

19/02622/FUL

Applicant Mr Adrian Kerrison

Location Land West Of School Lane Colston Bassett Nottinghamshire

Proposal Proposed New Dwelling (resubmission)

Ward Nevile And Langar

THE SITE AND SURROUNDINGS

1. The site comprises a grassed paddock on the west side of School Lane within the Conservation Area. The School Lane boundary is formed by a section of brick wall and slatted fencing with a gated vehicular access, and there is a group of mature deciduous trees on the northern part of the site, and along the north west and north east boundaries. The car park for the Martin's Arms is adjacent to the east, with the Grade II listed public house beyond. Adjacent to the west is a group of former farm buildings/stables converted to dwellings, and there is a farmhouse and number of 'barn' conversions on the opposite side of the lane. All of these buildings are identified as key unlisted buildings in the Townscape Appraisal of the Conservation Area Appraisal and Management Plan, and the trees within and adjacent to the site are identified as a 'wooded area'. In addition, the land to the north is identified as a positive open space.
2. A strip of land adjacent to the south western boundary shown to become part of the residential curtilage of the adjacent dwelling (Ascot House) on a previous application (ref. 19/00167/FUL) has been gravelled and a small damaged part of the boundary wall has recently been repaired/rebuilt.

DETAILS OF THE PROPOSAL

3. The proposed two storey dwelling with a basement with adjacent light wells and up to 6 bedrooms (two rooms are labelled study/bedroom) would have the form and appearance of a converted barn/farm building to the front elevation, with a combination of traditional and contemporary elements to the side and rear. A vehicular access would be formed adjacent to the north east corner of the site, with a driveway and parking area to the north east side of the dwelling. The materials would be brickwork & clay pantiles with powder coated aluminium windows, tarmac & gravel for the driveway, and paving around the dwelling. The plans also show measures to protect trees on the site during construction, and landscaping proposals.
4. In addition to a Design & Access Statement, an Arboricultural Report (and subsequent addendum), Drainage Report, Landscape & Visual Impact Assessment and an ecology report were submitted.

SITE HISTORY

5. Permission was refused and two appeals were dismissed in 1998 and 1999 for the erection of a dwelling and new vehicular access (refs: 98/00790/FUL & 99/00406/FUL).
6. Outline applications for a dwelling were refused in 2016 and 2017 (refs: 16/01959/OUT & 17/00102/OUT respectively).
7. Permission was granted in 2019 for a new dwelling (ref: 19/00167/FUL), and permission was subsequently refused for a revised scheme (ref: 19/02040/FUL).

REPRESENTATIONS

Ward Councillor(s)

8. The Ward Councillor (Cllr Combellack) objects on grounds summarised as follows.
 - a. Concerned about the impact of the proposed rear of the property and the contemporary element of the north west elevation on the conservation area and visual aspect of the rear of properties along School Lane, in particular, the extent of glazed areas giving rise to external light pollution which is not easily mitigated.
 - b. Concerned about the displacement of water by the basement element. In recent flooding the River Smite caused flooding and properties along School Lane are on land sloping towards the Smite.

Town/Parish Council

9. The Parish Council objects on ground summarised as follows:
 - a. The revisions do not mitigate the substantial harm the proposed design would cause to the heart of the Conservation Area, as was noted by the Borough Council in their refusal of the original application.
 - b. The proposal does not match or address local housing need as identified in the Colston Bassett Neighbourhood Plan, nor does it meet required ecological design considerations.
 - c. Concerned as to the impact the proposed substantial basement excavation may have on local drainage patterns, as espoused by several local residents, with recent flooding episodes in an area that has a high water table.
 - d. Keen to see the site developed but to a design, scale & impact in keeping with its location at the heart of the Conservation Area.

Statutory and Other Consultees

10. The Borough Council's Conservation Officer comments that this revised and resubmitted scheme is much closer to that proposed under application ref.

19/00167/FUL, and that it is encouraging to see that feedback and comments made when application 19/02040/FUL was refused have been taken on board in shaping the current scheme. As the current scheme is not substantially different from the approved one (19/00167/FUL), she does not have significant concerns, and agrees with the comprehensive comments given by the former Design and Conservation Officer, and finds that these apply similarly to the current scheme.

11. As such, she considers that the resubmitted proposal would achieve the objectives described as desirable within sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in preserving the special architectural and historic character and appearance of the conservation area (s72) and the special architectural and historic significance of listed buildings and their settings (s66).
12. Additionally, she considers that an archaeological watching brief should be secured for any groundworks undertaken on site in order to identify and secure a record of any archaeology on site.
13. The Borough Council's Design and Landscape Officer has read the addendum to the tree report and visited the site to take a look at tree 17. He largely agrees with the addendum and the points it makes, many of the arguments put forward were the same he considered when he chose not to object to the previous application, such as the depth of the basement not being a major factor given that the majority of the roots will be in the top 600mm of topsoil and the overall extent of encroachment into the root protection area. In light of this, he does not object to this application.
14. He takes the point the addendum makes that T17 is likely to have a limited useful life left due to its condition. He also thinks the appropriateness of the tree will change following development as the new building will introduce a new layer of risk whereas, at the current time, the site is unused and there would be no repercussion should the tree fail. If the applicant wanted to remove the tree, he would take a pragmatic approach should a suitable replacement be offered, but it seems that at the current time, we are being asked to consider the application based on the retention of the tree as it is shown to be retained on the drawings.
15. The construction work and a basement would result in a huge amount of spoil and that will need to be managed. This can be controlled through a condition to require submission and approval of an Arboricultural Method Statement prior to commencement of development which would need to be strongly worded to ensure there is on site arboricultural supervision at key build stages.
16. Nottinghamshire County Council as Highway Authority do not envisage that the proposal would have an unacceptable impact on highway safety and do not object subject to conditions to ensure that occupation of the proposed dwelling does not take place until the driveway has been surfaced in a bound material for a minimum distance of 5.0 metres behind the nearside carriageway edge & drained to prevent the discharge of surface water on to the public highway, the parking/turning area has been provided, the access is fronted with a vehicle crossing, and the visibility splays shown on the plans have been provided.

17. Nottinghamshire County Council as Lead Local Flood Authority (LLFA) comment that, as a statutory consultee, the LLFA should only be consulted on major developments with regards to surface water drainage. Having considered the scale of this application, the LLFA believes it is not required to respond to the surface water management details for this application and, as such, they will not be making any bespoke comments regarding this. On the specific proposal to build a basement on the site, based on the submitted information provided including the groundwater report by BSP Consulting, they have no objection to the proposals.
18. The Environment Agency advise that if the application site is within Flood Zone 1, they have no comments irrespective of local concerns on drainage. The County Council as LLFA have ultimate responsibility for any surface water flooding issues as well as groundwater flooding.
19. Trent Valley Internal Drainage Board comment that the site is outside the board's district but within its catchment. The board maintained River Smite is in close proximity to the site to which byelaws and the Land Drainage Act 1991 apply. The board's consent is required for any works which increase the flow or volume of water to any watercourse or culvert in the board's district, and surface water run-off rates to receiving watercourses must not be increased as a result of the development. The design, operation and future maintenance of site drainage systems must be agreed with the Lead Local Flood Authority and local planning authority.
20. Historic England - do not wish to make any comments and suggest that the views of the Borough Council's specialist conservation and archaeological advisers are sought as relevant.

Local Residents and the General Public

21. 6 written representations have been received (from 5 properties), 4 raising objections & comments and 1 expressing support which are summarised as follows:

Objections/comments

- a. In the past 2 months there has been significant localised flooding (6 incidents) and a basement pool seems an inappropriate risk. There is still a risk to adjacent houses and it may exacerbate local flooding issues.
- b. Experience of flooding has clearly identified that several of the agencies (County Council, Severn Trent, Environment Agency) are not fully aware of the risks of the impact on flooding in the village, and it is expected that these extreme conditions will become the norm in line with climate change.
- c. The existing surface drainage down School Lane already struggles to cope and there is frequently a large area of standing water above the drain.
- d. If the basement is allowed a condition should be included to avoid affecting groundwater and reliance on mains drainage.

- e. Our cellar is generally dry but we have experienced flooding of the cellar on an intermittent basis this past year.
- f. The quantity of glazing seems at odds with a conservation area, giving rise to unnecessary external light pollution, and the south eastern aspect which overlooks School Lane is very heavily glazed and looks totally out of keeping with the local character.
- g. The area including trees is home to a range of wildlife and a detailed landscaping plan needs to be produced that will protect and provide homes for wildlife and help reduce light pollution created by the new building.
- h. Parking in school lane is already busy with a school, pub and village hall, and the provision of just two spaces and a small turning circle for a 5/6 bedroom dwelling appears insufficient.
- i. Conditions on previous approval should be imposed, and there should be conditions to ensure protection of great crested newts and to avoid light pollution.
- j. The resubmission does not go far enough in addressing previous concerns and inadequate account has been taken of the submission version of the Neighbourhood Plan (NP) particularly in relation to flooding, parking and lighting, and is contrary to policies ENV17, H2 and D1 of the NP.
- k. There is no turning head on School Lane and it is doubtful if lorries will be able to access the site and, prior to any construction, detailed proposals need to be submitted as to how construction traffic will access the site and how spoilage will be removed.

Support

- a. The site is currently untidy and overgrown and would greatly benefit from the proposal. The house is relatively modest for a plot of this size and would have no obvious adverse impact on the Martins Arms PH.
- b. The Martins Arms has a significant cellar and groundwater egress has not been encountered. There are no flooding issues on School Lane. Recent flooding has only affected lower lying areas of the village towards the church.

PLANNING POLICY

- 22. The Development Plan for Rushcliffe consists of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).
- 23. Other material considerations include the emerging Colston Bassett Neighbourhood Plan, the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG).

Relevant National Planning Policies and Guidance

24. The National Planning Policy Framework February 2019 (NPPF) includes a presumption in favour of sustainable development. There are three overarching objectives to sustainable development: economic, social and environmental.
- an economic objective – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
 - a social objective – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations, and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and
 - an environmental objective – contributing to protecting and enhancing our natural, built and historic environment, and as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.
25. Chapter 5 ‘Delivering a sufficient supply of homes’ states, at paragraph 78, that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.
26. Chapter 12 ‘Achieving well designed places’ states that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area not just for the short term but over the lifetime of the development, are visually attractive as a result of good architecture, are sympathetic to local character and history, including the surrounding built environment and landscape setting while not preventing or discouraging appropriate innovation or change, with a high standard of amenity for existing and future users.
27. Chapter 16 ‘Conserving and enhancing the historic environment’ states, at paragraph 192 that, in determining applications, local planning authorities should take account of:
- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - c) the desirability of new development making a positive contribution to local character and distinctiveness.

28. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
29. The National Planning Practice Guidance on Rural Housing states that it is important to recognise the role of housing in supporting the broader sustainability of villages and smaller settlements. A thriving rural community in a living, working countryside depends, in part, on retaining local services and community facilities such as schools, local shops, cultural venues, public houses and places of worship. Rural housing is essential to ensure viable use of these local facilities. Assessing housing need and allocating sites should be considered at a strategic level and through the Local Plan and/or neighbourhood plan process. However, all settlements can play a role in delivering sustainable development in rural areas, and so blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided unless their use can be supported by robust evidence.
30. Sections 66 and 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990 require that special regard is given to the desirability to preserve the settings of listed buildings, and that special attention is given to the desirability to preserve or enhance the appearance and character of Conservation Areas.

Relevant Local Planning Policies and Guidance

31. Policies 1 (Presumption in favour of sustainable development), 3 (Spatial Strategy), 10 (Design and enhancing local identity) and 11 'Historic Environment' of the Rushcliffe Local Plan Part 1: Core Strategy are relevant to the current proposal.
32. Policy 3 states that in 'other' settlements, such as Colston Bassett, housing development will meet local needs only, which will be delivered through small scale infill development or on exception sites.
33. Policy 10 states that all new development should reinforce valued local characteristics and have regard to local context, and that development will be assessed in terms of its impact on the amenity of occupiers or nearby residents.
34. Policy 11 states that 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.
35. The Rushcliffe Local Plan Part 2: Land and Planning Policies (Local Plan Part 2) provides clarification on the definition of '*small scale infill development*' stating that '*small scale infilling is considered to be the development of small gaps within the existing built fabric of the village, or previously developed sites, whose development would not have a harmful impact on the pattern or character of the area*'.

36. Policy 28 'Conserving and enhancing heritage assets' of Local Plan Part 2 states that Proposals that affect heritage assets will be required to demonstrate an understanding of the significance of the assets and their settings, identify the impact of the development upon them and provide a clear justification for the development in order that a decision can be made as to whether the merits of the proposals for the site bring public benefits which decisively outweigh the harm arising from the proposals.
37. The Colston Bassett Neighbourhood Plan (NP) was submitted for examination in July 2019. The Borough Council received the examiner's report in January 2020 which concludes that, subject to amendments, the plan meets the basic conditions and should proceed to referendum. It is considered that the NP can currently be afforded reasonable weight.
38. Policy D1: 'Design' of the NP states that all new housing should continue to reflect the character and historic context of existing developments within the Parish and incorporate a range of local materials where possible. However, contemporary and innovative materials and design will be supported where positive improvement can be robustly demonstrated without detracting from the historic context.
39. Policy H2 'Housing Mix' states that housing development proposals should provide a mixture of housing types specifically to meet identified local needs in Colston Bassett as evidenced in the Parish Housing Needs Report (2016) or any more recent document updating this report.
40. Policy ENV4 'Important Trees and Woodland' states that development proposals that damage or result in the loss of trees, woodland and hedges of arboriculture/ecological significance and amenity value will be not generally be permitted unless there is a clear mitigation proposal close to the site.
41. Policy ENV7 'Managing Flood Risk' states that new development will be required to demonstrate that the site is safe from flooding and does not increase the risk of flooding to third parties, taking climate change projections into account.
42. Policy ENV 8 'Light Pollution' states that development must be designed to limit the impact on light pollution and light spillage from artificial externally visible light sources including security lights, through the use of motion sensors, timed lights and softer lighting.

APPRAISAL

43. The Conservation Area Appraisal and Management Plan describes Colston Bassett as a village of '*exceptional quality*'. Numerous fine brick and pantile barns and cottages form an intrinsic part of its rural character, and there are period cottages and barns as well as Georgian and Victorian houses of quality, such as the Martin Arms, throughout the village. Key characteristics are a strong rural character both in terms of architecture and landscape with a large number of important trees, and modern infill development hasn't reduced the quality of the Conservation Area.
44. The majority of land, including land to the west of the site, is identified as positive open space in the Conservation Area Townscape Appraisal. Whilst

this site is not included, it is considered that, together with the boundary wall, it makes an important contribution to the rural character of School Lane, and the Conservation Area. The trees on the site are also important features of the Conservation Area, and the buildings adjacent to the south west and those on the opposite side of the lane are identified as key unlisted buildings. The Martins Arms is a Grade II listed building.

45. For over 20 years development on the site has been resisted on grounds of the loss of an open space which contributes significantly to the character and visual amenities of the Conservation Area, and as the design, scale and siting of the dwellings proposed would detrimentally affect the character and appearance of the Conservation and be unsympathetic to the character of surrounding properties.
46. Most recently, application refs. 16/01959/OUT and 17/00102/OUT were refused on grounds that the siting, scale and design of the proposed dwellings, together with an associated driveway/parking areas, would have a significant adverse effect on the character and appearance of School Lane and the Conservation Area, and that the provision of adequate visibility at the vehicular access would be likely to require partial demolition of the boundary wall, which would further erode the character of School Lane and the Conservation Area.
47. During the assessment of the subsequent application, ref:19/00167/FUL, it was considered that one dwelling on the site would represent the type of small scale infill development envisaged by policy 3 of the Core Strategy, as clarified by Local Plan Part 2.
48. It was also considered that the siting, scale and design of the dwelling proposed under that application would represent a carefully considered and sensitive development which responded sympathetically to the constraints of the site, and would adequately retain the open character of the site, and address the reasons for refusing the previous applications.
49. In particular, whilst the front elevation would have a traditional barn conversion style appearance, with the exception of the two storey height threshing barn style opening, there would be relatively few openings and those proposed would be relatively small and of a simple design with no glazing bars. The other contemporary large openings would be to the rear where they would not be highly visible from the public realm, and it was considered that the combination of traditional and contemporary design would be appropriate.
50. The dwelling would also be sited further back from School Lane than previously proposed (under application refs: 16/01959/OUT and 17/00102/OUT) with a smaller footprint which would retain views of the side elevation of Ascot House, and the simple form and relatively uncluttered appearance of the front elevation would not compete with the adjacent barn conversions. Re-positioning of the vehicular access would avoid the need to remove part of the boundary wall to ensure adequate visibility, and the route of the driveway and siting of the parking area was carefully considered to minimise the impact on trees within the site.
51. A further subsequent application, ref:19/02040/FUL, was refused as the dwelling proposed would be of a larger scale and footprint, with changes to the design and materials, including an increase in the scale of the main front part

of the building resulting in it being 2.5m closer to the School Lane boundary, a larger rear projection with the ridge height the same as the front part (which would no longer be subservient to the front part of the building), a larger asymmetrical north east side gable, additional/larger windows/dormers to the rear and north east side elevations, and incorporation of a first floor balcony and timber cladding.

52. It was concluded that the changes to the siting, scale, design and materials would be intrusive and not sympathetic to the rural character of the site and surroundings, and that the proposal would also not preserve or enhance the character and appearance of the Conservation Area.
53. The current proposal seeks to address the reason for refusal of the previous application (ref: 19/02040/FUL) with the scale reduced and design amended. In particular, the footprint has been reduced and the dwelling would be 1m further from the School Lane boundary, the north east gable has been altered to be symmetrical as on the original scheme, with previous two large openings omitted, the rear dormers have been reduced in scale, the ridge of the rear projection has been lowered, and timber cladding has been omitted.
54. Although it would be 1m longer and 0.6m higher than the approved scheme, the design and appearance of the most important front elevation would be virtually the same, with only minor changes to the positions of windows and roof lights.
55. The rear elevation is very similar to the refused scheme with large areas of glazing, however, it would not be highly visible from public areas, and the rear elevation of the approved scheme is the most contemporary part. The south west (side) elevation would also not be highly visible from public areas.
56. In considering the previously approved scheme, the Conservation Officer concluded that the general character of this section of School Lane would be preserved, and by extension the character and appearance of the conservation area would also be preserved. Whilst the approved scheme is preferred, the scheme currently under consideration is not significantly different in terms of the impacts on the appearance and character of the conservation area. Furthermore, due to the changes made to the scale and design since the previous application (ref: 19/02040/FUL) was refused, and as the lightwell should not be visible from School Lane, and with conditions to ensure further consideration of external materials and the implementation of tree protection measures and landscaping, it is considered that the proposal would retain the rural character of School Lane and the character and appearance of the Conservation Area. Due to the distance from the Martins Arms and other nearby listed buildings/structures, it is also considered that the settings of adjacent and listed buildings would be preserved. Consequently, the proposal achieves the objectives described as desirable in Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
57. It is considered that occupants of the dwelling would have a high degree of amenity and, due to the siting, scale and design, there would be no significant adverse impact on the amenities of adjacent or nearby properties. Whilst the enlarged rear projection would be closer to Ascott House, the roof would slope away from the boundary and there should be no significant overshadowing or overbearing impact.

58. With respect to ecology, the Borough Council has a legal duty when determining a planning application for a development which may have an impact on protected species. The species protection provisions of the Habitats Directive, as implemented by the Conservation (Natural Habitats Etc) Regulations 1994, contain three tests which Natural England must apply when determining a licence application. This licence is normally obtained after planning permission has been obtained. However, notwithstanding the licensing regime, the Planning Authority must also consider these tests when determining a planning application. A Planning Authority failing to do so would be in breach of Regulation 3(4) of the 1994 Regulations. The three tests are:
- a. the activity to be licensed must be for imperative reasons of overriding public interest or for public health and safety;
 - b. there must be no satisfactory alternative; and
 - c. favourable conservation status of the species must be maintained.
59. In this case the ecology survey submitted with the previous application (ref: 19/00167/FUL - dated December 2018) found that the site supports significant trees, which have potential habitat value to birds, small mammals and invertebrates, some of which may be protected species such as nesting birds and bats. Given the frequent records of bat activity and roosts in the village and surrounding landscape, it is possible that bats may, in the future, seek to roost in trees with roosting features at the site, and the site is likely to form part of bat foraging habitat and commuting routes. During two surveys of a tree to be removed (T12), no evidence of bat roosting was noted in the tree, no bats were seen emerging from or entering the tree, and no specific bat activity was noted around the tree. Breeding birds may use the trees to nest in during the bird nesting season. The grassland/scrub is of low botanical interest but is likely to be used by small mammals and birds for foraging. A condition was imposed on the previous permission requiring the submission of a further ecology report if the permission is not implemented within 1 year of the date of the permission. In view of this, and as an updated ecology report was not submitted with the current application, it is considered that a condition requiring a further ecology report including mitigation measures is necessary.
60. The concerns in the written representations about flooding in relation to the basement are noted. The Drainage Report states that the topography and the local flood mapping (surface water and fluvial) would suggest that there would not be a ground water flooding issue, and that the 'Areas Susceptible to Groundwater Flooding' mapping of the Greater Nottingham Strategic Flood Risk Assessment indicates a susceptibility to groundwater flooding of between 25% and 50%, which is at the lower end of the spectrum. Given this low probability of groundwater flooding, the topography of the locality and critically the low density of local development, it states that it is difficult to envisage how the proposed basement could have any adverse effect on other properties. It also states that, due to the very low density existing development in a semi-rural setting with no buildings directly abutting the proposed construction, the proposed basement excavation, which would take up approximately 17% of the site area with open fields beyond, with almost unlimited soil infiltration capacity, there is very little risk of any groundwater flooding issue as a result of the subterranean construction.

61. The report also refers to recent flooding around Church which, it is understood, related to surface water flooding as a consequence of extraordinary levels of rainfall in a short period at the lowest point in the village and, as far as the applicant is aware, there has been no similar issue encountered on School Lane, which is at a much higher level. Surface water flooding is also an entirely different issue to groundwater displacement resulting from basement construction and thus not relevant to this point.
62. In addition, the site is not within an Environment Agency Flood Zone, and is more than 60m from the edge of the River Smite flood zone.
63. In view of the above, and in the absence of an objection from the LLFA or the Environment Agency, a refusal on grounds of flood risk could not be justified.

Other matters raised in the written representations

64. As the site is within an established residential area, it is not considered that the impact of artificial indoor lighting would cause significant harm to the surrounding and nearby environment. Therefore, a condition in this respect is not considered necessary to mitigate impacts of the development.
65. There does not appear to be a parking issue on School Lane, and two parking spaces on the site would be adequate for one dwelling. It is also desirable for hard surfaced areas on the site to be kept to a minimum in order to minimise the impact on trees. Furthermore, in the absence of highway safety objection, a refusal on grounds of inadequate parking could not be justified.
66. The application was not subject to pre-application discussions and it was not necessary to contact the applicant during processing of the application other than to seek agreement to pre-commencement conditions.

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. No operations shall commence on site until a detailed Arboricultural Method Statement including tree protection measures has been submitted to and approved in writing by the Borough Council. The statement shall cover the implementation, supervision and monitoring of all temporary tree protection during the construction period including the appointment of a project arboriculturist, a work programme, and a schedule of monitoring & supervision. The method statement shall also include full details of the erection of tree protection barriers and, if required, the installation of temporary ground protection barriers in accordance with the best practice set out in 'BS5837, Trees in Relation to design, demolition and construction – Recommendations.' It should also take into account the movement of vehicles on site, the storage or materials, ground level changes, the excavation and storage of spoil, the

location of service runs and the installation of hard surfaces. The development shall be undertaken in full compliance with the approved Statement and the approved tree protection shall be retained for the duration of the demolition and construction period. No materials, machinery or vehicles shall be stored or temporary buildings erected within the perimeter of the tree protection barriers, and no excavation work shall be undertaken within the confines of the barriers 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 trees are adequately protected during construction of the development and to comply with policy 37 (Trees and Woodlands) of the Rushcliffe Local Plan Part 2: Land and Planning Policies. This condition needs to be discharged before development commences to ensure that no damage is caused to the trees within/adjacent to the site during the construction phase].

3. The development hereby permitted, including construction of the proposed vehicular access, driveway and parking area, shall be carried out in accordance with the following approved plans:

- * SAL/1921/Ppsd/10 Revision A
- * SAL/1921/Ppsd/11
- * 1132 001 A
- * 1132 002 A

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

4. No development shall take place until the applicants, or their agents or successors in title, have secured the implementation of a programme for a watching brief to be carried out during construction or excavation work on the site, by a professional archaeologist or archaeological organisation. The details of such a scheme of investigation shall be submitted to and approved in writing by the Borough Council also prior to the commencement of the development on the site.

[To ensure that any archaeological items are recorded and to comply with Policy 11 (Historic Environment) of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 29 (Development Affecting Archaeological Sites) of the Rushcliffe Local Plan Part 2: Land and Planning Policies. This condition needs to be discharged before an excavations take place on site to ensure that measures are in place to record any items of archaeological interest during the implementation of the development].

5. No development shall take place until an Ecology Report has been submitted to and approved in writing by the Borough Council, and the development shall thereafter be carried out in accordance with recommendations/mitigation measures contained in the report.

[To ensure the ecology of the site is protected and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies. This condition needs to be discharged before development commences on site to ensure that any ecological interest is identified before development commences and any impacts appropriately mitigated].

6. The vehicular access, driveway and parking area shall only be constructed using a no-dig construction in accordance with the details to be previously submitted to and approved in writing by the Borough Council.

[To ensure trees are adequately protected during construction of the development and to comply with policy 37 (Trees and Woodlands) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

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

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

8. The development hereby permitted shall not be occupied until details of the materials and method of construction to be used on the hard surfaced areas of the site have been submitted to and approved in writing by the Borough Council and the development shall only be undertaken in accordance with the materials so approved.

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

9. The development hereby permitted shall not be occupied until the vehicular access has been surfaced in a hard bound material for a distance of 5m behind the carriageway edge and provided with measures to prevent the discharge of surface water on to the public highway, and the visibility splays as shown indicatively on drawing SAL/1921/PPSD/10 have been provided. These facilities shall be retained and the area within the splays shall be kept free of all obstructions, structures or erections exceeding 1.05 metres in height for the lifetime of the development.

[In the interests of highway safety and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

10. The development hereby permitted shall not be occupied until details of all screen fencing/walling and means of enclosure to be erected on the site have been submitted to and approved in writing by the Borough Council, and screen fencing/walling and means of enclosure shall only be provided in accordance with the approved details.

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

11. Prior to the installation of external security lighting/floodlighting, details of any such lighting shall be submitted to and approved in writing by the Borough Council, together with a lux plot of the estimated illuminance. The lighting shall

be installed only in accordance with the approved details.

[To protect the amenities of the area and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies]

12. The dwelling shall not be occupied until a landscaping scheme has been submitted to and approved in writing by the Borough Council. The approved scheme shall be carried out in the first tree planting season following the substantial completion of the development. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Borough Council gives written consent to any variation.

[In the interests of amenity and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies]

13. 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 roof lights 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 policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies]

14. 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 buildings or enclosures, swimming or other pools shall be provided on the site without the prior written approval of the Borough Council.

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

15. Notwithstanding the provisions of Schedule 2, Part 1 Class F 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 hard surfaces shall be provided on the site 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 policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

Notes to Applicant

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

Any alterations to the School Lane boundary wall would require planning permission.

The development makes it necessary to construct a vehicular crossing over a verge of the public highway and you are therefore required to contact VIA (in partnership with Nottinghamshire County Council) on 0300 500 8080 to arrange for these works to take place.

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

Please be advised that all applications approved on or after the 7th October 2019 may be subject to the Community Infrastructure Levy (CIL). The Borough Council considers that the approved development is CIL chargeable. Full details of the amount payable, the process and timescales for payment, and any potential exemptions/relief that may be applicable will be set out in a Liability Notice to be issued following this decision. Further information about CIL can be found on the Borough Council's website at <https://www.rushcliffe.gov.uk/planningandgrowth/cil/>

You are advised to ensure disturbance to neighbours is kept to a minimum during construction by restricting working hours to Monday to Friday 7.00am to 7.00pm, Saturday 8.00am to 5.00pm and by not working on Sundays or Bank Holidays. If you intend to work outside these hours you are requested to contact the Environmental Health Officer on 0115 9148322.

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

You are advised that the site is within a designated Conservation Area and any trees are therefore protected. Prior to undertaking any works to any trees you should contact the Borough Councils Conservation and Design Officer on 0115 9148243 and/or the Councils Landscape Officer on 0115 914 8558.

This grant of planning permission does not alter the private legal situation with regard to the carrying out of any works involving land which you do not own or control. You will need the consent of the owner(s) involved before any such works are started.

The provisions of the Party Wall Act 1996 may apply in relation to the boundary with the neighbouring property. A Solicitor or Chartered Surveyor may be able to give advice as to whether the proposed work falls within the scope of this Act and the necessary measures to be taken.

Condition 8 of this permission requires approval of details of the materials and method of construction for any hard surfaces within the site. Where practicable, the method of construction should ensure that the finished surface is permeable to reduce risk of surface water run off from the site.