

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.