

22/00854/FUL

Applicant Mr Daniel Asher

Location Land To The Corner Of Ashley Road And Church Drive, Keyworth
Nottingham Nottinghamshire NG12 5FJ

Proposal Erection of single storey dwelling including associated landscaping,
parking and access works

Ward Keyworth And Wolds

Full details of the application can be found [here](#).

THE SITE AND SURROUNDINGS

1. The application site is located on the corner of Ashley Road and Church Drive, comprising part of the garden to the south side of 46 Ashley Road. The highway boundaries currently comprise a c. 2 metre high hedge with a mature tree on the Church Drive frontage. The host property comprises a two storey semi- detached dwelling faced in brick with a render frontage and a brick garage to the side.

DETAILS OF THE PROPOSAL

2. The application seeks planning permission for the erection of a 1 bed single storey detached dwelling with a new access off Church Drive. One off- road parking space is proposed. The dwelling would be faced in red brick with a tiled pitched roof. The dwelling would be sited on land to the south of No. 46 which currently comprises part of the curtilage of this property. No. 46 would retain a c. 85 sqm rear garden. The existing front and side boundary hedge is shown to be retained.
3. The plans have been amended during the course of the application comprising the addition of a canopy to the entrance, the addition of window headers and cills, changes to the proportions of the kitchen window in the east elevation and the addition of a glazed apex above the patio doors in the east elevation.

SITE HISTORY

4. 21/01216/FUL- Erect two storey dwelling (infill scheme). Application refused.
5. 21/03032/FUL- Erection of 2 storey dwelling with parking and associated works. Application refused.

REPRESENTATIONS

Ward Councillor(s)

6. One Ward Councillor (Cllr Edyvean) objects to the application commenting that he fails to see how this further application addresses the previous refusal reasons, particularly that such a development is out of character with the

existing surroundings and the lack of amenity space to the proposed dwelling and a loss of amenity space to the adjacent dwelling.

Town/Parish Council

7. Keyworth Parish Council object, commenting that whilst they welcome the improved plans, they still consider it to be over-intensive for the plot. The proposal would be classed as garden grabbing which goes against Parish Council planning policy. The Parish Council do not believe the development would be consistent with the building line of either road.

Statutory and Other Consultees

Nottinghamshire County Council

8. As Highways Authority refer to standing advice.

Local Residents and the General Public

9. Objections have been received from 6 neighbours/ members of public with the comments summarised as follows:
 - a. insufficient parking.
 - b. proximity of access to a busy junction.
 - c. no provision for a second car/ visitor parking.
 - d. projection forward of building lines on both roads.
 - e. loss of on- street parking due to new access.
 - f. impact of increased on- street parking on traffic flows, congestion.
 - g. footprint too large for the plot.
 - h. would result in 'garden grabbing'.
 - i. loss of mature trees to the corner of the site.
 - j. no details of retained hedge height.
 - k. Part of the hedge forms the boundary to 5 Church Drive and it is the responsibility of this neighbour, permission to remove or alter it would be refused.
 - l. assurance sought that the frontage hedgerow would not be removed in future.
 - m. single infill developments not required given the large new- build developments in progress.
 - n. loss of amenity to No. 46, the plot would not provide space for a suitability sized dwelling and adequate outside space.
 - o. proximity to existing dwellings, particularly 5 Church Drive which has four windows on the eastern elevation.

PLANNING POLICY

10. The Development Plan for Rushcliffe consists of The Rushcliffe Local Plan Part 1: Core Strategy LLP1 and the Local Plan Part 2: Land and Planning Policies (LPP2). Other material considerations include the National Planning Policy Framework (NPPF) (2019), the National Planning Practice Guidance (the Guidance), the adopted Keyworth Neighbourhood Plan and the Rushcliffe Residential Design Guide (2009).

Relevant National Planning Policies and Guidance

11. The relevant policies from the NPPF are:
- Chapter 2 (Achieving sustainable development).
 - Chapter 4 (Decision-making).
 - Chapter 12 (Achieving well- designed places).
 - Chapter 14 (Meeting the challenge of climate change, flooding and coastal change).

Full text of the above can be found [here](#).

Relevant Local Planning Policies and Guidance

12. The relevant policies from the LPP1 are:
- Policy 1 (Presumption in Favour of Sustainable Development).
 - Policy 2 (Climate Change).
 - Policy 3 (Spatial Strategy).
 - Policy 10 Design and Enhancing Local Identity.

Full text of the above Policies can be found [here](#).

13. The relevant policies from the LPP2 are:
- Policy 1 (Development Requirements).
 - Policy 11 (Housing Development on Unallocated Sites within Settlements).

Full text of the above Policies can be found [here](#).

14. The Keyworth Neighbourhood Plan (referred to herein as KNP) has been adopted. 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. The following policies are of relevance to the application:
- H1- Housing Strategy.
 - TA3- Parking Standards.

The Keyworth Neighbourhood Plan can be viewed [here](#).

APPRAISAL

15. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.
16. The main material planning considerations in the determination of this planning application are:
- a. Principle of Development.

- b. Design/ character and appearance of the street scene.
- c. Residential Amenity.
- d. Amenity of Future occupiers.
- e. Highways and parking.
- f. Other.

Principle of Development:

17. 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.
18. In terms of the principle of development, the site falls within the built- up area of Keyworth, identified as a Key Settlement for growth, and therefore a residential development in this location be in accordance with LPP1 Policy 3 (Spatial Strategy). As such the principle of development is considered acceptable subject to detailed considerations.

Design/ character and appearance of the street scene:

19. Planning permission was previously refused for the erection of a part two storey dwelling and part single storey dwelling under planning reference 21/03032/FUL. The application was refused on the basis that the design, layout, scale and massing was considered to fail to respect the character of the site and surrounding area, appearing as a cramped and over-intensive development.
20. The current application seeks planning permission for a single storey dwelling on the same footprint as the previous application. The dwelling would be modest in height measuring 2.35 metres to the eaves and 3.5 metres to the ridge. The dwelling would project c. 1.2 metres forward of 46 Ashley Road, with a frontage broadly in line with the neighbour at 5 Church Drive. Accordingly, it would not project significantly forward of the general building line of either road. The dwelling would be set back 6 metres from Ashley Road, maintaining a degree of openness on the corner of the Ashley Road-Church Drive junction.
21. The existing boundary hedgerow treatment is to be retained except for where the new access off Church Drive is to be formed. The hedge would act to soften the appearance of the dwelling in the street scene. Due to the set-back of the proposed dwelling and the retention of the hedge, the green character

of the corner of the site abutting the junction would be retained. Should planning permission be granted, it is proposed that the retention of the hedge shall be secured by way of a condition.

22. In terms of design, it was considered that the previous application did not relate well to either highway frontage due to the proportions and positioning of windows and the lack of a clear legible main entrance. Discussions took place with the applicant during the course of the current applicant and amendments were made to the design of the dwelling to improve its relationship with the street scene. These amendments included the addition of a canopy to define the main entrance. Window header and cill brick detailing is proposed to improve the appearance of the window openings, along with the addition of a glazed apex over the glazed doors on the Ashley Road frontage, and changes to the proportions of the kitchen window on the Ashley Road frontage to better match the dimensions of the other windows.
23. It is considered that the amendments have address the previous design concerns and it is not considered that the dwelling would result in harm to the character of the street scene.

Impact upon residential amenity:

24. The proposed dwelling would have a broadly 'L' shaped footprint with the rear- projecting section set back 3.8 metres from the side boundary with No. 46, and the side- projecting element extending up to the boundary with this neighbour. The side- projecting part of the dwelling would abut the garage adjoining No. 46 which forms a blank side wall on the boundary. The rear- projecting element would extend 2.3 metres beyond the rear of No. 46. Given the set- back of the rear- projecting part of the dwelling from the boundary with No. 46 and its fairly modest height, it is not considered that there would be an undue overbearing or overshadowing impact on this neighbour.
25. The proposed dwelling would be set back 3.8 metres from the boundary with the neighbour at 5 Church Drive. This neighbour has ground floor windows and a clear- glazed first floor window that faces the application site. There would be no windows in the end gable facing this neighbour and it is not therefore considered that there would be a loss of neighbouring privacy. Given the modest single-storey height of the revised scheme and the separation distance, it is not considered that there would be an undue overbearing or overshadowing impact on this neighbour.

Amenity of future occupiers:

26. The Rushcliffe Residential Design Guide sets out guidelines for rear garden sizes, whereby a detached dwelling should be served by a garden of 110 sqm in area or 55sqm for a 1-2 bed dwelling. Where this is not achievable, justification should be provided as to why a smaller garden is acceptable. The revised scheme proposes a smaller 1 bed dwelling and therefore the lower guideline garden size applies. The scheme achieves a 42 sqm rear garden, there is also a large garden area on the Ashley Road frontage that would remain private due to the retention of the hedge. The two garden areas combined would exceed the minimum garden standards for the proposed dwelling.

27. The existing property at No. 46 would retain 84.7 sqm of rear garden space. This would fall short of the guideline minimum garden size of 90sqm for a semi-detached property but not significantly so. Nevertheless the plot has been subdivided already, and the property at 46 Ashley Road now falls within separate ownership from the application site. As such the plot size for 46 Ashley Road now represents an existing situation.

Highways and Parking:

28. In terms of matters of access and parking, policy TA3 of the KNP states that proposals for schemes of 10 or less dwellings should demonstrate an appropriate level of parking based on consideration of accessibility and location, the type of development, the availability of public transport, the likely peak time number of visitors and local employees and local car ownership levels.
29. Policy H1 of the KNP 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".
30. The application would comply with part 4.1 of the NCC Highway Design Guide which states that 1 or more spaces should be provided for a 1 bed dwelling. The site is located close to shops/ services and public transport and therefore the level of parking provision is considered sufficient. The proposal is therefore considered to comply with Policies TA3 and H1 of the KNP.

Other:

31. The LPP2 sets out in policy 12 that all new dwellings should meet the higher 'Optional Technical Housing Standard' for water consumption as Rushcliffe being an area that has been identified as having moderate 'water stress' (i.e. scarcity). It would therefore seem reasonable to condition the dwellings meet this standard, which will require any developers to notify building control who will in turn ensure the building meets the higher standards as part of their process. A note to applicant regarding this process would seem reasonable.
32. It is also considered prudent to secure the provision of electric vehicle charging points to the site car park to comply with the aims of Policy 41 – Air Quality of the LPP2 and part 11 of policy 1 (Development Requirements) of the LPP2. The Borough has identified that local air quality issues are largely caused by 'tail pipe' emissions from vehicles, and as such the support and encouragement for electric vehicle usage would provide the infrastructure for future users to adopt more sustainable transport modes.
33. The site lies within flood zone 1 and is therefore at the lowest risk of flooding. With regards to surface water, mapping suggests no surface water flooding issues on or close to the site. Surface water is proposed to be dealt with by discharge to a nearby watercourse (as identified within the application form). No evidence has been submitted to either demonstrate this or show that surface water cannot be dealt with otherwise in accordance with the sustainable drainage hierarchy as required by policy 18 of the LPP2. As such it is considered that notwithstanding the assertion in the application form, a condition be imposed requiring a surface water drainage strategy and

assessment be submitted to show consideration for the drainage hierarchy and advocate a SUDS first approach.

34. The development is not considered to raise any concerns in relation to the conservation status of any protected species given the site parameters. Nevertheless a condition requiring the integration of biodiversity enhancements is considered prudent in the interests of ecology, and in accordance with policy 38 of the LPP2.

Conclusions:

35. The revised scheme would be a modest single storey dwelling that would not harm the character of the street scene due to its siting, design and the retained boundary hedgerow planting. For the reasons set out above it is considered that the proposal accords with the general national and local planning policies considered above and accordingly it is recommended that Planning Permission is granted.
36. Negotiations have taken place during the consideration of the application to address concerns identified by officers. Amendments have been made to the proposal, addressing the concerns, thereby resulting in a more acceptable scheme and the recommendation to grant planning permission.

RECOMMENDATION

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

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 0260-1-01-00 (Location and Block Plan), received on 4 May 2022; 0260-3-08-00 Rev C (Site Plan), and 0260-3-11-00 Rev F (GA Floor Plans), received on 27 June 2022; and 0260-3-21-00 (GA Elevations), received on 8 July 2022.

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

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

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

4. The dwelling hereby permitted shall not be occupied until the driveway parking space has been provided in accordance with drawing 0260-3-08-00 Rev C (Site Plan) and fronted with a suitably constructed dropped kerb access in accordance with Highway Authority specifications. The driveway shall be surfaced in a bound material with provision to prevent the unregulated discharge of surface water onto 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].

5. With the exception of the section of hedge to be removed to for the new vehicular access, the boundary hedge on the Ashley Road and Church Drive frontages shall be retained in accordance with drawing 0260-3-08-00 Rev C (Site Plan) for the lifetime of the development. Any part of the retained hedge dying, being severely damaged, becoming seriously diseased, or otherwise removed, shall be replaced with hedge plants of such size and species, details of which shall be submitted to and approved in writing by the Borough Council, within one year of the date of any such loss being brought to the attention of 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].

6. Prior to the development progressing beyond damp proof course level, details of ecological enhancements shall be submitted to and approved in writing by the Local Planning Authority. 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 Rushcliffe Local Plan Part 1: Core Strategy].

7. Notwithstanding the details contained in the application form, the development shall not progress beyond damp proof course level until a surface water drainage scheme showing compliance with the drainage hierarchy has been submitted to and approved in writing by the Borough Council. The development shall only be carried out in accordance with the approved surface water drainage scheme, which shall thereafter be maintained throughout the life of the development.

[This is pre-commencement to ensure the proper drainage of the site and to accord with the aims of Policy 2 (Climate Change) of the Local Plan Part 1 Rushcliffe Core Strategy, and Policy 18 (Surface Water Management) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

8. 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].

9. The development hereby permitted shall not proceed above foundation level until a scheme for the provision of an electric vehicle charging point has been submitted to and approved by the Borough Council. The scheme shall provide details of the provision of electric vehicle charging point to serve the dwelling. Thereafter, unless it has been demonstrated that the provision of an electric vehicle charging point 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].

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

[The development is of a nature whereby future development of this type should be closely controlled and to comply with Policy 1 (Development Requirements) of the Local Plan Part 2: Land and Planning Policies].

11. Notwithstanding the provisions of Schedule 2, Part 1 Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) no sheds, buildings or structures shall be erected on the site without the prior written approval of the Borough Council.

[The development is of a nature whereby future development of this type should be closely controlled and to comply with Policy 1 (Development Requirements) 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 is CIL chargeable. Full details of the amount payable, the process and timescales for payment, and any potential exemptions/relief that may be applicable will be set out in a Liability Notice to be issued following this decision. Further information about CIL can be found on the Borough Council's website at <https://www.rushcliffe.gov.uk/planningandgrowth/cil/>.

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.

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 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.

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

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

- A demonstrated biodiversity net gain should be provided where possible as recommended by CIRIA (2019) Biodiversity Net Gain - Principles and Guidance for UK construction and developments, with the means to implement in the long term, supported by a simple Landscape and Ecological Management Plan (LEMP) and agreed by the local planning authority.
- An ecological construction method statement incorporating reasonable avoidance measures (RAMs), should be agreed and implemented including the good practice points below.
- The use of external lighting (during construction and post construction) should be appropriate to avoid adverse impacts on bat populations, see <https://www.bats.org.uk/news/2018/09/new-guidance-on-bats-and-lighting> 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 cups and sparrow terrace / boxes) should be installed within / on buildings.
- 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*)).

- 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.
 - Measures to ensure that the roof liners of any building do not pose a risk to roosting bats in the future should be taken.
 - 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, soil or rubble 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 climate change impacts, energy efficiency, alternative energy generation, water efficiency, travel sustainability (including electric vehicle and cycle charging points and cycle storage), management of waste during and post construction and the use of recycled materials and sustainable building methods.

- Condition 9 requires the new dwellings to meet the higher 'Optional Technical Housing Standard' for water consumption of no more than 110 litres per person per day. The developer must inform their chosen Building Control Body of this requirement as a condition of their planning permission.