

When telephoning, please ask for: Martin Elliott
Direct dial 0115 914 8511
Email constitutionalservices@rushcliffe.gov.uk

Our reference:
Your reference:
Date: Wednesday, 4 July 2018



To all Members of the Planning Committee

Dear Councillor

A Meeting of the Planning Committee will be held on Thursday, 12 July 2018 at 6.30 pm in the Council Chamber, Rushcliffe Arena, Rugby Road, West Bridgford to consider the following items of business.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Julian Crowle'.

Julian Crowle
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 14 June 2018 (Pages 1 - 10)
4. Planning Applications (Pages 11 - 58)
The report of the Executive Manager - Communities.
5. East Leake No.1 Tree Preservation Order 2018 (Pages 59 - 66)
The report of the Executive Manager – Communities.

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

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

By telephone
Monday to Friday
8.30am - 5pm

Telephone:
0115 981 9911

Email:
customerservices@rushcliffe.gov.uk

www.rushcliffe.gov.uk

Postal address
Rushcliffe Borough
Council
Rushcliffe Arena
Rugby Road
West Bridgford
Nottingham
NG2 7YG



Membership

Chairman: Councillor R Butler

Vice-Chairman: Councillor J Stockwood

Councillors: B Buschman, N Clarke, M Edwards, J Greenwood, R Jones,
Mrs M Males, S Mallender, Mrs J Smith and J Thurman

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, 14 JUNE 2018

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

PRESENT:

Councillors R Butler (Chairman), J Stockwood (Vice-Chairman), B Buschman, M Edwards, S Hull, S Matthews (substitute for J Greenwood), Mrs M Males, S Mallender, A Phillips (substitute for N Clarke), Mrs J Smith and J Thurman

OFFICERS IN ATTENDANCE:

A Pegram	Service Manager - Communities
E Dodd	Principal Area Planning Officer
I Norman	Legal Services Manager
T Coop	Constitutional Services Officer
L Webb	Constitutional Services Officer

APOLOGIES:

Councillors N Clarke and J Greenwood

1 Declarations of Interest

18/00301/FUL – 40 Alford Road, West Bridgford, Nottinghamshire, NG2 7GJ – Councillor Buschman declared a non-pecuniary interest as he personally knew the applicant.

18/00748/FUL – 72 Boxley Drive, West Bridgford, Nottinghamshire, NG2 7GL – Councillor Edwards declared a non-pecuniary interest as he personally knew the applicant.

2 Minutes of the Meeting held on 17 May 2018

The minutes of the meeting held on 17 May 2018 were approved as a correct record and signed by the Chairman.

3 Planning Applications

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

The Chairman, Councillor Richard Butler, as Ward Councillor for Cotgrave withdrew from the committee for the consideration of this item. The Vice-Chairman, Councillor John Stockwood then took the Chair.

Item 1 – 18/00823/FUL – Demolition of existing garage and construction of new dwelling with associated parking, landscaping and boundary treatment – 27 Flaxendale, Cotgrave, Nottinghamshire, NG12 3NR.

Updates

There were no updates reported.

In accordance with the Council's Public Speaking Protocol for Planning Committee Mr Mark Abrams, (objector), addressed the meeting.

DECISION

REFUSE PLANNING PERMISSION FOR THE FOLLOWING REASONS

1. The proposed two storey dwelling to the side garden area of 27 Flaxendale would result in a cramped, over intensive form of development which would be harmful to the character, layout and appearance of the surrounding area. The proposal would therefore be contrary to policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy; Policies GP2 and HOU2 of the Rushcliffe Borough Non-Statutory Replacement Local Plan and guidance contained within the National Planning Policy Framework.
2. The proposed two storey dwelling would appear overbearing and intrusive, and result in unacceptable levels of overlooking which would be harmful to the living conditions of 26 and 28 Flaxendale. Furthermore the proposed development would not provide adequate outdoor amenity space for occupiers of the proposed dwelling or the existing dwelling 27 Flaxendale. The proposal would therefore be contrary to Policies GP2 and HOU2 of the Rushcliffe Borough Non-Statutory Replacement Local Plan and guidance contained within the Rushcliffe Residential Design Guide and National Planning Policy Framework.

Councillor Butler re-joined the committee at this point and re-took the Chair from Councillor John Stockwood.

Item 2 – 18/00769/COU – Change of use to a social club – Citrus House, rear of 3 to 5 Radcliffe Road, West Bridgford, Nottinghamshire.

Updates

There were no updates reported.

In accordance with the Council's Public Speaking Protocol for Planning Committee Mr Christopher Mould, (the applicant) and Mr Danish Manish , (objector) addressed the meeting.

DECISION

GRANT PLANNING PERMISSION FOR CHANGE OF USE FOR THE REASONS SET OUT IN THE REPORT SUBJECT TO THE FOLLOWING

CONDITIONS.

1. This permission authorises the use of the premises as a social club for a limited period expiring on 30 June 2019, on or before which the use of the premises as a social club shall cease, unless a further planning permission has been granted for the use to continue.

[To enable the Borough Council to monitor the use of the premises and determine whether permission on a permanent basis would be appropriate, in the interests of the amenities of nearby residential properties and to comply with Policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan]

2. The premises shall only be open to customers between the hours of 20:00 and 02:00 Monday - Saturday and 16:00 and 22:00 Sundays and Bank Holidays.

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

3. The outdoor areas of the premises shall not be used by customers at any time except for access and egress.

[To protect neighbouring residential properties from noise and disturbance, in accordance with Policy GP2 of the Rushcliffe Borough Non-Statutory Replacement Local Plan]

4. Delivery and waste collection times shall be restricted to the following times, to cause the minimum amount of disturbance to neighbouring residents:

Monday-Friday 0700 - 1800 hours

Saturday 0800 - 1700 hours

Sunday/Bank Holidays No deliveries or waste collection

[To limit noise and disturbance to neighbouring residential properties in accordance with Policy GP2 (Design and Amenity) of the Rushcliffe Borough Non-Statutory Replacement Local Plan].

5. All doors and windows to building shall be kept closed whenever amplified music is being played on the premises, except for access and egress or in the event of an emergency. There shall be no speakers installed or amplified music played in the outside areas to the premises at any time.

[To limit noise and disturbance to neighbouring residential properties in accordance with Policy GP2 (Design and Amenity) of the Rushcliffe Borough Non-Statutory Replacement Local Plan].

6. There shall be no use of the area within the red line application site for the parking of customer vehicles or for dropping off/picking up of customers associated with the club.

[The site does not possess any designated parking areas associated with the club, and this condition is required to protect the amenities of residents/business owners from additional car access and parking. In accordance with policy GP2 (Design and Amenity) of the Rushcliffe Borough Non-Statutory Replacement Local Plan.]

7. Within 28 days of this permission being granted a scheme of signage shall be implemented, in accordance with details to be first submitted to and approved by the Borough Council, advising customers to be respectful to neighbouring residents and to leave the area in a quiet and orderly manner.

[To limit noise and disturbance to neighbouring residential properties in accordance with Policy GP2 (Design and Amenity) of the Rushcliffe Borough Non-Statutory Replacement Local Plan]

Councillor Stewart Matthews, as Ward Councillor for Gotham Ward withdrew from the committee for the consideration of this item.

Item 3 – 18/00440/FUL – Front extension, rear and side extensions, raising of roof to provide accommodation at first floor (revised proposals) – 10 Meadow End Gotham Nottinghamshire, NG11 0HP

Updates

Representations from two neighbouring residents objecting to the application, received after the agenda had been finalised had been circulated before the meeting.

In accordance with the Council's Public Speaking Protocol for Planning Committee Mrs S Duggan, (the applicant) and Ms Lynn Goulbourn (objector) addressed the meeting.

DECISION

GRANT PLANNING PERMISSION FOR THE REASONS SET OUT IN THE REPORT SUBJECT TO THE FOLLOWING CONDITIONS

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

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

2. The permission hereby granted relates to the following plans:

Location Plan

Block Plan

A3 Drawing N0.1 Layout Plan April 2018

A3 Drawing No.3 Elevations Plan April 2018

[For the avoidance of doubt and to comply with Policy GP2 (Design &

Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan]

3. The development hereby approved shall be carried out using matching materials for the walls and roof unless otherwise agreed in writing by the Borough Council.

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

Councillor Stewart Matthews re-joined the committee at this point.

Councillor Brian Buschman declared a non-pecuniary interest and left the room for the consideration of this item.

Item 4 – 18/00301/FUL – Single storey and two storey rear extension – 40 Alford Road, West Bridgford, Nottinghamshire, NG2 6GJ.

Updates

There were no updates reported.

In accordance with the Council's public speaking protocol for Planning Committee Mrs Payne, (the applicant) addressed the committee.

DECISION

GRANT PLANNING PERMISSION FOR THE REASONS SET OUT IN THE REPORT SUBJECT TO THE FOLLOWING CONDITIONS.

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

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

2. The permission hereby granted relates to the following plans:

Location Plan

Existing and Proposed Plans and Elevations received 23rd April 2018.

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

3. The development hereby approved shall be carried out using the materials for the walls and roof as specified in the application unless otherwise agreed in writing by the Borough Council.

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

Councillor Brian Buschman re-joined the committee at this point.

Councillor Stuart Matthews, as Ward Councillor for Gotham withdrew from the committee for the consideration of this item.

Item 5 – 18/00376/FUL – Stable and storage shed (part retrospective). – The Barn, Grange Farm, Chestnut Lane, Barton In Fabis, Nottinghamshire.

Updates

There were no updates reported

In accordance with the Council's public speaking protocol for Planning Committee Mr Coles, (an objector) and Councillor Stuart Matthews (ward councillor) addressed the committee.

DECISION

GRANT PLANNING PERMISSION FOR THE REASONS SET OUT IN THE REPORT SUBJECT TO THE FOLLOWING CONDITIONS.

1. The building shall only be used for the purposes applied for and no other purpose.

[For avoidance of doubt and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan and guidance within the National Planning Policy Framework in respect of development in the Green Belt].

2. The stables hereby permitted shall be used only for purposes ancillary to the enjoyment of the associated dwelling and not as a riding school, livery stables or any other business or commercial use.

[To clarify the extent of the permission and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

3. If the use of the stable building hereby approved for equestrian purposes ceases for a period in excess of 6 months, the building shall be removed from the land within 3 months of the end of the specified period and the land shall be restored to its former condition prior to the erection of the building.

[This permission is granted only on the basis that the building is used for equestrian purposes and if no longer required should be removed to protect the amenities of the area and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

4. The development shall not be brought into use until measures for the

storage and disposal of manure and other waste arising from the use of the building for equestrian purposes have been submitted to and approved in writing by the Borough Council. Thereafter, the approved measures shall be implemented and retained for the lifetime of the development.

[To ensure an acceptable form of development in the interests of amenity and to comply with policy GP2 (Design and Amenity) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

5. Within three months of this permission, details of surface water drainage shall be submitted to and approved in writing by the Borough Council and the building shall not be brought into use until such measures have been implemented in accordance with the details as approved. Such drainage shall be designed to ensure that there is no increase in surface water run-off to receiving watercourses. Thereafter the approved scheme shall be retained to the agreed specification.

[To ensure that adequate surface water drainage facilities are provided to prevent the increased risk of flooding downstream, in accordance with policy WET2 (Flooding) of the Rushcliffe Borough Non-Statutory Replacement Local Plan and guidance contained within the NPPF].

Notes to Applicant

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

Item 6 – 17/03033/FUL and 17/03059/RELDEM – (i) Partial demolition of boundary wall and construction of new vehicular access including new brick piers. (ii) Partial demolition of boundary wall (application for relevant demolition in the conservation area). – White House, Bottom Green, Upper Broughton, Nottinghamshire, LE14 3BA.

Updates

Representations from the Design and Landscape officer, received after the agenda had been finalised had been circulated before the meeting.

DECISION

GRANT PLANNING PERMISSION FOR THE REASONS SET OUT IN THE REPORT SUBJECT TO THE FOLLOWING CONDITIONS

17/03033/FUL

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 amended plans ref. 1897.02B, 1897.11C and 1897.10F received on 12 March 2018.

[To ensure the appearance of the development is satisfactory and to comply with policies GP2 (Design and Amenity Criteria) and EN2 (Conservation Areas) of the Rushcliffe Borough Non-Statutory Replacement Local Plan]

3. The development shall not be brought into use until the existing access has been closed permanently and the land within the highway reinstated to verge/footway in accordance with the approved plans ref. 1897.02B, 1897.11C and 1897.10F received on 12 March 2018.

[To minimise the number of points of access, in the interests of highway safety; and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

4. The access driveway hereby approved shall not be brought into use until it is fronted by a dropped kerb vehicular crossing.

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

5. The new hedgerow along the eastern boundary of the site shall be planted in accordance with the agreed details provided in plan ref. 1897/10F, in the first planting season following the new access being brought into use and shall be allowed to grow to 1.9m and thereafter maintained at a height not lower than this for the lifetime of the development.

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

6. The existing hedge located on the eastern boundary of the application site shall be retained at a height of no lower than 1.9m and any part of the existing and proposed hedge removed, dying, being severely damaged or becoming seriously diseased shall be replaced, with hedge plants of such size and species, within one year of the date of any such loss being brought to the attention of the Borough Council.

[The hedge is an important feature in the area and its retention is necessary to help screen the new development and to comply with policy GP1viii (Delivering Sustainable Development) of the Rushcliffe

17/03059/RELDEM

GRANT PLANNING PERMISSION FOR THE RELEVANT DEMOLITION OF AN UNLISTED BUILDING IN A CONSERVATION AREA FOR THE REASONS SET OUT IN THE REPORT 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. This permission relates solely to the demolition of the section of wall identified in the submitted plans and only undertaken as part of the implementation of planning permission ref 17/03033/FUL.

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

Councillor Edwards who had declared an interest in this item left the room and did not take part in the subsequent discussion and vote.

Item 7 – 18/00748/FUL – First floor extension, new roof, and loft conversion including rooflights to front – 72 Boxley Drive West Bridgford Nottinghamshire NG2 7GL.

Updates

There were no updates reported.

DECISION

GRANT PLANNING PERMISSION FOR THE REASONS SET OUT IN THE REPORT SUBJECT TO THE FOLLOWING CONDITIONS.

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

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

2. The permission hereby granted relates to the following plans:

579 003 A Proposed Floor Plans, Elevations, Site and Block Plans

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

3. The development hereby approved shall be carried out using the materials for the walls and roof as specified in the application unless otherwise agreed in writing by the Borough Council.

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

Note to Applicant

It is noted from the plans that the existing chimney to the rear elevation would be lower than the proposed new ridge, the applicant is advised to contact Building Control to check the Building Regulations in relation to this matter.

Councillor Edwards returned to the room and re-joined the committee at this point.

4 Planning Appeals

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

The meeting closed at 9.10 pm.

CHAIRMAN



Planning Committee

12 July 2018

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
18/00750/FUL	Midway House, Main Road, Upper Broughton, Nottinghamshire, LE14 3BG Demolition of existing house and buildings, and erection of two new dwellings with existing access (revised scheme)	13 - 31
Ward	Nevile and Langar	
Recommendation	Planning permission be granted subject to conditions	
18/00947/FUL	The Old Hall, 10 Kneeton Road, East Bridgford, Nottinghamshire, NG13 8PG New dwelling in the grounds of The Old Hall following removal of swimming pool.	33 - 49
Ward	East Bridgford	
Recommendation	Planning permission be granted subject to conditions	
18/00854/FUL	70 Studland Way, West Bridgford, Nottinghamshire, NG2 7TS Two storey and single storey rear extension.	51 - 57
Ward	Compton Acres	
Recommendation	Planning permission be granted subject to conditions	



Application Number: 18/00750/FUL
Midway House, Melton Road, Upper Broughton

scale 1:1000

page 13

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationary Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Rushcliffe Borough Council - 100019419



This page is intentionally left blank

18/00750/FUL

Applicant Mr John Greenwood

Location Midway House Main Road Upper Broughton Nottinghamshire LE14 3BG

Proposal Demolition of existing house and buildings, and erection of two new dwellings with existing access (revised scheme)

Ward Nevile and Langar

THE SITE AND SURROUNDINGS

1. The site comprises a roughly square parcel of land to the south of Main Road between Upper Broughton and Nether Broughton. The site accommodates the former school buildings which comprise a single storey brick and slate linear building fronting the site and a two storey rendered attached building, the former school masters house. There are extensive extensions to the rear of the buildings. Access is to the east of the buildings with hardstanding to the rear. The site occupies a countryside location.

DETAILS OF THE PROPOSAL

2. The application comprises the demolition of the existing house and buildings and the construction of two new dwellings. The existing access would be used to serve both dwellings with parking and turning provided within the site. The dwellings would be two storey and each comprise four bedrooms.

SITE HISTORY

3. Application ref: 93/01149/FUL approved the erection of a conservatory, parking area and alteration to the access. Application ref: 96/00132/FUL permitted a garage/store. Application ref: 97/00384/FUL for an extension to form retail shop unit and construction of ventilation flue was permitted.
4. Application ref: 17/02195/FUL for the demolition of the house and buildings and the erection of two new dwellings with a new access was refused on the grounds of the loss of a non-designated heritage asset, the erection of an additional dwelling on the site, the visual impact of the dwellings and the restricted visibility of the additional access.

REPRESENTATIONS

Ward Councillor(s)

5. The Ward Councillor (Cllr Combellack) objects stating she is entirely in agreement with the objections raised. *"Paragraphs 55, 135, 61 & 64 of the NPPF are relevant. Para 55 allowing for isolated development under special circumstances - in this case where redundant buildings are re-used leading to enhancement of the setting. However, in this case there is no re-use just destruction of a non-designated heritage asset i.e. a Victorian School House*

and therefore no enhancement of the setting. No exceptional build quality or design is demonstrated. Para 135 should be considered when proposing the demolition of a non-designated heritage asset - The Victorian School and Head Masters House. Para 61/64 refer again to high quality design which this is not.

6. *With regard to the highways issue it is recognised locally that this is a dangerous 50 mph section of road and farmers take added safety measures when accessing the fields around the application site. It should also be noted this residential development would be opposite the change of overtaking priority marked on the road. Regarding the original use - a Victorian school generated very little vehicular traffic and in its day general road usage was light. The light industrial use again generated very little traffic, therefore to say there would be a decrease in traffic is, I would respectfully say, incorrect.*
7. *As this application varies very little from the previous in all but aesthetics the planning contraventions must remain. The applicant has put forward several alternative proposals in the design and access statement and I feel that options four or five could be achieved. Many buildings, schools, chapels and barns are converted to provide accommodation preserving their original appearance. In todays world the modifications required; insulation, lighting, heating, etc. are all achievable with modern materials and technology.*
8. *Of greatest concern is the access onto the A606 at an exceedingly dangerous point. When the school was originally built and in operation the Melton Road was little more than a trail to Melton Market. It was never envisaged people would have to negotiate heavy A road traffic. I refer again to my comments on the original application and feel that road marking would at least have to be altered if access were to remain as exists.”*

Town/Parish Council

9. Upper Broughton Parish Council objects to the proposals outlined in this application as it feels that the new application has not addressed any of the Planning Officers reasons for refusal of planning application 17/02195/FUL. The comments of the planning officers report regarding the previous application states that the proposals fail to comply with Policy 11 of the Rushcliffe Local Plan and HOU6 of the Non-Statutory Replacement Local Plan as the design fails to conserve a non-designated heritage asset and the principle of demolition of a non-designated heritage asset should not be supported, as the new application have not been altered in this respect, the application cannot be supported. The development of housing in open countryside, also highlighted in the previous application, has not been addressed and the scale and materials used remain inappropriate. The Parish Council notes that the applicant has attempted to resolve the highways issue but does not agree with statement that a single entrance would be safe. This stretch of road is extremely dangerous in a 50mph zone where the speed limit is repeatedly ignored. The road is unsuitable for increased vehicular movement joining and leaving the highway at this point.

Local Residents and the General Public

10. Six objections have been received on the following:

- a. Plans still involve the demolition of the buildings, the previous objections remain and still support the views of the Upper Broughton History Group, the buildings remain of considerable significance to many past and present villagers who spent their early years at the school, all this heritage would be lost. There are many examples of such buildings being converted, the Nether Broughton History Trail includes these buildings.
- b. The design of the proposed dwellings has moved from a Georgian to a Victorian pastiche, the proposal is contrary to Policies 10 and GP2.
- c. The Council should get full disclosure of all marketing activity, should be converted into smaller 2/3 bed dwellings. Do not need any more large houses.
- d. The previous reasons for refusal remain valid.

Statutory and Non Statutory Consultees

11. Nottinghamshire County Council as Highways Authority do not object subject to conditions and informatives relating to the provision of the parking and turning, hardsurfacing and surface water drainage.
12. The Borough Council's Environmental Sustainability Officer does not raise any objections to the application on ecological grounds subject to informatives being applied to any permission.
13. The Borough Council's Environmental Health Officer notes that the site is close to the A606 and therefore the residential dwellings could be affected by road noise if the appropriate glazing and ventilation systems are not installed. A condition is recommended requiring submission of a noise assessment to ensure that the recommended internal and external noise levels will be met and whether noise mitigation measures would be required. The site has previously had an industrial use, with chemicals being used on site. Therefore, as this development is for residential use an appropriate condition is recommended.
14. The Borough Council's Design and Conservation Officer comments, "*The application involves demolition of an existing building, originally constructed as a school and schoolmasters house. The school appears on the 1880 1st series Ordnance Survey map. Although modestly extended at the rear during the 1960's and then further to create the present situation with an extensive flat roofed rear extension, the building retains an immediately recognisable character as a Victorian village school from the roadside and the schoolmasters house is not directly affected by the later extensions. Whilst this detracts from the architectural character of the building it is largely hidden from the roadside. The interior of the former school building has itself been significantly altered as a result of its long period in an industrial use such that there are no obvious elements of internal fabric which relate to its former use as a school. The removal of equipment following the ending of the previous use has left the interior in an untidy and mildly dilapidated state.*"
15. *The scale of the school building, particularly its height, has limitations on any use in that the building is generously tall as a single storey building, but the*

form of the roof and its limited total height would make insertion of an upper floor very difficult. Externally the front elevation of the building has seen some changes, including the removal of the bell cupola atop the front gable. Historic photographs clearly show this feature, albeit there is no obvious scarring on the building and any making good has been carried out to a high standard. The former house to the southern side of the site has been altered to a greater extent in terms of its architectural appearance, albeit has suffered less from extension. The building has been rendered which has significantly altered its external appearance and relationship to the neighbouring buildings, with it being highly unlikely that it would ever be practical or economically viable to remove the render and reinstate a brick finish.

16. *In this case the isolated position between two villages is such that the buildings themselves make little if any contribution to the character of the historic neighbourhoods in either Upper Broughton or Nether Broughton. Whilst I would still contend that the school should be considered as a non-designated heritage asset it does not fall into the position of a building which is near listable significance and should be considered as being a non-designated asset of relatively modest significance.*
17. *Whilst limited evidence of marketing for a commercial/industrial user has been provided owing to this having been chiefly undertaken by a former owner it is not necessarily surprising given its site, access and the works necessary to refit/renovate. I also acknowledge that any mixed use for the site is likely to create conflicts between different users and to leave unresolved issues of actually being able to find and identify an interested industrial/commercial user. Conversion of the existing buildings is likely to result in awkward and sub-standard provision of private amenity space, especially for the former school house which would be encircled by vehicular access routes. Whilst more complete discussion of the alternative approaches could have been provided I find it difficult to disagree with any of the conclusions reached.*
18. *The proposed replacement dwellings have been redesigned to have a more gothic style, reflecting the style of the existing buildings on the site and seeking to incorporate elements of the existing buildings into their construction. What is not clear from the submission, either from the plans or from the design and access statement is whether the proposal is to replicate these features in new materials - incorporating the feature, but not the fabric, into the new buildings, or whether the proposal is to install these features as salvaged components. I would feel more comfortable if some clarification on this point could be obtained and if at least some of the components were being salvaged and re-used.”*

PLANNING POLICY

19. The Development Plan for Rushcliffe consists of the Rushcliffe Local Plan Part 1: Core Strategy and the 5 saved policies of the Rushcliffe Borough Local Plan 1996. Other material planning considerations include the National Planning Policy Framework (NPPF) and the Rushcliffe Borough Non-Statutory Replacement Local Plan 2006.

Relevant National Planning Policies and Guidance

20. The National Planning Policy Framework 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 and where the development plan is absent, silent or relevant policies are out of date, granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole or specific policies in the Framework indicate development should be restricted.
21. It sets out 12 core land use planning principles that should underpin both plan making and decision taking. One of these principles is to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Paragraph 55 states in order to promote sustainable development in rural areas housing should be located where it would enhance or maintain the vitality of rural communities and that local planning authorities should generally avoid new isolated housing in the countryside unless there are special circumstances. Paragraph 64 states permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Paragraphs 126-141 relate to conservation with paragraph 135 stating the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly a non-designated heritage asset a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Relevant Local Planning Policies and Guidance

22. None of the five saved policies of the Rushcliffe Borough Local Plan are applicable to this proposal.
23. 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. Other Core Strategy policies which are of relevance to this case are Policy 5 (Employment Provision and Economic Development), Policy 8 (Housing Mix and Choice), Policy 10 (Design and Enhancing Local Identity) and Policy 11 Historic Environment. Policy 5 seeks to strengthen and diversify the economy. Policy 8 seeks to maintain and contribute to a mix of housing. Policy 10 states 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. Policy 11 seeks to preserve heritage assets and their settings.
24. Whilst not part of the development plan the Borough Council has adopted the Rushcliffe Non-Statutory Replacement Local Plan for the purposes of development control and this is considered to be a material consideration in

the determination of planning applications. Policy GP2 is concerned with issues of design and amenity and the effect of proposals on neighbouring properties. It seeks to ensure that any developments are sympathetic to the character and appearance of neighbouring buildings and the surroundings in terms of scale, design, materials etc., do not have a detrimental impact on the amenity of neighbours by reason of overlooking, loss of light, overbearing impact or the type of activity proposed and suitable means of access and parking facilities can be provided. Policy HOU4 states new dwellings outside of settlements will not be permitted unless necessary for agriculture or forestry Policy HOU6 states that in the countryside permission for the replacement of existing dwellings will be granted provided certain criteria are met. Policy EN19 requires development to have no significant adverse impact on the countryside and Policy EN20 seeks to protect the open countryside. Policy MOV9 relates to parking. Policy EMP4 relates to the loss of employment uses.

25. Consultation on the pre-submission draft Upper Broughton Neighbourhood Plan is on-going and limited weight can be afforded to this document.

APPRAISAL

26. The key issues are the principle of the development, the visual impact, the relationship with neighbouring properties or land uses, highway safety and ecology. The assessment must also take into account the previous four reasons for refusal and consider whether the revised proposals and additional information satisfactorily addresses these.
27. The proposal comprises the demolition of the existing buildings on the site and the erection of two replacement dwellings. The buildings to be demolished comprise the former school and school masters house. The school appears on the 1880 1st series Ordnance Survey map and the school served the combined parishes of Upper and Nether Broughton. Although extended at the rear to create the present situation with an extensive flat roofed rear extension, the building retains an immediately recognisable character as a Victorian village school from the roadside and the school masters house is not directly affected by the later extensions. Whilst these extensions detract from the architectural character of the building they are largely hidden from the roadside. The building should therefore be considered to represent a non-designated heritage asset.
28. Under the previous application the first reason for refusal was the loss of the non-designated heritage asset. It stated, *“The proposal would result in the demolition of the former school and school masters house; these are considered to be non-designated heritage assets. The application has not made a convincing case that these buildings are beyond economic re-use and as such insufficient justification has been provided to support the loss of these buildings. The proposal is therefore contrary to Policy 11 of the Rushcliffe Local Plan Part 1: Core Strategy, the NPPF and Policy HOU6 c) of the Rushcliffe Borough Non-Statutory Replacement Local Plan which seek to conserve heritage assets.”*
29. The current application contains further information on the options considered, the process that has led to the current proposal and added further clarification on the issues with re-using the buildings.

30. The statement supporting the application sets out alternative options to developing the site. The first relates to the retention of the existing buildings for industrial/business use and sets out how the previous owner attempted to find new tenants or purchasers for a number of years without success. The current owner has also tried to re-let the premises with the same result. The statement also assesses the difficulty of re-using the building due to the unusual ground floor layout, the need for extensive repairs and rehabilitation and concludes it would not be viable to carry out these works. It also notes the previous use was as a factory for the manufacture of plastic components for the pharmaceutical industry which was very specific and such enterprises generally now require a modern open plan premises.
31. The interior of the former school building has itself been significantly altered as a result of its long period in an industrial use such that there are no obvious elements of internal fabric which relate to its former use as a school. The removal of equipment following the ending of the previous use has left the interior in an untidy and mildly dilapidated state. As such, it is accepted that even if an interested industrial user could be found there would be a significant and costly element of internal re-fitting required.
32. Although it would be beneficial to have further details of the marketing carried out, it is difficult to disagree with the conclusion of the submitted statement which states finding an alternative industrial user/business operator is likely to be problematic and may not be economically viable.
33. The second option considered the retention of the existing house as a dwelling with a community/business use for the former school building. The statement concludes this would not be viable as the residential use would be attached to the community/business use with a lack of quality private amenity space for the dwelling and the proximity of the existing access. Furthermore, it has not been possible to secure tenants for the school building and securing a community use would be difficult as the site is not within any settlement. Again it is accepted this would not provide a satisfactory or viable option.
34. A further option considered was to retain the existing dwelling and convert the school building to a further dwelling. Given the layout it would not be possible to achieve a satisfactory conversion which would be economically viable, taking into account the expenditure required and the limitations of the site with the access wrapping around the school house. The possibility of converting both buildings into a single dwelling has also been considered but discounted due to the configuration of the accommodation and the non-viability of the scheme. In addition, the proximity of the buildings adjacent to the highway and the non-residential proportions of the existing gable discount this as a feasible option.
35. It is therefore considered that an adequate assessment has been provided to cover alternative options to develop the site and the conclusion of the submission, i.e. that demolition is the only realistic option, has merit.
36. The building is, however, considered to be a non-designated heritage asset. In order to assess the relative significance of the school consideration has been given to the selection criteria produced by Historic England for

"Education Buildings". This guidance is produced to explain the approach to selecting educational buildings for statutory listing. A non-designated heritage asset will be, by its very nature, one which either has never been assessed for listing or which would not meet the selection criteria. Some distinction should be allowed between non-designated assets which fall marginally short of the standard required for statutory protection and those which fall more substantially short.

37. The guidance suggests that from the period 1870-1914 the best examples, and, therefore, those which tend to be selected for listing, are Board Schools developed in larger towns and cities with architectural ambition. At the same time voluntary societies continued to build schools in a hope of avoiding the need for the creation of a local school board. This led to a faster rate of building of such schools and a general decline from their standards of earlier decades.
38. The guidance states, "*In general it should be remembered that large numbers of schools survive and rigorous selection is required when assessing them for designation. Although their plans became increasingly standardised across the country, some school boards and (later) local authorities provided signature features such as impressive massing and innovative planning that raise them well above the average.*" In this case the school buildings are fairly typical and fall well short of the kinds of innovation and character described as being necessary for listing.
39. In addition the guidance adds, "*their contribution to the character of historic neighbourhoods should be taken into account as well*" however in this case the isolated position between two villages is such that the buildings themselves make little if any contribution to the character of the historic neighbourhoods in either Upper Broughton or Nether Broughton. Therefore, whilst it is still contended that the school should be considered as a non-designated heritage asset it does not fall into the position of a building which is of near listable significance and should be considered as being a non-designated asset of relatively modest significance.
40. Unlike the original application evidence has now been provided to justify why the existing buildings cannot be repaired and reused as a dwelling/dwellings or why the buildings cannot be used for alternative purposes. A convincing case has been made to demonstrate conversion to residential is problematic and is not likely to be viable. Furthermore, alternative uses have been considered and discounted with justification. Although the loss of the building is regrettable, taking into account the internal and external quality of the building, the works that would be required and the limitations of the site and building, it is difficult to make a case for the retention of the building as no viable use can be identified. It is, therefore, considered sufficient justification has been provided under this current application to make a convincing case that the loss of the non-designated heritage asset can be supported and as such the previous ground for refusal has been overcome.
41. The previous application was also refused as it related to the erection of an additional dwelling and a replacement dwelling larger than the dwelling to be replaced. The reason for refusal was, "*The proposal would result in the replacement of one dwelling and the erection of an additional dwelling. The replacement dwelling would be significantly larger than the dwelling to be*

replaced and the second dwelling would represent an additional unit on the site. The proposal would therefore be contrary to Policies EN20, HOU4 and HOU6 e) of the Rushcliffe Borough Non-Statutory Replacement Local Plan and the NPPF which seek to restrict new dwellings in the countryside and that where replacement dwellings are sought there would be no increase in the number of units or in the size or impact of the original dwelling.”

42. The proposal comprises the erection of two dwellings, one of which would be considered a replacement dwelling. Policy HOU6 states permission will be granted for a replacement dwelling provided the existing dwelling is a permanent structure capable of use for residential purposes, would not result in the loss of a building of architectural or historical merit that is capable of rehabilitation, the proposal does not significantly increase the size or impact of the original dwelling or change the character of the surrounding area, there is no increase in the number of dwellings, the same location is used and the proposed dwelling is of a design and materials in keeping with the character of the surrounding area.
43. The school masters house is of permanent construction and is capable of residential use. Along with the school it has been identified as a non-designated heritage asset and part c) of this policy seeks to ensure the development would not result in the loss of a building of architectural or historic merit that is capable of rehabilitation. As set out above, a case has been made to demonstrate compliance with this part of the policy. Furthermore, the replacement dwelling would occupy a similar location within the site.
44. Policy HOU6 also requires the proposal to not significantly increase the size or impact of the original dwelling. The existing house has a cubic volume of 368m³; the replacement dwelling has a volume of 1221.1m³. The current school house is a relatively modest structure whereas the replacement dwelling would not only be considerably larger but of a demonstrative design which would accentuate the visual impact. The proposal does not, therefore, comply with the element of the policy.
45. However, it is also important to take into account the overall site and proposed development. The existing house, school building and outbuilding comprise a cubic volume of 2409.30 cubic metres and the combined proposed plots 1 and 2 comprise 2388 cubic metres. Therefore, there would be an overall decrease in the amount of development on the site.
46. As the proposal would result in the net gain of a single dwelling part e) of policy HOU6 would not be complied with; this requires there to be no increase in the number of dwellings. Furthermore, Policy EN20 restricts development in the countryside to replacement dwellings or those required for rural activities and Policy HOU4 seeks to resist new dwellings in the countryside. The proposed additional dwelling does not comply with these policies. It is, therefore, necessary to consider whether there are any material considerations to be taken into account to outweigh this conflict with policies.
47. The additional dwelling would replace the existing school building. This has been significantly extended and altered to the rear and has an extant use for industrial purposes. Although it has been accepted the building may not be viable to be used for these purposes in the future it has an established use.

The location of this business unit is not sustainable, being located in the countryside, beyond the neighbouring villages. Although there is public transport, many journeys would be conducted using private vehicles and could include staff journeys and deliveries. As such, the extant industrial premises occupies an unsustainable location. Furthermore, any non-residential re-use of the building is also likely to result in a dependency on the private motor vehicle and the site would occupy an unsustainable location whether for industrial, community or residential use. Of these, it is likely a residential use would result in less traffic than any industrial operation.

48. In addition, the overall volume of the proposed development would be marginally less than the existing volume on site. The site is brownfield and has a visual impact on the countryside in addition to any potential operational impacts from the established use. It must also be taken into account that it has been accepted securing an alternative use for the building, or re-using for industrial purposes, appears unlikely which would lead over time to a deterioration of the building.
49. As part of the overall planning balance, the loss of an employment use must be considered and Policy EMP4 states the redevelopment of a site would be approved where it can be demonstrated there is no demand for such premises for employment purposes in the local area, there is sufficient quantity and quality of alternative employment premises available, the premises are no longer capable of providing an acceptable standard of accommodation for employment purposes, there is a wider benefit to be gained from the proposal and the existing use or other employment use would affect the amenity of the area or cause traffic problems.
50. Although limited marketing details have been provided, the Agent has stated there has been no interest in taking the site on for employment purposes. It is also acknowledged that the site is not ideally configured for commercial purposes and does not occupy a particularly sustainable location. It could also be argued that the removal of the extensions to the rear would be a benefit. On balance, therefore, no objection is raised on the grounds of the loss of the employment use.
51. The proposal is contrary to local and national policies in that it would result in the creation of an additional dwelling in a countryside location. The additional dwelling is not considered isolated, potentially being adjacent to a replacement dwelling and being reasonably well related to two villages. Similarly, if the existing school house was retained, the additional dwelling would not be isolated. There are material considerations which are that the site is brownfield accommodating existing buildings, the site is unsustainable regardless of the use of the buildings, the additional dwelling is likely to generate less traffic than the established industrial use and it could, therefore, be argued a single additional dwelling would be more sustainable than the industrial use. Furthermore, it has been accepted that alternate uses for the building are not viable and the proposal would add to the Borough's housing stock, albeit by only one dwelling.
52. On balance, it is considered the conflict with policy in relation to the additional dwelling is outweighed by the material considerations with significant weight being given to the likelihood of the building remaining empty in the future.

53. In visual terms, the previous application was refused for the following reason, *“The proposed dwellings, by reason of size, siting, design, massing and materials, would be visually discordant in this rural location and have a detrimental impact on the visual amenity of the site and surroundings. The proposal is therefore contrary to Policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy and the NPPF and policies GP2 d), HOU6 d) and g) and EN20 of the Rushcliffe Borough Non-Statutory Replacement Local Plan which seek to ensure high quality design is achieved, that replacement dwellings and development in the countryside is not visually harmful or represent disproportionate increases in the size or impact of the original dwelling.”*
54. The proposals have been revised to respond to the existing buildings by incorporating some similar elements found in the school building and master’s house within a mock Victorian framework. As a result, the overall design is more cohesive through a more consistent design approach including appropriate proportions and massing. Although the buildings would have a significant visual impact it would not be a discordant feature within the countryside location and would successfully redevelop a brownfield site. Furthermore, the dwellings would be set back further into the site than the existing building and the unsightly extensions would be removed, leading to a visual gain overall.
55. It is considered the proposed dwellings would be visually acceptable at this location and the previous reason for refusal has been overcome.
56. The final reason for refusal of the previous application related to highway safety and stated, *“The proposed additional access would result in an increase in danger to other users of the highway owing to the construction of a vehicle access which affords restricted visibility for drivers emerging from the access, to the detriment of highway safety. The proposal is therefore contrary to Policy GP2 b) of the Rushcliffe Borough Non-Statutory Replacement Local Plan which seeks to achieve a suitable means of access.”*
57. The current scheme revises the proposed access arrangements by utilising only the existing access from Main Road rather than seeking an additional access point. Adequate parking and turning would be provided within the site to serve the two dwellings. The Highway Authority has raised no objection subject to conditions and the proposal is, therefore, considered acceptable on highway safety grounds and overcomes the previous reasons for refusal.
58. The site occupies a relatively isolated location with no nearby neighbours. The amenity of future occupiers would be acceptable as the impact of ground floor windows in the side elevations would be mitigated by boundary treatment and the side elevations of the dwellings facing each other would be limited to bathrooms, dressing rooms and en-suites and these could be served by obscure glazing. The balconies would be on the outer elevations and would not overlook the other property. The proposal, therefore, complies with the above policies and guidance.
59. A nocturnal bat assessment has been submitted and concluded no evidence of bats was recorded in June 2017 and the two subsequent nocturnal surveys conducted also confirmed the likely absence of bats roosting within the site. No further surveys are, therefore, deemed necessary. However, as buildings

1 and 4 (former school and rear most building) were considered to have moderate potential for roosting and building 2 having low potential (school masters house) the presence of solitary bats cannot be ruled out entirely and a precautionary approach is recommended and this could be the subject of a condition.

60. In conclusion, a convincing case has been made to demonstrate that non-residential uses for the building are unlikely to be viable and attempts to re-let the building for industrial purposes have not been successful. Furthermore, due to the configuration of the building, the condition and level of building work required, conversion of the buildings to residential is not viable. Given that no alternative or satisfactory use can be identified for the building, support is forthcoming for the replacement of the building with well designed dwellings. It is accepted that it would result in the loss of a non-designated heritage asset which is regrettable. However, the building is not worthy for consideration for listing and although it has historic importance, both visually and in association with former pupils, it is considered, based on the case made, the loss of the building could not now reasonable be resisted.
61. The proposal would result in a replacement dwelling and an additional dwelling. Although the former would be larger than the existing dwelling on the site, overall the proposed development would result in less volume than the existing buildings on the site. Furthermore, the design now proposed is considered acceptable and the former reason for refusal on highway safety grounds has been overcome. The proposal is contrary to local and national policies in that the replacement dwelling would be larger than the existing and the second dwelling would be an additional unit within the countryside. However, the material considerations, that the site is brownfield in an unsustainable location, that no alternative use appears feasible, that regardless of the future use of the building it would always occupy an unsustainable location and that traffic generation would potentially be less compared to an industrial use, are considered to outweigh these policy considerations.
62. It is accepted there has been a significant level of objection raised. The main grounds, including the loss of the non-designated heritage asset, the erection of houses in the countryside, visual harm, highway safety and being contrary to policy have been discussed above. The recommendation to approve is an on balance assessment taking into account policies, material considerations and the views of consultees.
63. Negotiations have not taken place during the consideration of the application but pre-application discussions were undertaken and have resulted in the submission of the revised application which is now deemed to be acceptable and can be recommended for approval.

RECOMMENDATION

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

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

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

2. The permission hereby granted relates to the following plans:

Location Plan
2158/2 Rev G
2158/3 Rev C
2158/4 Rev C

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

3. Before development commences details of the external materials to be used on the dwellings hereby approved shall be submitted to and approved in writing by the Borough Council. Development shall only be carried out in accordance with these approved details.

[To ensure a satisfactory appearance of development and to comply with Policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan. This is a pre-commencement condition as no details have been supplied and materials are important to the overall success of the scheme]

4. Prior to the development hereby permitted commencing on site, a detailed landscaping scheme for the site has been submitted to and approved in writing by the Borough Council. The scheme shall include the identification of all trees and hedgerows on the land and identify those that are to be retained, together with the method of protecting any trees and hedgerows to be retained during the construction phase, as well as details of boundary treatments and hard and soft landscaping. The tree/hedgerow protection measures shall be implemented prior to work commencing on site and the approved landscaping scheme shall be carried out in accordance with the approved details in the first planting and seeding seasons following the occupation of either of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

[To ensure a satisfactory appearance of development and to comply with Policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan. This is a pre-commencement condition as no details have been supplied and landscaping is important to the overall success of the scheme. In addition, the tree/hedgerow protection measures need to be agreed and implemented prior to work commencing on site to ensure that no damage is sustained to any trees/hedgerows to be retained]

5. No part of the development hereby permitted shall be brought into use until off-street parking/turning areas for the dwellings have been provided in accordance with the approved plans. The off-street parking provision and turning area shall then be retained for the life of the development.

[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 GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan]

6. No part of the development hereby permitted shall be brought into use until the access driveways and parking/turning areas are surfaced in a bound material (not loose gravel) for the first 5 metres as measured from the back edge of the highway. The surfaced driveways and parking/turning areas shall then be retained for the life of the development.

[To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc) and to comply with Policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan]

7. No part of the development hereby permitted shall be brought into use until the access driveways and parking/turning areas have been constructed with provision to prevent the unregulated discharge of surface water from the driveways and parking/turning areas to the public highway. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.

[To ensure surface water from the site is not deposited on the public highway causing dangers to road users and to comply with Policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan]

8. No part of the development hereby permitted shall be brought into use until the amended dropped vehicular crossing has been made available for use and constructed in accordance with the Highway Authority specification to the satisfaction of the Local Planning Authority.

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

9. The first floor windows in the eastern elevation of Plot 1 and the western elevation of Plot 2 shall be fitted with glass which has been rendered permanently obscured to Group 5 level of privacy or equivalent. Thereafter, the window shall be retained to this specification unless otherwise agreed in writing by the Borough Council. No additional windows shall be inserted in these elevations without the prior written approval of the Borough Council.

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

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 dwellings hereby approved without the prior written approval of the Borough Council.

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

11. The applicant shall submit an environmental noise assessment report to Rushcliffe Borough Council for approval, in writing, prior to any work commencing on site. If necessary the report shall include proposals for any mitigation that is required to avoid noise from giving rise to significant adverse impacts on health and quality of life of the future residents. Any noise mitigation proposals shall illustrate that good acoustic design practice has been followed and that consideration has been given to maintaining the thermal comfort of the occupiers and avoiding overheating. Any noise monitoring, assessment of noise data, design and installation of any mitigation that is required shall be carried out by a competent person and shall take account of relevant good practice and published guidance and standards. The approved mitigation shall be implemented prior to the occupation of the dwellings hereby approved and retained thereafter for the life of the development.

[To protect the health and quality of life of the future occupiers of the Development and to comply with Policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan. This condition needs to be discharged prior to work commencing on site to ensure that any mitigation necessary can be incorporated in to the construction of the dwellings]

12. The development hereby permitted shall not begin until a scheme to deal with contamination of land and/or groundwater has been submitted to and approved by the Borough Council and until the measures approved in that scheme have been fully implemented. The scheme shall be carried out in accordance with Contaminated Land Report 11 - Model Procedures for the Management of Contaminated Land - and include all of the following measures unless the Borough Council dispenses with any such requirement specifically and in writing:
 - a) A desk-top study carried out by a competent person to identify and evaluate all potential sources and impacts of land and/or groundwater contamination relevant to the site. The report should include a conceptual model of the site. The desk-top study and a non-technical summary shall be submitted to the Borough Council upon completion.
 - b) A site investigation shall be carried out by a competent person to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications. The site investigation shall not be commenced until:
 - i) A desk-top study has been completed satisfying the requirements of paragraph 1 above;
 - ii) The requirements of the Borough Council for site investigations have been fully established; and
 - iii) The extent and methodology have been agreed in writing with the Borough Council.

The report on the completed site investigation shall be submitted to the Borough Council on completion.

- c) A written method statement for the remediation of land and/or groundwater contamination affecting the site shall be agreed in writing with the Borough Council prior to commencement and all requirements shall be implemented and completed to the satisfaction of the Borough Council by a competent person. No deviation shall be made from this scheme without the express written agreement of the Borough Council.
- d) The full completion/verification report and a non-technical summary confirming the objectives, methods, results and conclusions of all remediation works shall be submitted to the Borough Council.

[To protect the health of the future occupiers of the development and to ensure that on completion of the development it could not be classed as contaminated land as defined in Part IIA of the Environmental Protection Act 1990, and to comply with Policy EN23 (Land in a Potentially Contaminated State of the Rushcliffe Borough Non-Statutory Replacement Local Plan. This condition needs to be discharged prior to work commencing on site to ensure that any contamination is dealt with before construction commences]

Notes to Applicant

The development makes it necessary to amend a vehicular crossing over the public highway. These works shall be constructed to the satisfaction of the Highway Authority. Works will be subject to a design check and site inspection for which a fee will apply. The application process can be found at:

<http://www.nottinghamshire.gov.uk/transport/licences-permits/temporary-activities>

Please contact licences@viaem.co.uk to arrange for these works to take place.

If the adjacent trees are to receive any works, further bat survey work must be carried out and any recommendations followed. An ecologist must check the building immediately prior to works commencing. Mitigation for the loss should include an in built bat box and bird boxes. All workers/contractors should be made aware of the potential of protected/priority species being found on site and care should be taken during works to avoid harm (including during any tree works). If protected species are found then all work should cease and an ecologist should be consulted immediately. It is advised that work is carried out outside amphibian and reptile hibernation periods (e.g. Oct - Feb). The procedures for if protected species are found, supplied by the consultant ecologist, should be followed. All work impacting on buildings or vegetation 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. 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. No night work should be carried out. 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. Existing trees/hedges should be retained and hedgerows gapped up if necessary. If removal of trees is necessary, they should be replaced with new native trees (preferably of local provenance). Where possible new trees/

hedges should be planted with native species (preferably of local provenance). 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. It is additionally recommended that consideration is given to installing, a swallow loft in any outbuildings/garage, hedgehog boxes and hedgehog pathways being incorporated into the grounds and native/wildlife friendly planting within any landscaping work. Consideration should be given to energy efficiency, water sustainability, management of waste during and post construction and the use of recycled materials and sustainable building methods and sustainable transportation.

This page is intentionally left blank



Application Number: 18/00947/FUL
The Old Hall, 10 Kneeton Road, East Bridgford

scale 1:1000

page 33

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationary Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Rushcliffe Borough Council - 100019419



This page is intentionally left blank

18/00947/FUL

Applicant Mr Robert Shaw

Location The Old Hall 10 Kneeton Road East Bridgford Nottinghamshire NG13 8PG

Proposal New dwelling in the grounds of The Old Hall following removal of swimming pool.

Ward East Bridgford

THE SITE AND SURROUNDINGS

1. The application site forms part of the grounds associated with “The Old Hall”, a grade II listed building located along the east side of Kneeton Road and within the East Bridgford Conservation Area.
2. The grounds of The Old Hall are identified in the Conservation Area Character Appraisal as being ‘positive open space’ and enclosed by boundary planting consisting of ‘positive trees’. In addition to this the roadside boundary with Kneeton Road is a boundary wall which is separately listed at grade II. Owing to level changes the wall is some 5 feet high on the Kneeton Road side but barely one foot high from within the grounds of The Old Hall and, therefore, predominantly performs the function of a retaining wall. The wall is also identified as a positive boundary treatment within the Conservation Area Appraisal.
3. There is a key view of The Old Hall identified within the Conservation Area Character Appraisal, through a break in the line of trees along Kneeton Road, however, the application site would not feature in the key view from the angle shown.
4. Historically The Old Hall enjoyed a more substantial site which extended further to the East and South and is now subdivided to form plots associated with the converted and extended former stables and coach-house (2 units), Cuttle Hill Gardens and the 4 residential units along its length, and the additional unit accessed via Cuttle Hill Gardens granted planning permission in December 2015 on the site of the former tennis court. The Old Hall retains a substantial set of grounds to its front and rear, with its frontage amounting to approximately 4000 square metres.

DETAILS OF THE PROPOSAL

5. The application seeks full planning permission for a new dwelling on the site of the existing swimming pool, which is located at the south-eastern part of the current plot of The Old Hall.
6. The scheme is for a detached dwelling in a design reflective of a Georgian Orangery, an ancillary garden structure often found in association with grand houses. The Design and Access Statement includes some images which

have inspired the scheme including the very similar orangery at Dunham Massey Hall.

7. The proposed dwelling would be a two storey house, with one storey almost entirely below ground level utilising, in part, the excavation of the existing swimming pool.
8. The building would be, a rectangular form measuring 10.9 metres long on the garden facing frontage (west and east), and 6.625 metres in width. The above ground element would be 3.1 metres in height to the top of its parapet wall and 4.1 metres to ridge. Below ground the footprint would be 8.4 metres in width and 23.7 metres in length, comprising residential accommodation, an open courtyard, single lane swimming pool, plant room and garage. From the garden the above ground element sits atop a raised plinth forming the small outdoor space with this being a further 0.4 metres high. The net floorspace of the above ground element would, therefore, be 72 square metres. There would be an outdoor terrace along the garden elevation, 1.85 metres wide and 24 metres in length with some utility as private amenity space, while the main private outdoor space being a sunken courtyard measuring 6.9 by 6.6 metres, having an area of 45 square metres. Underground parking would be provided accessed via a car lift and the dwelling is shown as being 2 bedroomed, with both bedrooms in the above ground area.
9. The proposed driveway follows the line of trees along the southern edge of the Old Hall site and is proposed as a 'cellweb' system which requires minimum excavation so as not to harm tree roots, allows grass to grow through and is permeable.

SITE HISTORY

10. The existing Swimming Pool and its covering structure appear in aerial photographs taken in 1999. Planning History for the site dates back to 1985 but there are no records of an application for the swimming pool. Ordnance Survey maps do not show the pool and its covering structure as a building. It is unclear precisely when the pool was constructed, however, it appears that it was prior to 1985.
11. There has been a hall on the site since the 16th century at the earliest, however, following a period of neglect the building fell into disrepair and was rebuilt in approximately 1690. The hall as it appears today is a result of extensive remodelling during the early 18th century and subsequent extensions to the north and west in the 19th century.
12. To the east of The Old Hall is a large stable block of 1819, which together with associated 19th Century outbuildings was altered, extended and converted to form 2 dwellings under consents granted in 1985 (85/00097/M1P and 85/00564/M1P). These stable buildings are separately listed at grade II.
13. To the south, part of the grounds to the old Hall have been subdivided to allow for the creation of Cuttle Hill Gardens, a small development of 4 dwellings and an access road developed under planning permission granted in 1993 (93/01114/FUL).

14. A new dwelling with detached garage/car port was granted planning permission to be erected on the site of the old tennis court, located in the southeast corner of the Old Hall site and immediately to the east of the proposed dwelling within the current application. Permission was granted earlier in 2016 (15/01379/FUL). The tennis court is within the ownership of 10a Kneeton Road (one of the two units converted from the former stable range).
15. A scheme for a contemporary style detached dwelling on this same site (16/01807/FUL) was refused planning permission at the meeting of planning committee in September 2016, with a subsequent appeal being dismissed by the planning inspectorate. The reasons for refusal related to harmful impact upon the settings of listed buildings and harmful impact upon the character and appearance of the East Bridgford Conservation Area.

REPRESENTATIONS

Ward Councillor(s)

16. The Ward Councillor (Cllr Lawrence) has raised objection to the proposal raising two points:
 - a. *"I object to the proposals on the grounds that there is no land or proper division between the front of the property and the front garden (grounds) of the listed building. It is inevitable that the properties will become separated and that would leave the large front windows of the proposed property overlooking its neighbour at close range. The alternative of fencing off a slice of land from the front of the listed building would do that property irreparable harm.*
 - b. *The Blue Line outlining property ownership to the North of the Old Hall between it and its neighbours does not accord with the situation on the ground. It would appear that Mr Shaw, or his Agent, is claiming ownership of part of the drive of numbers 10 & 10a. Since that line was actually defined by the resident of number 10 when he sold the Old Hall I am inclined to think that the lines on the ground are correct. I therefore object to the approval of this application until we receive a site plan which the neighbours at 10 and 10A have agreed in writing."*
17. In relation to point 'b' above a revised plan has been received, however, the revised plan has not been 'agreed in writing' by third parties and it should be noted that land ownership is not a material planning consideration.
18. Upon re-consultation Cllr Lawrence removed the objection on land ownership grounds considering this was addressed but added a further objection to the proposed temporary tree protection measures to be put in place during construction, *"I now have a further objection to the provision of fencing round the trees T1, T2 & T3 as this will have a deleterious impact on the setting of the listed building. If the trees need protection a less intrusive method should be found."*

Town/Parish Council

19. East Bridgford Town Council has made comments objecting to the proposal as follows:
- a. The old hall is a Grade II listed building, in an appropriate setting with pleasant surrounds, is situated at the heart of the village. A new structure within the grounds would make for a change in character. Twenty years ago a dwelling was built in the garden and currently a temporary swimming pool cover is an eye-sore spoiling the visual amenity.
 - b. The proposed approach road would pass unnecessarily close to a vital group of trees. Trees are numbered in the information supplied; but no report on these was included in the paperwork.
 - c. Considerable excavations would be required, the whole site would need to be fully restored after building had been completed.
 - d. Although not a material planning consideration, the works could have a negative impact on existing traffic flow problems in that part of the village conditions should be placed to limit the disruption.
 - e. If an orangery/dwelling is given the go ahead then the full proportions of the main elevation should be restored by continuing the windows to the ground level.
 - f. The proposed structure has little external space.
 - g. If the planning application was to be approved the materials and the construction should be of the highest quality.

Statutory and Other Consultees

20. Historic England have not made comments on the application, however, their pre-application comments to the applicant indicating support for the approach being advocated are provided within the design and access statement at section 3.0.

Local Residents and the General Public

21. One objection has been received from a neighbour raising only issues relating to land ownership which is not a planning matter.

PLANNING POLICY

22. The Development Plan for Rushcliffe consists of The Rushcliffe Local Plan Part 1: Core Strategy and the 5 saved policies of the Rushcliffe Borough Local Plan 1996. Other material planning considerations include the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG), the Rushcliffe Borough Non-Statutory Replacement Local Plan (2006) and the Planning (Listed Buildings and Conservation Areas) Act 1990

Relevant National Planning Policies and Guidance

23. The National Planning Policy Framework (NPPF) carries a presumption in favour of sustainable development and states that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole or specific policies in the Framework indicate that development should be restricted.
24. The following paragraphs of the National Planning Policy Framework are relevant:
- Paragraph 9 – deals with the requirements of sustainable development;
 - Paragraph 14 - sets out the presumption in favour of sustainable development;
 - Paragraph 17 - sets out 12 core planning principles;
 - Paragraph 50 - seeks the delivery of a wide choice of high quality homes;
 - Paragraph 53 - suggests that local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area;
 - Paragraph 56 - The Government attaches great importance to the design of the built environment;
 - Chapter 7 Requiring good design – paragraph 60 ‘Decisions should not attempt to impose architectural styles or particular tastes. It is, however, proper to seek to promote or reinforce local distinctiveness.’;
 - Paragraph 61 - decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment;
 - Paragraph 64 - 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; and
 - Paragraph 109 - suggests that the planning system should contribute to and enhance the natural and local environment.
25. Of particular relevance to the current proposal, the NPPF contains policy relevant to the historic environment within chapter 12 (paragraphs 126-141). Paragraphs 128, 129, 131, 132, 134, 137 and 138 contain relevant points.
26. Paragraph 128 sets out a requirement for the applicant to provide information demonstrating they have understood the heritage context of their proposal, *“local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance.”*
27. Paragraph 129 sets out the requirement for the decision maker to identify and assess heritage assets affected by the proposal, *“Local planning authorities should identify and assess the particular significance of any heritage asset*

that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal."

28. Paragraph 131 sets out that decision makers should take the following points into account when making decisions:
 - the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - the desirability of new development making a positive contribution to local character and distinctiveness.
29. Paragraph 132 emphasises the importance of heritage assets, *"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be... As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification."*
30. Paragraph 134 sets out the test to be applied in cases where a proposal results in less than substantial harm to heritage asset(s), *"this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use."*
31. Paragraph 137 discusses development in conservation areas or the settings of heritage assets, *"Local planning authorities should look for opportunities for new development within Conservation Areas... and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably."*
32. Paragraph 138 discusses the potential for different aspects of a conservation area to have different levels of significance, *"Not all elements of a Conservation Area will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area should be treated either as substantial harm under paragraph 133 or less than substantial harm under paragraph 134, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area as a whole."*
33. National Planning Practise Guidance provides some further commentary on the setting of heritage assets, *"A thorough assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it."*

34. *Setting is the surroundings in which an asset is experienced, and may therefore be more extensive than its curtilage. All heritage assets have a setting, irrespective of the form in which they survive and whether they are designated or not.*
35. *The extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places. For example, buildings that are in close proximity but are not visible from each other may have a historic or aesthetic connection that amplifies the experience of the significance of each.*
36. *The contribution that setting makes to the significance of the heritage asset does not depend on there being public rights or an ability to access or experience that setting. This will vary over time and according to circumstance.*
37. *When assessing any application for development which may affect the setting of a heritage asset, local planning authorities may need to consider the implications of cumulative change. They may also need to consider the fact that developments which materially detract from the asset's significance may also damage its economic viability now, or in the future, thereby threatening its ongoing conservation."*

Relevant Legislative Requirements

38. The Planning (Listed Buildings and Conservation Areas) Act 1990 contains two statutory duties which apply to local authorities when considering applications for planning permission where a proposal affects listed buildings, or their settings, and conservation areas:
 - Section 66, *"In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."*
 - Section 72, *"In the exercise, with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."*

Relevant Local Planning Policies and Guidance

39. Policy 1 of the Core Strategy reinforces the positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. Policy 3 states that the settlement hierarchy for Rushcliffe consists of the main built-up area of Nottingham and key settlements identified for growth (these do not include East Bridgford). In other settlements development will be for local needs only, to be delivered on small scale infill plots.

40. Policy 10 (Design and Enhancing Local Identity) of The Core Strategy contains two threads relevant to development on this site, *“Development must have regard to the local context including valued landscape/ townscape characteristics, and be designed in a way that conserves locally and nationally important heritage assets and preserves or enhances their settings.”*; and
41. *“Development will be assessed in terms of its treatment of the following elements:*
- a) structure, texture and grain, including street patterns, plot sizes, orientation and positioning of buildings and the layout of spaces;*
 - b) impact on the amenity of occupiers or nearby residents;*
 - c) incorporation of features to reduce opportunities for crime, the fear of crime, disorder and anti-social behaviour, and to promote safer living environments;*
 - d) permeability and legibility to provide for clear and easy movement through and within new development areas;*
 - e) density and mix;*
 - f) massing, scale and proportion;*
 - g) materials, architectural style and detailing;*
 - h) the potential impact on important views and vistas, including of townscape, landscape, and other individual landmarks, and the potential to create new views; and*
 - i) setting of heritage assets.*
42. Policy 11 (Historic Environment) of the Core Strategy states, *“Proposals and initiatives will be supported where the historic environment and heritage assets and their settings are conserved and/or enhanced in line with their interest and significance. Planning decisions will have regard to the contribution heritage assets can make to the delivery of wider social, cultural, economic and environmental objectives.”*
43. Whilst not part of the development plan, the Borough Council has adopted the Rushcliffe Borough Non-Statutory Replacement Local Plan for the purposes of development control and this is considered to be a material planning consideration in the determination of planning applications. Policy GP2 is concerned with issues of design and amenity and the effect of proposals on neighbouring properties
44. Policy EN2 of the Non-Statutory Replacement Local Plan covers proposals relating to conservation areas and states, *“Planning permission for development including changes of use and alterations or extensions to existing buildings within a designated conservation area, or outside of but affecting its setting, or views into or out of the conservation area will only be granted where:*
- a) the proposal would preserve or enhance the character or appearance of the conservation area by virtue of its use, design, scale, siting and materials;*
 - b) there will be no adverse impact upon the form of the conservation area, including its open spaces (including gardens), the position of existing buildings and notable features such as groups of trees, walls and other structures; and there will be no loss of part or all of an open space*

which contributes to the character or appearance of the conservation area.”

45. Policy HOU2 sets out the circumstances in which planning permission will be granted for unallocated development within settlements.
46. Part of policy EN4 of the Non-Statutory Replacement Local Plan covers proposals relating to development within the settings of listed buildings and states, *“Proposals for development affecting the setting of a listed building, will only be permitted where they are acceptable in terms of scale, massing, form, siting, design and materials.”*

APPRAISAL

47. The Borough Council’s Conservation Officer is the case officer for this application and as such this appraisal fully incorporates in-house historic environment expertise (hence the absence of any comments from the Conservation Officer in the representations section of this report).
48. The proposal is for a new dwelling within the grounds of The Old Hall and on the site of an existing swimming pool and its covering structure. The swimming pool canopy was present in aerial photographs dated 1999 and the owner has stated that it was already in existence when he purchased the property approximately 30 years ago.
49. Given the lengthy period that the pool and its covering have been in position they cannot reasonably be considered as ‘temporary’ structures, notwithstanding the lightweight nature of the cover structure.
50. Far from its lightweight appearance resulting in a minimal impact, its poor quality construction actually produces a poor visual and aesthetic appearance which actively detracts from its surroundings. Removal of the swimming pool and its canopy, and any proposal which requires its removal, is a factor which should be considered as a benefit arising from that proposal.
51. The grounds of The Old Hall include land at the front and at the rear of the property. The two elements of land are discrete and separated and cannot be seen within the context of each other from any vantage point. The grounds at the front of The Old Hall cover an area of just over 4000 square metres.
52. At worst, including the enclosed outdoor amenity space and subterranean garaging but excluding the driveway, the proposed structure occupies an area of around 5% of the total outdoor area in front of The Old Hall which represents the extent of its existing grounds.
53. The Ward Councillor has concerns over the lack of subdivision of the grounds at the front of The Old Hall. He also, rightly, identifies that such subdivision would, in itself, be harmful.
54. The design and access statement explains and clarifies the use of the front grounds as shared space for the enjoyment of both the existing hall and the proposed dwelling, avoiding the need for subdivision of the space within the Heritage Impact Assessment on page 19 of the document.

55. The same arrangement, with the shared use of the grounds, was proposed in the 2016 application and did not represent a reason for refusal, and the planning inspector when considering the appeal did not have concerns in relation to this approach, indeed he highlighted that physical subdivision would indeed be harmful. No such subdivision is proposed, and any such subdivision would require planning permission if proposed in future.
56. The Parish Council have raised concerns about the proposed access and impact on trees. The access is exactly the same as was proposed in the 2016 application, which was not objected to by Nottinghamshire County Council as Local Highways Authority, and was considered to be a neutral (ie non-harmful) aspect of the scheme by the planning inspector who stated, "*...the proposed driveway, would not of itself have a harmful effect on the landscaped grounds given the extent of trees, hedging and fencing that would remain along the boundary with Cuttle Hill Gardens*"
57. The surfacing for the access has been selected to involve the minimum of ground disturbance and to retain permeability, whilst allowing grass to grow through its mesh structure to allow the grounds of the hall to retain a lawned character. The Borough Landscape and Design Officer commented on the 2016 application and was satisfied that the access would not result in harm to nearby trees. He has made comments relating to this latest submission reaffirming that he does not object but suggesting that as the tree survey and arboricultural method statement from the 2016 application had not been resubmitted we should control submission of such details via a condition to ensure that the previously acceptable methodology is adhered to. The applicants agent subsequently resubmitted the previous method statements so that they could be considered as part of the proposal, avoiding the need for such a condition.
58. The Ward Councillor raised a further objection in light of the arboriculture method statement stating that temporary tree protection fencing would harm the setting of the listed building.
59. The temporary nature of the fencing and its justification on the basis of preventing harm to trees is such that there would be no lasting impact upon the setting of the listed building, indeed to the extent to which the trees form a part of the setting of the listed buildings measures to protect them during construction could be argued as being a positive measure in favour of preserving the contribution which trees make to setting.
60. The Parish Council comments suggest that the access road would be '*unnecessarily*' close to trees, however keeping the access track at the perimeter of the site, rather than bisecting the open grounds at the front of The Old Hall is preferable for the same reasons as the absence of any boundary features is preferable. The track is kept tight to the trees in order to maintain the character of the hall grounds and as such is considered to be a desirable and justified route for the access driveway.
61. The Parish Council raise an objection that the proposal requires considerable excavation requiring the complete restoration of the site post works. A significant portion of the excavations required are pre-existing as a result of the swimming pool, and given the scale of the site there would be no reason to expect that the entire site would need restoration following works, although

to give comfort to the Parish Council a condition requiring restoration of the site post works could be included.

62. The Parish Council also raise a design objection relating to window proportions suggesting they be “*restored*” to reach ground level. It is not considered that the proposed arrangement results in an architecturally unappealing appearance, certainly not to the point at which the design could be described as inappropriate or not adequately reflecting an Orangery, as can be seen in fig 15 on page 15 of the Design and Access Statement not all orangery windows always extend to ground level.
63. The proposed dwelling would have outdoor amenity space owing to shared use of the grounds to the front of The Old Hall. Whilst this space would not be ‘private’ either for residents of The Old Hall or the proposed dwelling the space is extensive and is already publically visible both along the driveway and in glimpses through gaps in screening planting along Kneeton Road.
64. The Old Hall would retain its extensive rear garden as private amenity space while the proposed dwelling would have the use of a sunken courtyard of 45 square metres, and a semi-private terrace partly screened by replanted hedging to the immediate west. Whilst this terrace is of considerable length it is also narrow and considered to be of limited utility, as such its area of 44 square metres cannot be fully considered. The borough has a Residential Design Guide SPD which recommends 55 square metres as private amenity space for 2 bed dwellings. Even if the space of the terrace is only counted as 10 square meters, a quarter of its true scale, as a result of its narrow width, in combination with the sunken courtyard, the requirement would be met. When this is considered alongside the expansive shared space and nearby outdoor amenity areas such as that at Butts Field, it is considered that the amenity space available does comply with adopted guidance.
65. The planning inspectors report on the previously refused scheme acknowledged that the removal of the existing swimming pool and its cover structure would represent an enhancement to the settings of heritage assets. Although lightweight in nature the structure has been present for over 30 years and would likely be capable of long term retention with repairs and maintenance. As such a proposal to replace the building, which would otherwise be retained, has that enhancement as a benefit.
66. The design of the proposed building has been significantly amended since the 2016 submission, both reducing its above ground scale and changing its appearance to that of a far more traditional style of garden structure. Whilst Historic England had raised concerns with the 2016 scheme their comments on the pre-application for this latest submission were more supportive stating “*We welcome this approach, which has largely addressed previous concerns... the proposed building would sit more harmoniously within the associated grounds.*” This view is shared by the case officer (the Borough Conservation and Design Officer) and that the revised design would have a harmonious relationship with The Old Hall and would avoid either competing for prominence or being of a form which detracts from the character of the site.

67. From the public realm there would be fleeting glimpses of the proposed building through gaps within the otherwise robust boundary planting, and over the boundary wall fronting Kneeton Road, as well as in a view from the gateway to the site from Cuttle Hill Gardens. All of these views would be from limited vantage points over considerable distances such that the proposed building would appear to be a longstanding feature of the site and not attract any particular attention to itself.
68. There are several listed buildings in the vicinity of the site all of which are inter-related, being The Old Hall, its separately listed converted stables and its separately listed boundary walls (all listed grade II). The proposed development would not sit between The Old Hall and its outbuildings and as such would not harm the close physical relationship which those buildings enjoy and which mutually contributes to their significance. The proposal utilises existing access through the site boundary and as such involves no adverse impact upon the listed boundary walls of the site.
69. It is considered that, to the limited degree that the proposed building would be visible publically, the proposal would not result in harm to the special architectural and historic character and appearance of the conservation area and would therefore achieve the 'desirable' objective within section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
70. In addition it is not considered that the proposed development would harm the setting of any of the nearby listed buildings; The Old Hall, its separately listed converted stables or its separately listed boundary walls (all grade II listed). There would be no direct physical impact upon any historic fabric and the proposal would not harm the setting of these assets to the extent that their settings contribute towards their special architectural and historic significance.
71. As the proposal is, therefore, considered to 'preserve' heritage assets it would receive support under policy 11 (Historic Environment) of the Rushcliffe Local Plan Part 1: Core Strategy.
72. Existing neighbouring properties would retain adequate areas of private amenity space. The converted stables have screening boundaries of close boarded fencing and landscaping, whilst the retained tree cover to the east avoids any harm to privacy on Cuttle Hill Gardens. The Old Hall would retain private amenity space in the form of its rear gardens and shared use of the front garden area which is already visible from vantage points within the public realm and arguably not truly private. The proposal would therefore comply with amenity policies GP2 (Design and Amenity Criteria) of the Rushcliffe Non-Statutory Replacement Local Plan and Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy.
73. Given the sensitivity of the site and the importance of securing an appropriate design conditions are proposed to remove various classes of permitted development rights, the implementation of which could otherwise alter the external appearance of the building and result in inappropriate impacts upon the settings of listed buildings. A condition controlling any future boundary treatments which may be erected is not necessary as there are no permitted development rights for boundary treatments within the curtilage of listed

buildings or which enclose listed buildings, meaning that even without a condition such proposals already require planning permission.

74. Further conditions are proposed to require the provision of the tree protection measures specified within the arboricultural method statement and construction of the access driveway in a way as to avoid harmful impact upon trees.
75. The proposal was subject to discussions with the architect following refusal of a previous scheme. A revised proposal has been developed which addresses the heritage concerns previously raised by Historic England and has received positive indications from them at pre-application stage. As a result of this process, a redesigned proposal has been submitted which is considered to address previous reasons for refusal resulting in the recommendation that planning permission be granted.

RECOMMENDATION

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

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: 201A, 202 and 203A.

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

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

[To ensure the appearance of the development is satisfactory and to comply with polices GP2 (Design and Amenity Criteria), EN2 (Conservation Areas) and EN4 (Listed Buildings) of the Rushcliffe Borough Non-Statutory Replacement Local Plan].

4. No operations shall commence on site until the existing trees and/or hedges which are to be retained have been protected in accordance with details as detailed on plan "Arbtech TPP 01A". No materials, machinery or vehicles are to be stored or temporary buildings erected within the perimeter of the tree protection, nor is any excavation work to be undertaken within the confines of the protection fence without the written approval of the Borough Council. No changes of ground level shall be made within the protected area without the written approval of the Borough Council.

[To ensure existing trees are adequately protected during the development

and to comply with policy EN13 (Landscaping Schemes) of the Rushcliffe Borough Non Statutory Replacement Local Plan. This condition needs to be discharged prior to work commencing on site to ensure that the means of protection is provided before work commences to avoid any damage to the trees and/or hedges to be retained]

5. The access to the dwelling shall be via the access driveway constructed in the position and utilising the method shown on plan ARBTECH TPP01, once constructed the access driveway shall be retained in the form shown thereafter.

[To prevent harm to trees along the southern site boundary which form a key feature within the setting of a listed building and are to be retained, and to comply with Policy GP2 of the Rushcliffe Borough Non-Statutory Replacement Local Plan]

6. Demolition rubble from the existing swimming pool, and material excavated as part of the construction of the new dwelling is to be utilised within the construction of the new dwelling or disposed of off-site at an appropriate and licenced waste disposal facility, material is not to be used to alter landscaping within the grounds of The Old Hall.

[To avoid alterations to the formal grounds of The Old Hall through the deposition of spoil which may be harmful to the setting of The Old Hall as a listed building]

7. 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 policies GP2 (Design & Amenity Criteria), EN4 (Listed Buildings) and EN2 (Conservation Area) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

8. Notwithstanding the provisions of Schedule 2 Part 2 Class A of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no fence, wall, hedge or other means of enclosure other than shown on the approved plans shall be erected or planted on the site 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 policies GP2 (Design & Amenity Criteria), EN4 (Listed Buildings) and EN2 (Conservation Area) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

9. Notwithstanding the provisions of Schedule 2, Part 1 Classes A - D of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) there shall be no enlargement or alteration of the proposed dwelling(s), and no alteration to or insertion of windows or rooflights other

than those shown on the approved plans 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 policies GP2 (Design & Amenity Criteria), EN4 (Listed Buildings) and EN2 (Conservation Area) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

Note to Applicant

Nesting birds and bats, their roosts and their access to these roosts are protected under the Wildlife and Countryside Act 1981. Should birds be nesting in the trees concerned it is recommended that felling/surgery should be carried out between September and January for further advice contact Nottinghamshire Wildlife Trust on 0115 958 8242 or by email at info@nottswt.co.uk. If bats are present you should contact Natural England on 0300 060 3900 or by email at enquiries@naturalengland.org.uk.

This page is intentionally left blank



Application Number: 18/00854/FUL
70 Studland Way, West Bridgford

scale 1:1000

page 51

Rushcliffe Borough Council - 100019419

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationary Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.



This page is intentionally left blank

18/00854/FUL

Applicant Mr & Mrs Ashton

Location 70 Studland Way West Bridgford Nottinghamshire NG2 7TS

Proposal Two storey and single storey rear extension.

Ward Compton Acres

THE SITE AND SURROUNDINGS

1. The application relates to a late 1980's two storey detached dwelling located on a corner plot with the highway running along the front and west side of the site. The dwelling is faced in light red brick with a concrete tile pitched roof. A 3.6 metre deep white uPVC conservatory adjoins the rear elevation. There is a 6.1 metre deep front drive and an 11.6 metre deep rear garden. The dwelling is set off the west (side) boundary by 3.9 metres. The rear garden is enclosed by a close boarded fence approximately 1.8 metre high which steps out from the west (side) elevation of the dwelling. Forward of the enclosed rear garden is an open area of grass between the west side wall of the dwelling and the highway. An approximately 2 metre wide verge runs between the west boundary of the site and the rear edge of the pavement.

DETAILS OF THE PROPOSAL

2. The application seeks planning permission for a single and two storey rear extension, both projecting 3.64 metres from the rear of the dwelling. The extension would measure 8.86 metres in width at ground floor level, the two storey element would measure 3.2 metres in width at first floor level with the west (side) wall in line with the west (side) elevation of the existing property. There would be two ground floor kitchen windows in the west (side) elevation of the extension (facing the side boundary with the road), ground floor rear facing windows and a first floor rear bedroom window.
3. The single storey element would have a monopitch roof measuring 2.3 metres to the eaves and 3.58 metres where it joins the rear wall of the dwelling, incorporating two roof lights. The two storey element would have a pitched roof forming a rear gable with an eaves height of 5.02 metres and a ridge height of 5.97 metres. The extensions would be faced in brick with a brown pantile roof, both to match the existing property.

SITE HISTORY

4. Application ref: 96/00671/FUL - Reposition boundary fence; position garden shed. Refused in 1996

REPRESENTATIONS

Ward Councillor(s)

5. One Ward Councillor (Cllr Wheeler) objects to the application, commenting that there is limited information on dimensions, however it is clear that there would be a significant impact on neighbouring properties and the street scene due to the massing of brickwork from the two storey extension. The extension would be overbearing.
6. One Ward Councillor (Cllr Phillips) objects to the application, commenting that the rear of the neighbour at 68 Studland Way is northwest facing, therefore receiving little sunlight. The proposed single storey extension would be 0.89 m from the boundary fence with a maximum height of 3.58 metres which would cause unacceptable overshadowing of No. 68. The proposed two storey extension would add to the overshadowing of this property. The proposed two storey extension would add a further 3.64 metre length of brick wall to the existing. This continuous two storey brick wall would be overbearing and not in keeping with other properties in the area.

Statutory and Other Consultees

7. None received

Local Residents and the General Public

8. Four objections have been received with the comments summarised as follows:
 - a. The two storey extension would have a significant visual impact. The size of the extension and brickwork would be disproportionate and out of character with the surrounding area. The proposal would increase the road side elevation by circa 50%, resulting in a continuous mass of brickwork.
 - b. The proposed extensions would be overbearing in size and scale given the proximity to 68 Studland Way.
 - c. The single storey extension would run a quarter of the length of the rear garden to No. 68, resulting in a sense of enclosure and shadowing with a circa 25% loss of sunlight during the brightest part of the day and evening.
 - d. The two storey extension would be less than 6 metres from the boundary with No. 68, resulting in the view of a two storey high brick wall where there is currently an unobstructed view of the sky.

PLANNING POLICY

9. The Development Plan for Rushcliffe consists of The Rushcliffe Local Plan Part 1: Core Strategy and the 5 saved policies of the Rushcliffe Borough Local Plan 1996. Other material planning considerations include the National Planning Policy Framework (NPPF) and the Rushcliffe Borough Non-Statutory Replacement Local Plan (2006).

Relevant National Planning Policies and Guidance

10. The relevant national policy considerations for this proposal are those contained within the National Planning Policy Framework (NPPF) and the proposal should be considered within the context of a presumption in favour of sustainable development as a core principle of the NPPF. The proposal falls to be considered under section 7 of the NPPF in terms of promoting good design, particularly the criteria outlined in paragraph 58 of the NPPF. Development should function well and add to the overall quality of the area, not just in the short term but over the lifetime of the development. In line with NPPF paragraph 64, 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

11. The Rushcliffe Local Plan Part 1: Core Strategy 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 National Planning Policy Framework. The proposal falls to be considered under Policy 10 (Design and Enhancing Local Identity) of the Core Strategy. 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. The 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 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.
12. None of the saved policies from the 1996 Local Plan apply to this application.
13. Whilst not a statutory document, the policies contained within the Rushcliffe Borough Non-Statutory Replacement Local Plan should be given weight as a material consideration in decision making. The proposal falls to be considered under the criteria of Policy GP2 (Design and Amenity Criteria) of the Rushcliffe Non-Statutory Replacement Local Plan, specifically GP2(d) whereby the 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.

APPRAISAL

14. The main considerations raised in the consultee responses relate to the impact of the proposed two storey rear extension on the character of the street scene, and the impact of both extensions on the amenity of the neighbour at 68 Studland Way.
15. The proposed two storey extension would project from the rear of the property to the same extent as the existing conservatory. Whilst the dwelling is located on a corner plot, the west side wall is set back approximately 6.5 - 7 metres from the highway to the side. The open area to the side of the

dwelling (between the boundary fence and the highway) would be retained. The rear garden is enclosed by a circa 1.8 metre high fence and the extension would be set back 3.9 metres from the existing side boundary fence. The ridge height of the two storey element would be below that of the existing property, and thereby subservient to the host property. Given the set back from the highway, it is not considered that the extension would result in an overly dominant development in the street scene or that there would be a loss of openness to this corner of Studland Way.

16. The proposed rear extension would be approximately 21 metres from the opposite neighbour to the west at 31 Studland Way. There would not be an overbearing impact or loss of light to this neighbour.
17. In terms of the amenities of 68 Studland Way, the proposed single storey rear extension would be set off the common boundary by 0.89 metres. This neighbouring property is set back from the boundary to a similar degree and set back slightly relative to the application property. The proposed single storey extension would be fairly modest in scale, projecting approximately 2.8 metres beyond the rear wall of this neighbouring property. It would be comparable in size to other rear extensions/conservatories on Studland Way. The proposed two storey element would be set back 6.5 metres from the boundary with No. 68. It is not considered that either extension would have an overbearing or overshadowing impact on this neighbour.
18. The neighbour to the rear has a blank side gable facing the site. The proposed two storey rear extension would not have a direct overlooking impact on this neighbour.
19. A usable rear garden space of 108 square metres would be retained to the rear of the proposed extensions, in addition to a 3.9 metre wide strip of land between the proposed side extension and the side boundary. The proposal would retain sufficient private rear garden space as not to result in an over-intensive development of the site.
20. Under permitted development rights, the property could be extended to the rear with a single storey extension projecting 4 metres from the rear elevation (8 metres through the prior approval procedure), up to a height of 4 metres, subject to certain criteria being met. Similarly, a two storey extension which projects 3 metres from the rear wall of the original dwelling could be constructed under permitted development rights, again subject to certain criteria being met. This represents a 'fall back' position and would be a material planning consideration in the determination of this application.
21. The application was not the subject of pre-application discussions. The scheme is, however, 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 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: Location Plan & Block Plan, and Existing & Proposed Plans, received on 11 April 2018.

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

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

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

This page is intentionally left blank



Planning Committee

12 July 2018

East Leake No.1 Tree Preservation Order 2018

Report of the Executive Manager – Communities

Location 26 Brookside, East Leake

Ward Leake

THE SITE AND SURROUNDINGS

1. 26 Brookside, East Leake is a Victorian detached property with a large front garden located in a prominent location on the junction between Brookside and Brookside Avenue. The front garden is laid to lawn and is fronted by a hedgerow. At the front of the garden in the south east corner is a large Cedar tree which is located approximately 1m from the edge of a paved driveway. On the northern boundary of the front garden is a medium sized Apple tree.
2. The site is located close to the southern edge of the East Leake conservation area. This part of the conservation area's character is largely created by established landscape features, such as mature trees and hedgerows within the grounds of a series of properties that pre-date 1900, around them housing generally dates from the 1960's. On the other side of the road to the south east of the property is an informal area of trees and paddocks and beyond this an area of new housing currently under construction.

DETAILS OF THE TREE PRESERVATION ORDER

3. A Tree Preservation Order was made in response to a conservation area tree notice to fell the Cedar which was received in August 2017, the following reasons were given for the work:
 - The tree sits on elevated ground in relation to the driveway.
 - There is an exposed buttress root of at least 10in diameter.
 - It overhangs the highway on one side and is getting close to the house on the other.
 - It needs significant crown reduction which will spoil the shape and look of the tree.
 - The roots are coming up under the driveway, lifting and relaying the drive will cost £3,600. The owner wanted to remove the tree before commencing work to the drive.
4. In response to the conservation area tree notice the Council either had to allow the tree to be removed or make a Tree Preservation Order to secure its retention. The reasons for wanting to fell the tree were taken into account, but it was considered that the lifting of the driveway was relatively minor and that careful pruning could mitigate concerns about the overhang over the highway and the proximity of the tree to the property.

5. Due to the tree's visual prominence a Tree Preservation Order was made on 18 October 2017. Under the Town and Country Planning (Tree Preservation) (England) Regulations 2012 the Order took effect provisionally and needed to be confirmed within 6 months of the date it was made, unfortunately due to an oversight the objection wasn't presented to the Planning Committee within the required time period, as such it was allowed to lapse and a second Tree Preservation Order was made on 25 April 2018 and this order needs to be confirmed by 25 October 2018.

Representations

6. An objection to the Tree Preservation Order has been received from Mrs Abel, the owner of the property, for the following summarised reasons:
 - In terms of amenity the Cedar, whilst visible from the highway, has little impact or importance. The tree is not native to the UK and is therefore incongruous with other trees in the area. It has no cultural or historic value and is not a rare species.
 - The tree is large and continues to grow and is more suited to a park or woodland. The branches overhang the road and are brushed by passing buses. The tree will require a substantial reduction and this will spoil the appearance and shape of the tree.
 - In certain parts of the driveway roots are exposed. If allowed to grow the tree's roots are likely to affect the pavement and/or highway.
 - The owner has offered to plant another tree in the front garden which will be more suitable for the local area.

APPRAISAL

7. Section 198 of the Town and Country Planning Act 1990 allows Councils to make Tree Preservation Orders when it is "expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area." Amenity is not defined, but the Government considers that "Orders should be used to protect selected trees and woodlands if their removal would have a significant negative impact on the local environment and its enjoyment by the public." Government advice also states that "trees, or at least part of them, should normally be visible from a public place, such as a road or footpath, or accessible by the public."
8. The Cedar is clearly visible from Brookside when approaching from the north and south. This section of Brookside only has a pavement running along its western side; from this the tree can be viewed by pedestrians for a distance of 55m to the north and 65m to the south. Longer distance views are available to motorists, from the junction of Burton Walk 110 metres to the north. There are also long distance views as far as 250m to the south from the southern end of Kirk Ley Road. Brookside is one of the main roads through the village and the tree is particularly prominent when traveling south along it.
9. Apart from visual appearance and prominence, the Council can give weight to other considerations such as wildlife value, contribution to landscapes or the appearance and character of conservation areas, but these on their own are not sufficient to justify protecting a tree. In this case it is considered that the visual prominence of the tree is the primary reason it justifies protection.

10. Cedar trees are non-native and as such the tree is not strictly in keeping with the character of the conservation area, but despite this it is shown as being a significant tree on the Conservation Area Townscape Appraisal produced in July 2008. The Conservation Area Appraisal and Management Plan identifies different character zones within the village and notes that the character of Brookside and Station Road “is largely created by established landscape, such as mature trees and hedgerows.” Overall it is considered that the conservation area is enhanced by the retention of the mature tree despite the fact it is not a native species.
11. To justify protection trees do not have to be culturally or historically valuable, nor do they have to be a rare species, in fact trees of any species and age can be protected by a Tree Preservation Order.
12. Cedar trees are large growing specimens and it is likely that the tree will require some form of pruning in the future. Tree Preservation Orders allow for applications to be made to prune or fell trees. The tree is located at the front of the garden and overhangs the pavement and road, but the canopy gives adequate ground clearance. It would be appropriate to allow the tree to be pruned in the future to ensure it does not pose an obstruction or danger to highway users and it is considered that such pruning could take place without any significant harm to the overall appearance and health of the tree.
13. The Council acknowledges that the roots of the Cedar are lifting the block paver driveway in places. Such surfaces have little sub-base and roots can easily disturb them. This was taken into account when the Tree Preservation Order was made and at the time it was considered that the level of disturbance to the pavers was quite low. Repairs to such surfaces are difficult to determine without lifting the pavers to inspect the roots and ground they are growing in, but it should be possible to lift and relay many of the areas. Technically roots can only be pruned back following an application to the Council and an application would need to specify where the roots will be removed or pruned back to. Large roots should not be severed but British Standard 5837 gives an indication that roots up to 25mm diameter can be cut back.
14. If the roots of a private tree sufficiently damage a public road or pavement, or branches cause an obstruction or danger to highway users, the highway authority would usually write to the tree owner in first instance; such a request could form the basis of an application for work. In extreme cases the highway authority can serve notice on land owners to enforce work to a tree, in such a situation the minimum required work to implement the terms of the notice would be exempt from the need to make a Tree Preservation Order application. There is no guarantee that the tree will ever cause damage to the road and the pavement, but if it did the Council would seek to work with the tree owner and the highway authority to come to a suitable arrangement.
15. When considering conservation area tree notices we can give little weight to offers to plant replacement trees as the legislation does not allow such planting to be conditioned or enforced. Unfortunately past experience has shown that many such offers do not result in new trees being planted as people have busy lives and there are always competing time and financial pressures. Tree Preservation Order applications differ from conservation area

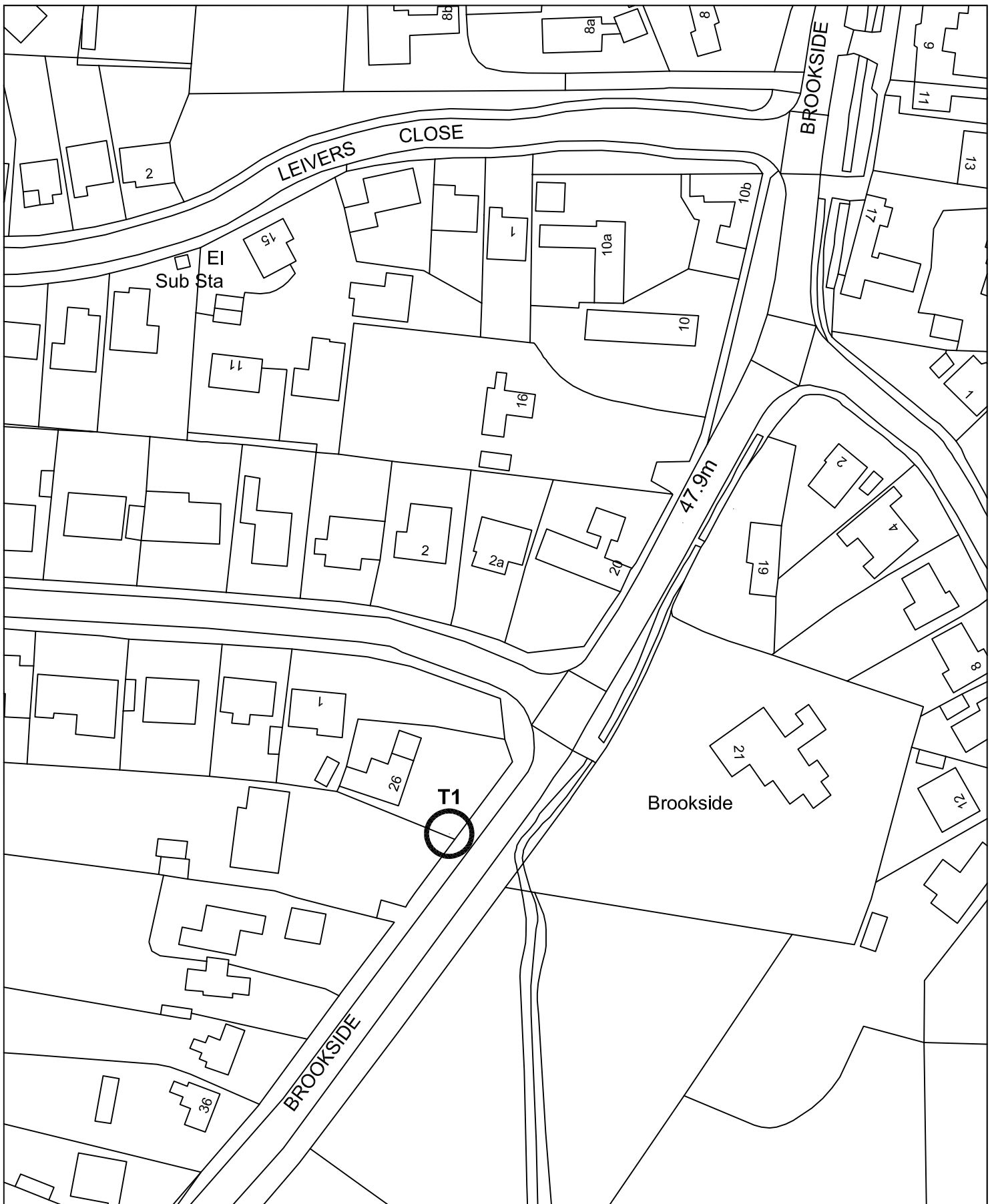
tree notices in that they allow replacement trees to be conditioned and enforced.


16. There is nothing to stop the land owner planting a replacement tree ahead of felling the Cedar and stating in writing to the Council that it was intended to mitigate the removal of the Cedar in the future. We could keep this correspondence on file and take it into account when considering future applications to fell the tree. Clearly it would be a matter of judgement as to whether the young tree has sufficiently established to allow the Cedar to be removed, but such action could feasibly facilitate the property owner's long term intention whilst ensuring the amenity of the area is maintained.

RECOMMENDATION

It is RECOMMENDED that the East Leake No.1 Tree Preservation Order 2018 be confirmed without modification.

This page is intentionally left blank



 Rushcliffe Borough Council	Property Services Rushcliffe Borough Council Rushcliffe Arena Rugby Road West Bridgford Nottingham NG2 7YG Tel. 0115 981 9911 Fax. 0115 914 8452	Project East Leake No.1 Tree Preservation Order 2018	Date April 2018	Project officer T Pettit	
	Drawing title 26 Brookside, East Leake	Scale 1:1000	Reference 665.19	Drawn TP	Checked



This page is intentionally left blank