectively squaring off the rear wall. A balcony was proposed above the conservatory which, whilst being open to the north, would sit beneath the projecting roof above.
27. The application was refused on grounds of visual amenity as follows: *“The scale and proportion of the proposed development, in particular “shoulder” elements to the roof, would be an over-intensive form of development that would not be sympathetic to the style and design of the existing dwelling and would dominate over it causing harm to the character of the property. It is also considered that the “shoulder” elements on the roof would not be in keeping with the immediate area and would be a jarring feature within this local context. For these reasons it is considered that the proposed development would cause serious harm to the character of the property, would not be sympathetic to the local character and would not have a positive impact on the public realm or sense of place contrary to Policy 10 of the Core Strategy, Policy GP2 of the Rushcliffe Borough Non-Statutory Replacement Local Plan, Policy 1 of the emerging Local Plan*

28. The appeal was subsequently dismissed with the Inspector stating the first-floor rear extension would raise the eaves of the dwelling to the side elevations. The ridge of the first-floor extension would be the same height as the existing main ridge. Consequently, the extended roof form would project past the existing side roof slopes introducing shoulder roof elements that would be visible when viewed from Boundary Road. Even accounting for the position of the first-floor extension, set back from the front elevation of the dwelling, these additional roof elements would over complicate the roof form and would not appear as a subordinate addition. He considered that the proposed roof form would not complement the hipped roof characteristics shared between the host dwelling and the immediate neighbouring dwellings on Boundary Road and would appear incongruous within the street scene.
29. The Inspector also stated the design approach would appear at odds with the character of the host dwelling and neighbouring dwellings and would have a detrimental impact on the character and appearance of the area. For the foregoing reasons, he considered that the massing, scale and proportions of the development would have a harmful effect on the character and appearance of the area.
30. This current application amends the proposed design of the extension following that appeal. The eaves height has now been designed to match the existing property, that is the eaves would not be raised as was the case with the previous proposal, and the ridge height of the first floor extension would be increased to a height of 7.9m to create a front gable, the sides would again extend past the existing side roof slopes but have been designed with an increased height and hipped roofs. The revised plans have then reduced the scale of the two side facing dormers.
31. The increase in the roof at the front and side hipped gable projections would be visible when viewing the dwelling from Boundary Road. The extension would represent a substantial re-modelling of the existing dwelling and would still result in a significant change to the existing roof form. However, the proposed front elevation would have a higher ridge above the existing somewhat squat gable and the wings would be visible albeit at a lower height than the proposed ridge. The overall result is a far more cohesive extension with small wall elements and limited additional roofs. The previously proposed gables have been omitted and the overall composition is far less fussy and cluttered compared to the refused scheme.
32. When viewed from the rear, the dwelling would change from essentially a single storey structure to a single storey plus attic accommodation. The proposed gable would fundamentally alter the elevation, but it would be to the rear and not open to view from the public realm. It would be subservient when read against the proposed higher ridge and wings. This compares well against the dismissed scheme which was essentially a two storey elevation to the rear and of a far greater massing.

33. From the side elevations, the refused scheme raised the eaves height and had a roof running from front to rear. Although the proposed extension would have a higher ridge height than the refused scheme, the eaves would remain as existing, the roof would be hipped and the proposed dormer windows have been reduced in scale. Although the side facing roofs would be relatively large, the hipped design would reduce the apparent massing and, on balance, from a design perspective are considered to be less heavy compared to the dismissed scheme.
34. On balance, it is considered that the proposal overcomes the reasons for refusal for refusal of the previous scheme and dismissal at appeal through removing the shoulders, simplifying the design and providing a more cohesive appearance. The objections raised are noted and have been considered in forming this view. However, the nature and appearance of dwellings in the locality vary, the dwelling is set well into the site and the proposed scheme is not considered to be visually harmful. As such, the proposal is considered to comply with the aforementioned policies and guidance on visual grounds.

Impact upon neighbouring amenity

35. The previous application was also refused on the following residential amenity ground: *“The proposed development would be unduly overbearing and overshadowing on the neighbouring property at 34 Boundary Road which would be seriously harmful to the residential amenities of the occupiers of this property. In this regard the proposed development would also be contrary to Policy 10 of the Core Strategy, Policy GP2 Rushcliffe Borough Non-Statutory Replacement Local Plan, Policy 1 of the emerging Local Plan Part 2, the Rushcliffe Residential Design Guide 2009 and Chapter 12 of the NPPF.”*
36. In dismissing the appeal, the Inspector stated; *“The neighbouring dwelling at No 34 is situated at a lower level to the appeal dwelling. The appeal dwelling projects past the nearest part of the rear elevation serving No 34. Clear glazed French doors serving lounge areas exist both to this rear elevation, as well as to the elevation of the rear projection at No 34 that faces the boundary with the appeal site. These windows and the patio area serving No 34 all sit in close proximity to the boundary with the appeal site.”*
37. The Inspector further stated; *“The development would increase the eaves height to the side elevations of No 36. The ridge over the section of the dwelling that sits parallel to the boundary with No 34 would be increased to match the main ridge. There would also be an alteration from a hip to gabled roof to the rear elevation which would further extend the ridge line when looking towards the appeal dwelling from No 34. Given the change in levels between the sites and the depth and position of the side elevation of the host dwelling relative to No 34, the increased bulk, height and mass of the dwelling resulting from the development would have an imposing and dominating presence when experienced from the rooms served by the ground floor French doors and from the patio area serving No 34. As a result, the development would be overbearing and would have a detrimental impact on outlook for the occupiers of No 34.”*

38. It was further stated; *“The Council’s decision also cites that the development would have an overshadowing impact on No 34. The orientation, proximity and relative levels between the appeal dwelling and this neighbouring property means there is already some impact on the levels of light experienced by the occupiers of No 34. However, I have no substantive evidence before me to demonstrate that levels of light would be materially impacted on beyond the existing situation. In this particular respect, I have therefore not identified conflict with Policy 10 of the CS, Policy GP2 of the NSRLP or Policy 1 of the emerging LP. Nonetheless, for the reasons outlined earlier in this section, the proposal would not retain a suitable level of outlook for occupiers of No 34 and would have a harmful impact on the living conditions of occupiers of this neighbouring dwelling.”*
39. The above reasons for refusal and the grounds for dismissing the appeal need to be addressed. To the east of the site is 34 Boundary Road, a detached dormer bungalow which is at a lower level than the application site. Along the boundary with No. 34, the proposed development would remain offset from the boundary by around 1.2 metres. One of the reasons the previous application was refused was undue overbearing and overshadowing impacts on this neighbouring property. The current proposal has been amended from the previous refusal and the eaves height of the eastern elevation would remain the same as the existing property. However, the proposal would raise the ridge height of the main section of the property to a height of 7.9 metres and introduce a dormer window.
40. The retained eaves height would ensure that no significant additional areas of wall would result on this elevation. The hipped roof would reduce the amount of roof facing no.34 at the rear most part of the side elevation compared to the refused scheme. Although the ridge height would be increased, the proposed roof diminishes in scale with height so that the massing of the roof reduces with the additional height.
41. The objections from the occupier of no.34 have been carefully considered and the proposal viewed from that property and garden. It is acknowledged that the proposal would have a greater impact on amenity compared to the current situation and the proposed scheme has also carefully been considered against the refused scheme. It is considered the current scheme, which does not propose an increase in eaves height, would have a lesser impact on the amenities of no.34 compared to the refused scheme in reducing the massing and visual impact. It is acknowledged that the current proposal then proposes a dormer window and a greater ridge height, and both would have an impact on the amenities of the neighbouring property. However, the reduced scale of the dormer window is noted as is the hipped design of the roof which would slope away from the neighbour and diminish in scale with height.
42. Information and modelling of the proposal on sunlight has also been submitted by both the occupier of the neighbouring property and the architect. Having assessed this, the conclusion is that whilst the proposal would affect sunlight

this would not be at a level that would be so harmful as to warrant a refusal on residential amenity grounds.

43. The conclusion that the proposal is acceptable on the grounds of residential amenity in relation to 34 Boundary Road is very much on balance and that the proposal has overcome the previous reasons for refusal and dismissal on appeal. The proposal would have an impact on the neighbouring property, but this is not now considered to be at the level where a refusal could reasonably be sustained.
44. No. 38 Boundary Road lies to the west of the application property and is at a slightly elevated level. The proposed rear extension would infill the area of existing decking adjacent to the rear of this property and would be set off the boundary by 0.85 metres. The extension would project approximately 2 metres beyond the rear wall of an existing small single storey sunroom extension at the back of No. 38.
45. The scheme has been amended from the previous application so that the eaves height would remain as existing and whilst the roofline has been changed to a pitched roof increasing to a height of 7.9m, this would be sloping away from the side boundary. A dormer window is also proposed in the west elevation facing No. 38. The location of the dormer would face the roof slope of No. 38 and it is not considered that this would create any overlooking or loss of privacy. It is not considered that the extension would have any detrimental impact on the residential amenities of No. 38. In forming this conclusion, the comments from the neighbour have been taken into account but it is not considered there are grounds to refuse in terms of this relationship.
46. Objections have been received regarding the proposed balcony to the rear of the extension. The balcony would be accessed from the rear bedroom and would be flanked to the east and west by the external side of the dormers; this would screen views to the east and west. It is also considered that the views from the balcony would not be significantly different to that from a first floor rear facing window. This relationship is typical from other dwellings in the area.
47. Properties to the north on Ellesmere Road would be separated from the extension and balcony by over 26 metres to the boundary with these properties with further separation to the rear elevations of the neighbouring dwellings. Notwithstanding that these properties sit at a lower land level and to an extent the proposed balcony would afford elevated views towards them, given the separation distances it is considered that there would not be any significant adverse impact on the amenities of these properties. In forming this view the objections have been considered; however, it is also noted that the appeal decision raised no objection to the amenity of neighbouring properties to the north.

Summary

48. Overall on balance, it is considered that the proposed development would be acceptable in terms of its impact on the amenities of neighbouring properties

and would comply with the objectives of Policy 10 of the LPP1 and Policy 1 of the LPP2. It is acknowledged the proposals would increase the impact on neighbouring properties and especially to 34 Boundary Road; however, it is not considered this harm would be such as to warrant a refusal.

49. The site is accessed from Boundary Road to the south and no alterations are proposed to the access. The property has a large front driveway and garage to the front which would be retained. As such, there is adequate parking to the front of the dwelling to serve the enlarged property. Accordingly, the development is not considered to impact on highway safety and complies with the above policies and guidance.
50. In principle the proposed development is considered acceptable. It is also considered that the resultant visual impact and impact on residential amenity would be acceptable. This is very much an on balance assessment, taking into account the comments received and the Planning Inspector's report in dismissing the previous appeal. It is considered the changes incorporated in this application address sufficiently the previous reasons for refusal and the reasons for the dismissed appeal.
51. The application was not the subject of formal pre-application discussions. The scheme as originally submitted was not considered acceptable and discussions with the agent took place to amend the proposal so that a favourable recommendation could be reached. The Council therefore acted positively and proactively in determining the planning application.

RECOMMENDATION

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

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

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

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

S01 Location Plan received 26.02.2020

S02 Rev C Block Plan received 21.10.2020

P210 Rev M Proposed Internal Layout received 15.07.2020

E02 Rev J Proposed Side Elevations received 15.07.2020

E01 Rev J Proposed Front and Rear Elevations received 15.07.2020

P211 Rev G Roof Plan received 15.07.2020

E05-A Site Section received 21.10.2020

[For the avoidance of doubt and to comply with Policy 10 of the Core Strategy and Policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

3. The development shall be carried out in accordance with the materials as specified in the application.

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

4. Notwithstanding the details on the approved plans, the glazing in the side facing dormer windows shall be permanently fitted with glass which has been rendered permanently obscured to Group 5 level of privacy or equivalent. The dormer windows shall also be non-opening below 1.7 metres measured from the height of the internal floor level. Thereafter, the windows shall be retained to this specification.

[To prevent overlooking and loss of privacy to neighbouring properties and to comply with Policy 10 of the Core Strategy and Policy 1 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 as the floor area would exceed 100sqm. 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:

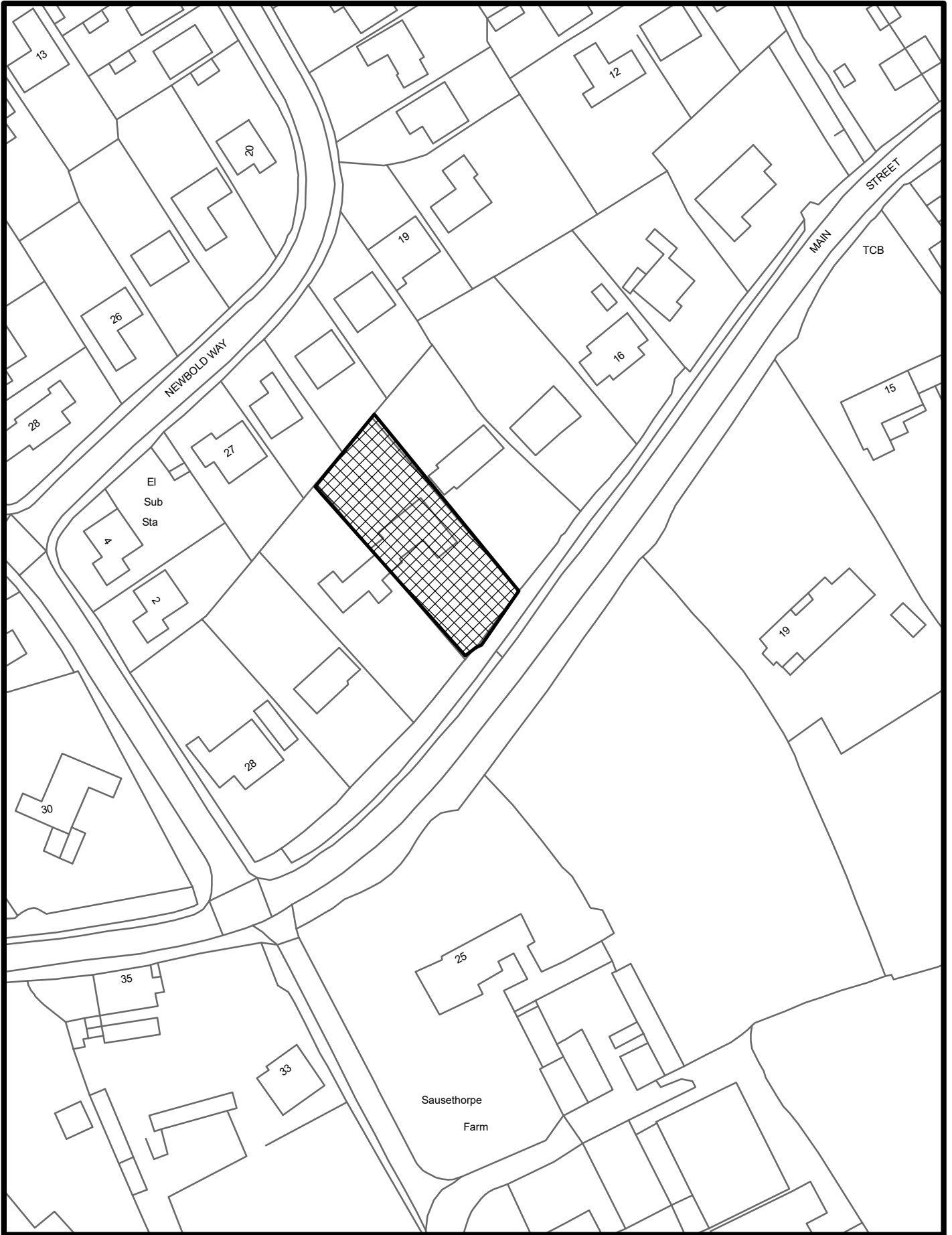
<https://www.rushcliffe.gov.uk/planningandgrowth/cil/>

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 planning permission does not authorise the erection of the outbuilding referred to in the submission. An informal view as to whether this building can be constructed under permitted development rights can be sought through the submission to the Borough Council of a request for advice, alternatively a formal determination can be

sought through an application for a Certificate of Lawful Development.



Application Number: 20/01543/FUL
22 Main Street, Kinoulton



scale 1:1000

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20/01543/FUL

Applicant Mr David Dodge

Location Brook Close 22 Main Street Kinoulton Nottinghamshire NG12 3EA

Proposal Demolition of existing single-storey double garage and the construction of two-storey front extensions, including additional dormer windows. Rear single storey roof alteration from hipped to gable end. Landscaping alterations.
Re-roofing of existing structure to introduce additional insulation, change of colour of existing windows.

Ward Nevile And Langar

THE SITE AND SURROUNDINGS

1. The application relates to a detached dwelling house with accommodation over two storeys. The existing building is an 'L' shape with a pitched roof. The walls have a painted render finish and the roof is covered in pantiles. The main building is orientated north-west: south-east, parallel with Main Street, with a two-storey wing approximately 7m in length orientated at 90° to the main building, extending towards the road on the south-east face of the building. This wing has a lower ridge height than the main dwelling. There is a single storey double garage attached to the building extending further towards Main Street. The gable end of the garage is approximately 13m from Main Street

DETAILS OF THE PROPOSAL

2. The proposal is to replace the existing attached garage with the construction a two storey extension, predominantly over the footprint of the existing double garage, with associated landscaping and new boundary fencing. The garage would be increased in width into the site, not moving the built form nearer to any boundary.
3. The extension would provide a new master bedroom suite with a Juliette balcony orientated south-east to benefit from solar gain. It would also provide a ground floor annex of bedroom, shower room and dayroom to provide respite accommodation for an elderly relative
4. There would be a squaring off of a corner on the existing games room projection at the rear, with alterations to the roof, including changes from a hipped roof to a gable ended roof and the addition of solar PV arrays, and the front porch area would alter slightly.
5. A new vehicular access and driveway is proposed with turning area.

SITE HISTORY

6. 96/00307/FUL - Single storey and two storey extensions, dormer windows, new vehicular access – approved May 1996.

7. 00/00899/FUL - Single storey rear extension – approved August 2000.
8. 03/01230/FUL - Attached double garage to front elevation – approved November 2003.

REPRESENTATIONS

Ward Councillor(s)

9. The Ward Councillor (Cllr Combellack) objects to the proposal, stating; "*With the information to hand I object to this application as I feel it is overbearing on the neighbouring property. There has already been a single story extension to this property which has impacted the neighbouring property. This development would be beyond the perceived building line.*"
10. Cllr Combellack maintained her objection to revised plans.

Town/Parish Council

11. Kinoulton Parish Council object the proposal (and the amended scheme), stating; "*The context for the application is that the neighbouring property is set a substantial distance back from what is currently the single storey garage of 22 Main Street. The proposal to demolish the existing single storey garage and construct a two-storey extension will substantially increase the height, and bulk of the property which is located close to the boundary of 20 Main Street. The proposed two storey extension to the frontage would have a significant adverse effect on the outlook from the front habitable rooms at No. 20 and would appear overbearing when viewed from the garden. The proposal would harm the living conditions of the occupiers of the neighbouring property and as such it would be contrary to Policy 10 of the Rushcliffe Local Plan Part 1 and to National Planning Policy Framework paragraph 127.*"

Statutory and Other Consultees

12. The Nottinghamshire County Council Community Liaison Officer – Heritage (on behalf of the Archaeology Officer) has no comments or recommendations to offer.
13. The Trent Valley Internal Drainage Board comment that the site is outside of the Board's district but within the Board's catchment. There are no Board maintained watercourses in close proximity to the site. Surface water run-off rates to receiving watercourses must not be increased as a result of the development. The design, operation and future maintenance of site drainage systems must be agreed with the Lead Local Flood Authority and Local Planning Authority.

Local Residents and the General Public

14. The neighbour to the rear raised concerns regarding:
 - a. Length of time of building works and nuisance of building noise, radios etc.

- b. Compromise of privacy by possible removal of hedge.
 - c. Eyesore created by replacement of fence.
15. The neighbour at 20 Main Street objects to the application and raises concerns regarding:
- a. Loss of light.
 - b. Overbear, dominate and overshadowing of house and 2/3 of garden as well.
 - c. Window overlooking property affecting privacy in the house and in the garden.
 - d. Site is to be completely over developed.
 - e. Appearance of the property is also not in keeping with the other houses on this row.
 - f. New plans have included 3 windows on the near side to neighbouring property not one as originally applied for.
 - g. Plans for uplighters would also destroy the night sky.

PLANNING POLICY

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

Relevant National Planning Policies and Guidance

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

permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. However, where the design of a proposed development accords with clear expectations of plan policies, design should not be used by decision makers as a valid reason to object to the development.

Relevant Local Planning Policies and Guidance

19. Policy 1 of the Rushcliffe Local Plan Part 1: Core Strategy reinforces the positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. Policy 10 of the Core Strategy states, *inter alia*, that all new development should be designed to make a positive contribution to the public realm and sense of place and reinforce valued local characteristics. Of particular relevance to this application are 2(b) whereby the proposal should be assessed in terms of its impacts on neighbouring amenity; 2(f) in terms of its massing, scale and proportion; and 2(g) in terms of assessing the proposed materials, architectural style and detailing
20. In setting out the development requirements for the Borough, policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies broadly echoes policy 10 of the Core Strategy. Specifically, it states that planning permission will be granted for extensions provided that there is no significant adverse effect upon the amenity of adjoining properties or the surrounding area; and the scale, density, height, massing, design, layout and materials of the proposal are sympathetic to the character and appearance of the neighbouring buildings and the surrounding area. Extensions should not lead to an over intensive form of development, be overbearing in relation to neighbouring properties, nor lead to undue overshadowing or loss of privacy.
21. Consideration should also be given to the supplementary guidance provided in the Rushcliffe Residential Development Guide which suggests that the style and design of any extension should respect that of the original dwelling and should not dominate over it. The Guide also requires that extensions should be designed so that they are not readily perceived as merely 'add-ons' to the original building and therefore scale, proportion, and roof form are very important.

APPRAISAL

22. The main considerations in the determination of the application are design, scale and appearance of the proposals and the impact the proposed first floor extension to the garage would have on the amenities of 20 Main Street to the east and to the street scene itself.
23. 20 Main Street is a large bungalow with accommodation in the roof. It appears to have been extended in the past by way of a single storey side extension. Although no record can be found of a planning application for an extension, the brick colour is different to the main dwelling and the roof form of the bungalow now appears uneven, aerial photography shows a difference in tile colour. There are windows on the front elevation both at ground floor and on the first floor in the gable serving the roof accommodation.

24. No. 20 has a regular footprint being a straightforward rectangular shape, on the other hand no. 22 has a varied footprint with projections at the front and the rear. This leads to an uneven frontage to the dwellings with the side elevation of no. 22 projecting past the front elevation of no. 20 by circa 14m, set off the boundary by circa 1m. Currently dominance over no. 20 is alleviated somewhat by the low eaves height of the garage section of no. 22, being at the same height as the established boundary hedge, and the fairly shallow roof pitch. There is an existing element projecting forward of the dwelling, including the attached garage. The roof over the garage reduces in height by circa 1.8m.
25. The proposal would see the lower portion of roof over the garage increased in height to match the higher section of the forward projection. The front gable would be cropped and the angle of the roof slope would be at a 45 degree pitch, which would be in keeping with the rooflines of surrounding dwellings along Main Street. This is a lower pitch than the existing roof which, along with the removal of the existing dormer window which overlooks 20 Main Street, would lessen the impact of the building on its neighbour. It is not proposed to raise the ridge line above that of the existing two storey front projection, which itself is lower in height than the main ridgeline. The dwelling itself has a lower ridge height than the properties on either side.
26. Negotiations have taken place during the consideration of the application in order to achieve a scheme that would limit the impact on no. 20 as much as possible. The scheme now under consideration would still increase a section of the garage in height but this section is on the end of the forward projection, furthest away from the front elevation of no. 20 and unlikely to have any excessive or unacceptable additional impact over and above that already experienced by the neighbouring property in terms of over-shadowing. Over-looking would be reduced by the loss of an existing dormer window, which looks directly into the front garden of no. 20, and roof lights in the new roof are shown to be minimum of 1.7m above internal floor level, therefore avoiding unacceptable overlooking. On balance it is considered that the residential amenities of no.20 would not be unacceptably impacted by the front extension to such a degree as to warrant a refusal of planning permission.
27. New dormer windows on the side roof slope of the garage would face into the site, towards no. 24 to the west and would be circa 12m from the boundary, looking towards the front garden and not directly towards the dwelling itself. It is not considered that any over-looking towards no.24 would be unacceptably greater than from the dormers on the front of the existing dwelling.
28. The amendments made to the proposal at the front of the dwelling to alleviate the impact on No. 20 also help alleviate the impact on the street scene and area in general. The original submission has been reduced in size, lessening the impact on the street scene and creating a far less imposing frontage. On balance it is considered that the proposal would not be detrimental to the area in general and would not be overly dominant. There would be no direct over-looking towards other properties from the Juliet balcony on the front gable of the garage.

29. The proposed extension would be rendered to match the existing dwelling. Roof tiles would be dark grey flat profile tiles and roof tiles on the existing dwelling would be replaced with the same tile. Window frames would be re-coloured, complimenting the grey tiles.
30. At the rear of the property a games room extension with a cut-off corner design would be 'squared off' and the roof altered from a hip to a gable. New glazing and bi-fold doors would be fitted, and roof lights installed that would be a minimum of circa 2.6m from internal floor level. These alterations would all be on the ground floor and it is not considered that they would have negative impacts on nearby dwellings in terms of over-looking or loss of privacy. It is also proposed to install solar PV arrays on the roof of this element.
31. The plans as originally submitted showed the garage doors in the elevation of the extension facing Main Street with the construction of a new access. However, revised plans were submitted during the consideration of the application showing the garage doors located to the side elevation of the extension, similar to the existing situation, and written confirmation has been received from the applicant's agent that the current access arrangements will remain unchanged. As such, there are no changes to the established access arrangements and highway safety and parking would not be compromised.
32. All the concerns of the Ward Councillor, Parish Council and neighbours have been carefully considered and the applicant has reacted to these and has amended the plans to address these concerns. It is considered that, on balance, the amended scheme achieves an acceptable compromise that gives the applicant the additional living space they require, and whilst there will be some impacts on the neighbour and the street scene it is not considered that these would be severe enough to warrant a refusal of planning permission.
33. Amendments have been made to the proposal during the consideration of the application to address adverse impacts identified by officers thereby resulting in a more acceptable scheme and 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 plan(s):

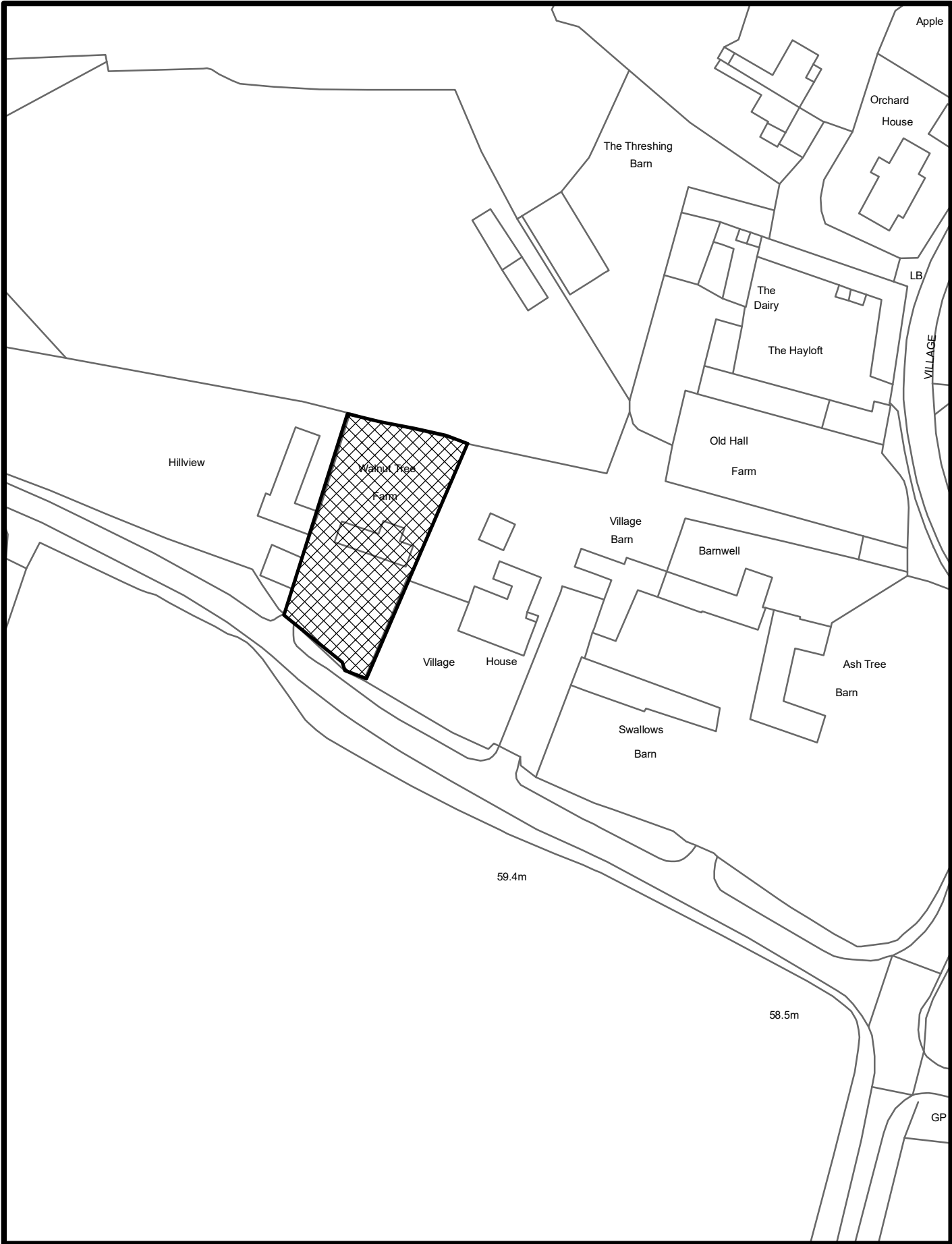
P20-0533_001 01B Proposed ground floor plan
P20-0533_001 02B Proposed first floor plan
P20-0533_002 01B Proposed elevations

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

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

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

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Application Number: 20/02164/FUL
Walnut Tree Farm, Owthorpe



scale 1:1000

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20/02164/FUL

Applicant Ms Margaret Kenney

Location Walnut Tree Farm Cotgrave Road Owthorpe Nottinghamshire NG12 3GE

Proposal Erection of single storey rear extension

Ward Nevile And Langar

THE SITE AND SURROUNDINGS

1. The application relates to predominately a two storey detached dwelling of traditional construction being red brick with a clay pantile roof. At the rear a 'courtyard' is formed with the original dwelling on one side and a range of extensions and outbuildings along two other sides. The property is located in an area of a few detached dwellings on the edge of Owthorpe.
2. The dwelling is located in the Nottinghamshire Green Belt.

DETAILS OF THE PROPOSAL

3. The proposal is for a single storey rear extension. It would project into a 'courtyard' at the rear of the property surrounded on three sides by the dwelling and outbuildings Facing materials would match those of the existing dwelling and the roof would be a flat roof with a central lantern.

SITE HISTORY

4. 99/00042/FUL First floor extensions, chimney, outbuildings, garage and Stables – approved and implemented
5. 20/01447/FUL Erection of a single storey rear extension – this application was identical to the application currently under consideration. The local Ward Member did not comment on this application and it was refused as it was not considered that there were 'very special circumstances' in the case which would outweigh the identified harm to the Green Belt. The applicant has appealed this decision and the outcome of the appeal is awaited. Therefore, ultimately the outcome of the appeal may be the deciding factor for the proposed scheme.

REPRESENTATIONS

Ward Councillor(s)

6. The Ward Councillor (Cllr Combellack) does not object and commented; *“The current property comprises the development of a small cottage and outbuildings combining to form the existing dwelling. Any new build was by way of infill therefore the overall footprint has only slightly increased. The proposal is for a gardenroom/conservatory in the corner of the courtyard to provide a*

secure seating area for the occupants' mother who has dementia, to allow her views of the outside without coming to harm. The extension would not be visible from the public realm as is enclosed on 3 sides of the courtyard by existing structures. Therefore, it does not present intrusive development in open countryside and I do not object."

PLANNING POLICY

7. The development falls to be determined in accordance with the Development Plan for Rushcliffe, which comprises the Local Plan Part 1 - Core Strategy and Local Plan Part 2 – Land and Planning Policies. Other material planning considerations include Government guidance in the National Planning Policy Framework and Planning Practice Guide.

Relevant National Planning Policies and Guidance

8. The National Planning Policy Framework (2019) carries a presumption in favour of sustainable development. Paragraph 11 states that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. Paragraph 127 states that Local Planning Authorities should seek developments which are visually attractive as a result of good architecture and add to the overall quality of the area, not just for the short term but over the lifetime of the development.
9. Of particular relevance to the consideration of this application is Chapter 13 – Protecting Green Belt land. Paragraph 143 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
10. Paragraph 144 states that when considering any planning application, local planning authorities should ensure that 'substantial weight' is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
11. Paragraph 145 states that the construction of new buildings in the Green Belt is inappropriate. Paragraph 145 includes a closed list of the types of development which are exceptions to inappropriate development and includes; the extension or alteration of a building, provided that it does not result in disproportionate additions over and above the size of the original building.

Relevant Local Planning Policies and Guidance

12. Under the Local Plan Core Strategy Policy 1, a positive and proactive approach to planning decision making should be taken that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.
13. The Local Plan Core Strategy Policy 10 (Design and Enhancing Local Identity) states that development should make a positive contribution to the public realm and sense of place, and should have regard to the local context and reinforce local characteristics. Development should be assessed in terms of the criteria listed under section 2 of Policy 10 and of particular relevance to this application are 2(b) whereby the proposal should be assessed in terms of its impacts on

neighbouring amenity; 2(f) in terms of its massing, scale and proportion; and 2(g) in terms of assessing the proposed materials, architectural style and detailing.

14. Core Strategy Policy 4 (Nottingham-Derby Green Belt) states that the principle of the Nottingham Derby Green Belt within Rushcliffe will be retained and it will only be altered where it is demonstrated that exceptional circumstances exist.
15. Local Plan Part 2 Policy 1 (Sustainable Development) states that permission for new development will be granted provided that, where relevant, certain criteria apply. These include that 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 and the scale, density, height, massing, design, layout and materials of the proposal are sympathetic to the character and appearance of the neighbouring buildings and the surrounding area. 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.
16. Local Plan Part 2 Policy 21 (Green Belt) states that the boundaries of the Green Belt in Rushcliffe are as defined on the Policies Map – the proposed development falls within these boundaries, therefore applications for development in the Green Belt will be determined in accordance with the National Planning Policy Framework, particularly paragraphs 143, 144 and 145 which cover Green Belt issues.

APPRAISAL

17. The proposed extension would be located to the rear of the dwelling, within the courtyard area and would not, therefore, be visible from the public realm. It would project into a 'courtyard' at the rear of the property surrounded on three sides by the dwelling and additions. The nearest dwelling would be at least 12m away to the west where the boundary consists of an approximately 2.5m high established, substantial shrub hedge.
18. Given the size of the proposed extension and its position on the dwelling it is not considered that there would be any undue impact on the residential amenities of nearby dwellings in terms of over-looking or over-shadowing. There would be no impact on the street scene or the area in general.
19. Facing materials would match those of the existing dwelling and the roof would be a flat roof with a central lantern. The design of the extension is considered acceptable and, therefore, compliant with Policy 1 of the Local Plan Part 2.
20. Whilst the proposal is considered to be acceptable from an amenity point of view, the location of the site within the Green Belt is an important factor and raises fundamental policy issues.
21. Whilst the proposal involves an extension to an existing dwelling, for the purpose of applying Green Belt policy, the extension must be treated as a new building. In accordance with paragraph 145 of the NPPF, the construction of new buildings in the Green Belt is inappropriate, the exceptions to this include; the extension or alteration of a building, provided that it does not result in disproportionate additions over and above the size of the original building. The

proposal should therefore be assessed as to whether the current application, in conjunction with previous extensions lead to disproportionate additions over and above the original dwelling.

22. In the Glossary to the NPPF, 'original building' is defined as a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally. In the case of the property, the subject of the current application, the dwelling has a history of extensions and outbuilding development which postdates 1 July 1948. A previous approval for outbuildings and garages and extensions to the dwelling increased the foot print of the dwelling by circa 121 sqm, the previous cottage having a footprint of circa 85sqm. This increase in itself is significantly greater than the threshold of 50%-60% normally accepted by the Council.
23. In terms of scale, the proposed extension would increase the size of the original dwelling by a further footprint of c.26 sqm. Taking into account the previous extensions and alterations, the overall increase to the dwelling, as a result of the current proposal, would be a footprint increase of c.147 sqm, a circa 170% increase over and above the 'original' building.
24. Whilst it is acknowledged that the extensions would not be visible from the public realm and would not be overly dominant in relation to the property as it exists today, it is an established principle that when a proposal involves development which is inappropriate and harmful by definition, it is irrelevant how conspicuous or inconspicuous the development would be.
25. Overall it is considered that a total footprint increase of 170% would result in disproportionate additions over and above the size of the original building. Moreover, the resulting overall increase of built development on the site would result in harm to openness, which is an essential characteristic of the Green Belt.
26. Paragraph 143 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 of the NPPF requires that this harm is given 'substantial' weight in the determination of the application, and permission should only be granted if the very special circumstances are sufficient to outweigh this harm. The applicant states in this case that the very special circumstances are the need to provide suitable accommodation for a dependent relative and the existing dwelling has varying internal floor levels not suitable for easy access.
27. The dwelling has a large foot print when the existing attached out buildings are taken into account. These out buildings are to be converted into a bedroom suite with an ensuite bathroom and a sitting area as well as other habitable accommodation becoming part of the residential dwelling and are shown on the application plans but do not require planning permission. The applicant states that it would not be possible to create level access in the existing accommodation, however it is questioned whether such extensive internal alterations cannot include the additional accommodation required by the applicant without the need for a new extension. Furthermore, even if level access could not be provided within the existing building, it is questionable whether such a large addition is necessary to overcome this issue.

28. In this instance, it is not considered that the “very special circumstances” forwarded by the applicant are sufficient to clearly outweigh the harm to the Green Belt, by reason of inappropriateness, which is harmful by definition, and any other harm.
29. The proposal was not subject to pre-application advice. There is a fundamental policy objection to the proposal which it is considered cannot be overcome through negotiations. Whilst additional information has been submitted seeking to address officer’s concerns, it is not considered that this outweighs the fundamental policy objection.

RECOMMENDATION

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

1. The extension proposed, in combination with previous additions to the dwelling, is considered to comprise disproportionate additions over and above the size of the original building. As such, 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. The development is contrary to Policy 21 of the Local Plan Part 2: Land and Planning Policies, and section 13 of the NPPF.

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