

# 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 368m<sup>3</sup>; the replacement dwelling has a volume of 1221.1m<sup>3</sup>. 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](mailto: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](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.