

## 20/01974/FUL and 20/01988/RELDEM

**Applicant** Mrs Paula Clarke

**Location** 48 Main Street East Leake Nottinghamshire LE12 6PG

- Proposal**
- (i) Demolition of existing rear garage outbuilding and erection of new dwelling
  - (ii) Demolition of existing rear garage outbuilding

**Ward** Leake

### THE SITE AND SURROUNDINGS

1. The application relates to a rectangular parcel of land comprising part of the side and rear garden area of 48 Main Street, East Leake, a two storey detached dwelling located in the centre of the village.
2. The dwelling is proposed to the rear garden/orchard area, which is currently overgrown and contains a number of trees, with trees and hedges to the site boundaries.
3. Although access to the site is located in the centre of the village, opposite a number of commercial premises, the rear garden area of no.48 is surrounded by residential properties.

### DETAILS OF THE PROPOSAL

4. This is a joint report for a full planning application, 20/01974/FUL, and an application for relevant demolition of an unlisted building in a Conservation Area, 20/01988/RELDEM.
5. Application 20/01988/RELDEM seeks permission for the demolition of a brick outbuilding located to the rear of no.48, to allow vehicles to gain access to the rear garden area.
6. Application 20/01974/FUL seeks planning permission for the erection of a two storey dwelling. The proposed dwelling has been designed with a flat roof and would be constructed of painted brick, render and composite cladding in a dark finish, with aluminium powder coated windows and doors and a grey membrane to the roof. The proposed dwelling would comprise of a main 'house' plus an 'annex' which would share an entrance door and hallway. At ground floor the dwelling would comprise of the following accommodation; a hallway, open plan kitchen/dining/living room, separate living room, study and utility room serving the main house, and a hallway, open plan kitchen/living room, utility room and W.C. serving the annex, and at first floor four bedrooms with en-suites serving the main 'dwelling' and a fifth bedroom with en-suite serving the 'annex'.

7. Access to the site would be via the existing vehicular access off Main Street which currently serves no.48.
8. In support of the application the following documents have been submitted; A Design and Access Statement; A Heritage Statement; Ecology Report; and Tree Report.
9. During the course of the application, a number of revisions have been made. A double detached garage originally proposed to the front garden area of no.48 has been omitted; the proposed dwelling has been moved 1.6m northwards (it is now shown 13.5m from the southern boundary); the position of the northern garden boundary of the new dwelling has been moved further northwards; additional parking, circulation and turning areas have been provided for the existing and proposed dwelling; further details of the proposed access off Main Street have been provided.

## **SITE HISTORY**

10. None.

## **REPRESENTATIONS**

### **Ward Councillor(s)**

11. One Ward Councillor (Cllr Thomas) objects on the following grounds:
  - a. The proposal is contrary to policy V1(a) of the East Leake Neighbourhood Plan (ELNP) which states that the only types of development permitted in this location are those that particularly require this village centre location. This does not include general family housing. The only types of housing included are “for older people and those with mobility problems and situations where living over the shop is appropriate with such uses for these homes preserved over time.” A two storey building is unlikely to be suitable without a lift.
  - b. Policy V1(b) of the ELNP requires new buildings to use materials sensitive to the local context. The scale and proportions of the buildings should be sympathetic to their surroundings and complement the unique historic character of East Leake. Question whether this modern design satisfies V1(b).
  - c. The garage building proposed for demolition currently provides a positive contribution to the Conservation Area. The replacement garage, in the location shown, would detract from the frontage of No 48 and cause harm to the Conservation area.
  - d. The narrow access into the site is right in the village centre, almost opposite the busy T-junction over a narrow pavement in an area of high pedestrian footfall, where people are frequently crossing Main Street. Visibility is frequently obscured by parked cars (despite the yellow lines). Parking/turning space within the site for both the new dwelling and No 48 also needs further consideration.
  - e. Electric charging points should be included.

- f. The new house would come quite close to the back gardens of several houses. The balcony would be a dominating feature and with the extensive floor full length glazing, there would be considerable overlooking of the gardens (although these gardens are themselves quite long and the neighbouring houses are set at an angle).
  - g. The area is currently wooded with mature trees visible from many properties and the surrounding roads, and providing a welcome green lung in the village centre. Loss of so many trees would be regrettable. Conditions could include planting replacement trees. Conditions would be needed to ensure that works follow the extensive protection measures and non-traditional construction methods detailed in the tree protection plan to protect the remaining trees. Additional TPOs might be advisable.
  - h. Although the description says “dwelling” the space is effectively two self-contained units, and given the size of the house there are likely to be a number of vehicles. The plot seems small for two dwellings. If the annex is intended for a part of the family group, there should perhaps be a condition to require further planning permission to split the house into two.
12. Following the submission of revised plans Cllr Thomas maintained her objection.
13. One Ward Councillor (Cllr Way) objects on the following grounds:
- a. The plans are out of proportion for the size of the plot and will give rise to an over intensive development.
  - b. Being of a modern style and construction, the building is out of character for the conservation area.
  - c. The two storey design and balcony will overlook neighbouring properties and have a detrimental effect on the ability for the residents to enjoy privacy in their gardens and homes.
  - d. There is insufficient parking for the two properties that would be on site. A property of this size is likely to give rise to the need to park several vehicles. There does not appear to be adequate turning space for vehicles which may mean reversing onto a busy street. The exit from the site is onto a busy road, Main Street, and has poor visibility to right and left, both in respect of traffic and pedestrians. The exit is close to a busy T-junction in the centre of East Leake and there are often parked cars obstructing the view to the west.
  - e. Many trees will be felled; others will be in danger of damage to root systems. If this goes ahead there needs to be measures in place to protect the remaining boundary trees and conditions put in place that prevent the remaining trees from being removed or radically reduced at a future date.
14. Following the submission of revised plans Cllr Way maintained her objection.

15. One Ward Councillor (Cllr Shaw) objects. Whilst it can be argued that the proposed building will not be visible from the street, and he is not against buildings with an ultra modern design, it remains in the Conservation Area and on this occasion he feels that the proposed design is totally inappropriate.

### **Town/Parish Council**

16. East Leake Parish Council objected to the original application on the grounds that the history of one outbuilding should be recorded, and that trees on boundary should not be removed. There will be an increase in traffic on and off Main Street very close to the main T- junction in the village centre. The application is also in breach of policy V1 of the Neighbourhood plan requiring that new buildings in the Conservation area need to be justified as necessary, which a house may not be. It was noted there are a number of adverse comments on the planning portal from consultees.
17. East Leake Parish Council maintained their objection to the revised plans on the grounds that it goes against Policy V1 in the Neighbourhood Plan; is not in keeping with the Conservation Area; and Overlooking neighbours on Cromwell Drive.

### **Statutory and Other Consultees**

18. Nottinghamshire County Council as Highways Authority originally requested additional information relating to the width and surfacing of the proposed access, visibility splays, parking and turning provision, bin collection point and access for emergency vehicles.
19. Following the submission of amended plans, the Highway Authority consider that the proposal is unlikely to result in a severe impact on the public highway, or an unacceptable risk to highway safety. They acknowledge that there would be a 'pinch point' at the site entrance (due to the frontage wall) however the driveway is of a sufficient width (5.1m) to allow vehicles to pass. Therefore, they do not raise an objection to the proposal, subject to conditions relating to the widening of the dropped kerb, provision of parking and turning, surfacing and drainage of driveway.
20. Nottinghamshire County Council Archaeology advised that in terms of the archaeological implications there are no records relevant to the current application and they have no comments or recommendations to offer in that regard. However, it should be noted that the building proposed for demolition is present on the 1st Edition County Series mapping and is flagged as being of Local Interest on the Nottinghamshire HER. They recommend that a programme of building recording should form part of the conditions on the development to ensure that this local asset is preserved in record. Advice should be sought from the Conservation Officer on what level of recording is appropriate.
21. RBC Conservation Advisor comments that "*The proposal site is located within the East Leake Conservation Area, and therefore the impact of the proposals upon the Conservation Area must be assessed. The erection of the proposed new dwelling would have no impact on the Conservation Area, as it would be two storeys high, with a flat roof, and very much set back behind the existing house. It would not be visible from the public realm within the Conservation*

Area, and therefore it would preserve the special interest of the Conservation Area. The existing outbuildings that it is proposed to demolish currently make a positive contribution to the street-scene by virtue of their traditional materials and character, and are identified as making a positive contribution in the East Leake Conservation Area Townscape Appraisal. They are set back from the road and offset slightly from the access drive. Visibility will vary according to the amount of vegetation to the front boundary, but they are definitely partially visible, though not prominent. In terms of the degree of harm to the heritage asset, their removal would be somewhere between less than medium to medium harm. The harm arises from the removal of a characterful outbuilding that evokes East Leake's past, but it is mitigated slightly by the lack of prominence of the asset.

22. *The proposed replacement garage would be sited close to the access point and the front boundary with Main Street, (also identified as a positive building in the Conservation Area Townscape Appraisal). While no. 48 is generally partially screened from public view by vegetation, and set back from the boundary, it is still partially visible from the access point, and screening can vary over time and with the seasons. A new garage appearing between the access point and the host house would alter the street scene and harm the character and appearance of the Conservation Area. The degree of harm to the Conservation Area arising from this proposal would be medium-high, and I would advise that either hardstanding is substituted for a built garage, or that a new garage is proposed to the rear of the building. The proposed new close-boarded timber fencing to the eastern side of the access road would not be visually prominent from the public realm, but it would be visible, particularly the section closest to Main Street, and I would therefore advise that consideration is given to a more attractive style of fencing that would preserve the appearance of the Conservation Area, such as vegetation atop a dwarf masonry wall, or estate railings."*
23. RBC Sustainability Officer notes that an Ecological Appraisal (including bat reports with surveys) was completed in September 2020 and this appears to have been completed in line with good practice and is in date. No protected species were identified, however there is potential for foraging bats, birds and hedgehogs, and there are opportunities for ecological enhancement. He sets out a number of recommendations relating to habitat protection, management and enhancement, during and after construction.
24. RBC Landscape Officer comments that T1 in particular is a prominent tree and he is pleased to see the front garden is being retained as it stands currently. He notes that the tree report recommends the removal of T2 and this would need a conservation area tree notice to be submitted to the Council, but he would not see the Council preventing work taking place given the fungal decay. By contrast the rear garden is very private and whilst there are some large trees within it which can be viewed as from public vantage points, they tend to be located on the part of the garden not being developed. He doesn't object to the removal of the trees shown on the layout plans and would suggest they are not sufficiently visible from public vantage points to warrant protection. In terms of conditions, there will be a need to see a revised tree protection plan that is updated to reflect which trees are being retained and removed. To enable the conifer trees to the east of the building to be retained, the tree survey recommends pile and beam foundations are used and details of the building foundations should be approved in writing before work commences.

25. RBC Environmental Health do not object, but recommend conditions requiring a method statement detailing the measures to be employed to control noise, dust and vibration during construction, and the submission of a Contaminated Land Report.

### **Local Residents and the General Public**

26. Representations have been received from 10 local residents, objecting to the proposal on the following grounds:
- a. Residential amenity – loss of privacy/overlooking from first floor windows and balcony particularly if trees are removed, glare from large areas of glazing, proposed dwelling is disproportionate to existing surrounding buildings, increased noise and disturbance from vehicles, lack of privacy for future residents.
  - b. Impact on Conservation Area – the scale and design of the proposed modern house is out of character with the Conservation Area and surrounding properties, loss of brick outbuilding and historic tennis court, alterations to access to provide visibility may harm character of area.
  - c. Highway safety – additional traffic exiting onto Main Street near a busy junction with no sight lines, there is insufficient vehicular parking and turning within the site requiring vehicles to reverse onto Main Street, a previous proposal on the site was rejected due to the access, the current proposal for a dwelling and annex is essentially two semi-detached dwellings, provision of bin storage, lack of access/turning for emergency vehicles, the use of a sprinkler system does not negate the need for a fire appliance to attend the site.
  - d. Impact on trees – the proposal would harm the existing trees on site, these should be retained and protected during construction, if the trees are removed or destroyed, they should be replaced.
  - e. Surface water drainage - no details of soakaway provision.
  - f. Increase in air pollution.
  - g. Proposal is contrary to Neighbourhood Plan Policy V1.
  - h. Presence of Great Crested Newts

### **PLANNING POLICY**

27. The Development Plan for Rushcliffe consists of The Rushcliffe Local Plan Part 1: Core Strategy (LPP1), the Local Plan Part 2: Land and Planning Policies (LPP2), and in this instance, the East Leake Neighbourhood Plan. Other material considerations include the National Planning Policy Framework (NPPF) (2019), the National Planning Practice Guidance (the Guidance) and the Rushcliffe Residential Design Guide.

## Relevant National Planning Policies and Guidance

28. The following sections in the National Planning Policy Framework (NPPF) are of relevance:

- Chapter 2 – Achieving Sustainable Development
- Chapter 9 – Promoting Sustainable Travel
- Chapter 12 – Achieving Well Designed Places
- Chapter 14 – Meeting the Challenge of Climate Change, Flooding and Coastal Change
- Chapter 16 – Conserving an Enhancing the Historic Environment

## Relevant Local Planning Policies and Guidance

29. The following policies within LPP1 are of relevance:

- Policy 1 – Presumption in Favour of Sustainable Development
- Policy 2 – Climate Change
- Policy 3 – Spatial Strategy
- Policy 8 – Housing Size, Mix and Choice
- Policy 10 – Design and Enhancing Local Identity
- Policy 11 – Historic Environment
- Policy 17 – Biodiversity

30. The following policies of LPP2 are of relevance:

- Policy 1 – Development Requirements
- Policy 11 – Housing Development on Unallocated Sites within Settlements
- Policy 12 – Housing Standards
- Policy 17 – Managing Flood Risk
- Policy 18 – Surface Water Management
- Policy 28 – Conserving and Enhancing Heritage Assets
- Policy 37 – Trees and Woodland
- Policy 40 – Pollution and Land Contamination
- Policy 41 – Air Quality

31. The East Leake Neighbourhood Plan was adopted in 2015, and the following policy is considered of particular relevance:

- Policy V1 – Priority Uses for Village Centre

32. The Rushcliffe Residential Design Guide sets out guidance as to local character and materials, height, scale and massing, achieving privacy and guides for amenity space. It states that *“Infill development should respect the existing massing, building form and heights of buildings within their immediate locality”*. It also provides guidance on garden sizes for new dwellings.

33. Section 72 of the Planning (Listed Buildings and Conservation Areas Act 1990) also requires Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

## APPRAISAL

### Principle of a Dwelling

34. The village of East Leake is a settlement identified for growth within Policy 3 (Spatial Strategy) of the Local Plan Part 1.
35. The application proposes a new dwelling, within an existing built up part of the village, which is surrounded on all four sides by existing residential properties. The erection of one dwelling on this site, in a sustainable village location identified for growth, is considered acceptable in principle.
36. Objections have been received from local residents and one Ward Councillor, on the grounds that the proposal would be contrary to Policy V1 of the East Leake Neighbourhood Plan. Policy V1 (Priority Uses for Village Centre) seeks to limit the types of development within the centre of the village to those that particularly require this village central location, including; housing for older people, those with mobility problems, and situations where 'living over the shop' is appropriate.
37. In response to this issue, the agent has commented as follows; *"Policy V1 allows for housing for older people, but does not elaborate on the type of development this is. In this case we are proposing an assisted living arrangement where the applicant's parents and young family live together, thus securing their care in later life. We consider that planning policy regarding the development of housing for older people does not confine itself solely to a situation which encourages the development of houses for older people to live in isolation in a single dwelling separate from their family. Quite the contrary in fact. We consider that the type of multi-generation living arrangement proposed is appropriate and provides suitable, contemporary housing for older people."*
38. Given that the proposed dwelling would contain an ancillary residential annex, which would allow multi-generational living, including for older people, it is not considered that the proposal would be contrary to Policy V1 of the East Leake Neighbourhood Plan. A condition is recommended to ensure that the annex remains ancillary to the main dwelling house, and not occupied as a separate dwelling house.

### Impact on Character and Appearance of Conservation Area

39. Policy 11 of the LLP 2 supports housing development on unallocated sites, subject to a number of criteria including; the proposal is of a high standard of design and does not adversely affect the character or pattern of the area by reason of its scale, bulk, form, layout or materials; the site does not make a significant contribution to the amenity of the surrounding area by virtue of its character or open nature; the proposal would not result in the loss of any existing buildings considered to be non-heritage assets unless the loss of the asset is justified; the proposal would not have an adverse visual impact from outside the settlement; the proposal would not cause a significant adverse impact on the amenity of nearby residents and occupiers; and appropriate provision for access and parking is made.
40. The proposed dwelling would be located over 70m from Main Street, and due to the position of existing properties to the north of the application site fronting



onto Main Street, the proposed two storey flat roof dwelling would not be visible from public vantage points. Despite its modern design and construction materials, given that views of the dwelling would not be possible from the Conservation Area, the proposed dwelling would not harm its character or appearance.

41. In terms of the pattern and grain of development within this part of the Conservation Area, there are a number of residential properties to the west of the application site which have been constructed behind properties fronting onto Main Street. As a result, the siting of the proposed dwelling to the rear of no.48 would not conflict with and would preserve the pattern of development within this part of East Leake.
42. The double detached garage originally proposed to the front garden area of no.48 Main Street has been omitted from the application, and the access arrangements have been re-designed to enable to the existing frontage wall to be retained.
43. The proposed development would result in the loss of an existing outbuilding located to the rear of no.48. Whilst such buildings are considered to make a positive contribution to the character of the East Leake Conservation Area, given the degree of set back from the road, and the level of existing vegetation, views of the building from the public realm are limited. The harm, as a result of the loss of this building, is therefore considered to be less than substantial. Given the sites location within a sustainable village, identified for housing growth in the Local Plan, and that the proposal could facilitate a residential development suitable for a multi-generational family, together with the economic benefits during the construction period, it is considered that these factors provide the public benefits which outweigh the less than substantial harm identified as a result of the loss of the building. In order to secure an appropriate historic record of the building, a condition is recommended requiring this to be carried out prior to demolition taking place.
44. In terms of the loss of a tennis court, little physical evidence remains on site of this structure, and it not considered to be of any historic significance.
45. For the reasons set out above, it is considered that the proposal would preserve the character of the East Leake Conservation Area, as required by Section 72 of the Planning (Listed Buildings and Conservation Areas Act 1990).

#### Highway Safety

46. The proposed dwelling would utilise the existing vehicular access serving 48 Main Street. During the course of the application amended plans were submitted, demonstrating that the existing access was of a sufficient width without requiring the existing frontage wall to be removed or altered, and that adequate visibility splays existed onto Main Street without requiring third party land. Furthermore, the existing dwelling would be served by three off-street car parking spaces with turning, and the proposed dwelling would be served by 4 spaces with turning, which would allow vehicles serving both dwellings to enter and exit the site in a forward gear.

47. The Highway Authority acknowledged that there would be a 'pinch point' at the site entrance (due to retaining the existing frontage wall), however the driveway would be of a sufficient width (5.1m) to allow vehicles to pass. They have therefore raised no objections to the proposal, subject to conditions relating to the widening of the dropped kerb, provision of parking and appropriate surfacing.
48. In terms of refuse bins, there is sufficient space within both the existing plot and the proposed plot to store the three bin system. Rushcliffe Council operates a kerb side bin collection service, therefore it would be the responsibility of future occupiers to deliver their bins to the kerb side on Main Street on collection day.
49. With regard to access by emergency vehicles, the agent has confirmed that the property would be installed with a sprinkler system, which would be dealt with under the Building Regulations.

### Ecology

50. The application was supported by an Ecological Appraisal which concluded that there was no evidence of bats using the existing buildings for any purpose, although the site does offer foraging potential. In order to ensure that protected species are protected a condition is recommended requiring a further survey to be carried out if the demolition of the outbuilding does not take place within the next 12 months. In order to secure ecological enhancements on the site, a condition requiring the installation of two bats boxes is recommended.
51. A local resident raised the issue that Great Crested Newts may potentially be present within the site, however the submitted Ecological Appraisal confirms that the site is considered to offer negative potential for the presence of Great Crested Newts.

### Impact on Trees

52. There are a number of trees within the site and along the site boundaries. Following consultation with the Borough Council's Landscape Officer he acknowledged that the rear garden is very private and whilst there are some large trees within it which can be viewed from public vantage points, they tend to be located on the part of the garden not being developed. He raised no objections to the trees proposed for removal, as they are not sufficiently visible from public vantage points to warrant protection. He advises conditions be attached to any approval requiring a tree protection plan, together with details of the proposed pile and beam foundations, to ensure the existing conifer trees to the boundaries are retained.

### Residential Amenity

53. In terms of the impacts upon existing residents, concerns were raised with the agent regarding the potential noise impacts on residents immediately to the east and west of the site entrance from traffic passing close to their side elevations (namely 46, 46a and 48 Main Street). The agent has confirmed that the access would be surfaced in a bound porous material, as opposed to loose gravel, thereby reducing the potential of noise from vehicles entering and exiting the site. Given that these dwellings do not contain any habitable room

windows facing the site, and that the access would serve only one additional dwelling, it is not considered that the proposal would result in a significant increase in activity which would cause unacceptable levels of noise and disturbance to these neighbouring properties.

54. Several objections have been received from neighbouring properties located to the south, east and west of the application site on Salisbury Avenue (east), Cromwell Drive (south) and Starch Close (west) regarding the impacts of the proposed dwelling on their living conditions. It is acknowledged that the proposed two storey dwelling would contain large areas of glazing, particularly to the south elevation, including a first floor balcony. During the course of the application the proposed dwelling was positioned further northwards within the site. The proposed dwelling would be located 12.5m from the southern boundary, 23m from 5 Starch Close, between 30m and 40m from the rear elevations of properties on Cromwell Drive and 25m from the rear elevations of properties on Salisbury Avenue. Furthermore, the existing trees to the boundaries provide screening of the site from the surrounding area. The protection of these trees during construction would be secured by condition. Given the significant separation distances and the existing boundary screening, it is not considered that the proposed dwelling would result in significant harm through overlooking, overshadowing, nor appear overbearing.
55. A separation distance of 37m would be maintained between the rear elevation of no. 48 and the front elevation of the proposed dwelling, and the gardens would be separated by a new close boarded timber fence and planting. No.48 would continue to benefit from a large rear garden area, which would not be overlooked by first floor windows from the new dwelling. It is not considered therefore that the living conditions of no.48 would be harmed by the proposed dwelling.
56. In terms of future occupiers of the proposed dwelling, it would be positioned within a wide plot, with a large private garden area to the rear and off-street car parking and turning areas to the front. As detailed above, given the existing boundary treatments and distances from surrounding properties, future residents would be afforded an adequate level of privacy.

#### Flooding/Drainage

57. The site is located within Flood Zone 1 on the Environment Agency's Flood Zone maps, which have a low possibility of flooding. However, following long periods of heavy rainfall, areas of the village do suffer from surface water flooding.
58. In order to ensure that the surface water run-off rates from the site are controlled, a condition is recommended which would require a scheme for the provision and implementation of surface water run-off limitation measures to be submitted for approval, and the development carried out in accordance with the approved scheme.

#### Sustainability

59. In order to promote sustainable development and construction, conditions are recommended which would require the dwellings to be constructed so as to

limit the water consumption to no more than 110 litres per person per day, and require the installation of electric vehicle charging points.

### Conclusion and Planning Balance

60. The proposal would contribute an additional dwelling to the Boroughs housing supply within a highly sustainable location. It would provide flexible living accommodation which has the ability to accommodate a multi generation household close to the amenities of East Leake. This outweighs the less than substantial harm to the East Leake Conservation Area as a result of the loss of the existing outbuildings. Subject to conditions, the proposal would not result in harm in relation to highway safety, trees, ecology, residential amenity or flooding. The proposal therefore accords with the policies contained within the Rushcliffe Local Plan and the guidance contained within the NPPF.
61. The proposed development was not the subject of pre-application discussions. Negotiations have however taken place with the agent during the course of the application and amended plans have been submitted to address the concerns raised in relation to access arrangements; the character and appearance of the Conservation Area; and the living conditions of neighbouring residents. This has resulted in a more acceptable scheme and the recommendation to grant planning permission, subject to conditions.

### **RECOMMENDATION**

- (i) 20/01974/FUL - It is **RECOMMENDED** that planning permission be granted subject to the following conditions
1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
- [To comply with Section 91 of the Town and Country Planning Act 1990, as amended by the Planning & Compulsory Purchase Act 2004].
2. The development hereby permitted shall be carried out in accordance with the following approved plans:
- Existing Location Plan & Site Plan revision 02 dated 17 Dec 2020
- Proposed Location Plan and Site Plan revision 06 dated 23 March 2020
- Proposed Highways - Access, Visibility and Existing Parking revision 05 dated 18 March 2021
- Proposed Highways - Drive and Parking revision 04 dated 8 Feb 2021
- Proposed Elevations revision 08 dated 31 Dec 2020
- Proposed Plans revision 07 dated 31 Dec 2020
- Proposed Building Scale and Massing Comparison revision 03 dated 31 Dec 2020

[For the avoidance of doubt and to comply with Policy 10 (Design and Enhancing Local Identity) of the Local Plan Part 1: Rushcliffe Core Strategy and Policy 1 (Development Requirements) of the Local Plan Part 2: Land and Planning Policies].

3. The dwelling hereby permitted shall not be constructed above damp proof course level until details of the facing and roofing materials to be used on all external elevations, together with details of the door and window frames, have been submitted to and approved in writing by the Borough Council. The dwelling shall only be constructed in accordance with the materials so approved.

[To ensure the appearance of the development is satisfactory and preserves the character of the Conservation Area, to comply with Policy 10 (Design and Enhancing Local Identity) of the Local Plan Part 1: Rushcliffe Core Strategy and Policies 1 (Development Requirements) and Policy 28 (Conserving and Enhancing Heritage Assets) of the Local Plan Part 2: Land and Planning Policies].

4. The dwelling hereby approved shall not be constructed above damp proof course level until a hard and soft landscaping scheme for the site, including details of the boundary treatment to all the site boundaries, has been submitted to and approved in writing by the Borough Council. The hard landscaping shall be completed prior to the occupation of the dwelling hereby approved. The soft landscape planting shall be completed no later than the first planting season following occupation of the dwelling hereby approved.

[To ensure the appearance of the development is satisfactory, preserves the character of the Conservation Area, and protects the living conditions of neighbouring occupiers. To comply with Policy 10 (Design and Enhancing Local Identity) of the Local Plan Part 1: Rushcliffe Core Strategy and Policies 1 (Development Requirements) and Policy 28 (Conserving and Enhancing Heritage Assets) of the Local Plan Part 2: Land and Planning Policies].

5. The dwelling hereby approved shall not be occupied until the access has been surfaced in a hard-bound material for a minimum distance of 5m to the rear of the highway boundary. The hard-bound surfacing shall thereafter be retained for the life 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].

6. The dwelling hereby approved not be occupied until the existing dropped kerb vehicular footway crossing has been widened in accordance with the Highway Authority specification.

[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].

7. The dwelling hereby approved not be occupied until the parking and turning provision as shown on the approved plans referred to under condition 2 of this approval, has been provided. The parking and turning provision shall thereafter be retained as such for the life 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].

8. The dwelling hereby approved shall not be occupied until the access driveway, as shown on the approved plans referred to under condition 2 of this approval, has been constructed with provision to prevent the unregulated discharge of surface water from the driveway to the public highway. The provision to prevent the unregulated discharge of surface water to the public highway shall thereafter be retained for the life 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].

9. The development shall not be constructed above damp proof course level until a scheme for the provision and implementation of surface water run-off limitation measures has been submitted to and approved in writing by the Borough Council. The dwellings shall not be brought into use until the approved scheme has been implemented.

[To ensure that adequate surface water drainage provision is secured for the site, in accordance with Policy 18 (Surface Water Management) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

10. The development shall not commence until details of the finished ground and floor levels of the proposed dwellings, in relation to an existing datum point, existing site levels and adjoining land, shall be submitted to and approved in writing by the Borough Council. The development shall only be undertaken in accordance with the details so approved.

[This is a pre-commencement condition to ensure that the dwelling hereby approved is constructed at an appropriate level, in the interests of visual and residential amenity, in accordance with Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

11. Development shall not commence until a Contaminated Land Report has been submitted to and approved in writing by the Borough Council. As a minimum, this report will need to include a Desktop Study. Where the Desktop Study identifies potential contamination, a Detailed Investigation Report will also be required. In those cases where the Detailed Investigation Report confirms that "contamination" exists, a remediation report and validation statement will also be required. In such instances, all of these respective elements of the report will need to be submitted to and approved in writing by the Borough Council prior to development commencing.

[This is a pre-commencement condition to ensure that the site is suitably free from contamination in order to protect the living conditions of future residents, and to comply with Policy 40 (Pollution and Land Contamination) of the Local Plan Part 2: Land and Planning Policies.]

12. The dwelling hereby approved shall not be constructed above damp proof course level until a scheme for the provision of an electric vehicle charging point has been submitted to and approved by the Borough Council. The

scheme shall provide details of the provision of an electric vehicle charging point to serve the development on site. Thereafter, unless it has been demonstrated that the provision of an electric vehicle charging point is not technically feasible, the dwelling shall not be occupied until such time as the site has been serviced with the appropriate electric vehicle charging infrastructure, in accordance with the approved scheme. The electric vehicle charging infrastructure shall thereafter be retained and maintained for the lifetime of the development.

[To ensure the development is capable of promoting sustainable modes of transport and to comply with Policy 41 (Air Quality) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

13. The residential dwelling hereby permitted shall be designed to meet the higher 'Optional Technical Housing Standard' for water consumption of no more than 110 litres per person per day.

[To promote a reduction in water consumption and to comply with criteria 3 of Policy 12 (Housing Standards) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

14. Development shall not commence until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The statement shall provide for:

- a) the means of access for construction, delivery and workers traffic;
- b) parking provision for construction traffic, site operatives and visitors;
- c) the loading and unloading of materials;
- d) the storage of plant and materials;
- e) the hours of operation

[This is a pre-commencement condition to ensure that the site can be developed in a safe manner and limit the impacts upon residential amenity and highways safety throughout the construction phase, in accordance with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

15. The development hereby approved shall be carried out in accordance with the recommendations as set out in section H of the Ecological Appraisal WCL/EA/7920 dated 2nd September 2020.

[To ensure that protected species and their habitats are enhanced as a result of the development, in accordance with Policy 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the Local Plan Part 2: Land and Planning Policies].

16. The dwelling hereby approved shall not be constructed above damp proof course level until details of two integrated bat boxes to be fitted to the eastern and western elevations of the dwelling hereby approved, have been submitted to and approved in writing by the Borough Council. The approved bat boxes shall be installed within the fabric of the new dwelling during its construction, and retained and maintained as such thereafter.

[To ensure that protected species and their habitats are enhanced as a result of the development, in accordance with Policy 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the Local Plan Part 2: Land and Planning Policies].

17. The residential annex contained within the dwelling hereby approved, shall not be occupied at any time other than for residential purposes which are ancillary to the residential use of the main dwelling house and shall not be sub-let or sold separately.

[It is not considered that the site is suitable to accommodate two independent dwellings in terms of the means of access, internal parking and turning areas and outdoor amenity space, having regards to Policy 10 (Design and Enhancing Local Identity) of the Local Plan Part 1: Rushcliffe Core Strategy and Policy 1 (Development Requirements) of the Local Plan Part 2: Land and Planning Policies].

18. Development shall not commence until, a Tree Protection Plan detailing the methods by which existing trees on the site will be protected during construction, shall be submitted to and approved by the Borough Council. The plan shall include details of the proposed pile and beam foundations of the proposed dwelling. The tree protection measures shall be provided before work commences on site and the development works shall only be carried out in accordance with the approved plan. No spoil, materials or vehicles shall be stored within the area of tree protection.

[This is a pre-commencement condition to ensure that appropriate controls are secured prior to development commencing, to protect the health of existing trees and to comply with Policy 37 (Trees and Woodland) of the Local Plan Part 2: Land and Planning Policies.]

### **Notes to Applicant**

Please be advised that all applications approved on or after the 7th October 2019 may be subject to the Community Infrastructure Levy (CIL). Further information about CIL can be found on the Borough Council's website at <https://www.rushcliffe.gov.uk/planningandgrowth/cil/>

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

The development makes it necessary to amend a vehicular crossing over a footway of the public highway. These works shall be carried out to the satisfaction of the Highway Authority. You are therefore required to contact Via (in partnership with Nottinghamshire County Council) on 0300 500 8080 or at [licenses@viaem.co.uk](mailto:licenses@viaem.co.uk) to arrange for these works to take place.

It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent



it occurring.

During and post construction, a sensitive lighting scheme should be implemented to prevent disturbance to commuting and foraging bats in the local area. Lighting should be directed away vegetative features within the site and along boundaries, and light overspill of over 1lux should be avoided within these vegetated areas.

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

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

You are reminded that the site is located within the East Leake Conservation Area and permission would be required for the demolition of any gate, wall or fence or other means of enclosure with a height of one metre or more if next to a highway, or a height of two metres elsewhere.

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 Landscape Officer on 0115 914 8558.

Condition 13 requires the new dwelling to meet the higher 'Optional Technical Housing Standard' for water consumption of no more than 110 litres per person per day. The developer must inform their chosen Building Control Body of this requirement as a condition of their planning permission.

(ii) 20/01988/RELDDEM - It is RECOMMENDED that planning permission for relevant demolition of an unlisted building in a conservation area be granted subject to the following conditions:

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Existing Location Plan & Site Plan revision 02 dated 17 Dec 2020

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

3. Prior to the commencement of demolition, a method statement detailing

techniques for the control of noise, dust and vibration during demolition shall be submitted to and approved by the Borough Council. The demolition works shall only be carried out in accordance with the approved method statement.

[This is a pre-commencement condition to ensure that appropriate controls are secured prior to demolition commencing, to protect the amenities of surrounding residents and to comply with Policy 1 (Development Requirements) and Policy 40 (Pollution and Land Contamination) of the Local Plan Part 2: Land and Planning Policies].

4. If the demolition of the outbuilding does not take place within 12 months of the date of this decision, an additional survey to determine if bats are roosting within the building shall be carried out, and the results and recommendations of which shall be submitted to the Borough Council for approval. The demolition of the outbuilding shall thereafter be carried out in accordance with the recommendations as set out in the approved additional bat survey.

[To ensure that protected species and their habitats are not harmed as a result of the development, in accordance with Policy 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the Local Plan Part 2: Land and Planning Policies].

5. Prior to the commencement of demolition, a Building Recording Exercise of the building (to a detailed level 2 record, in accordance with guidance provided in Understanding Historic Buildings: A guide to good recording practice), shall be carried out, submitted to and approved in writing by the Borough Council.

[To ensure a detailed record of the building is obtained and to comply with policy 11 (Historic Environment) of the Rushcliffe Local Plan Part 1: Core Strategy and 28 (Conserving and Enhancing Heritage Assets) of the Rushcliffe Local Plan Part 2: Land and Planning Policies. A pre-commencement condition is required to ensure an accurate record of the building can be obtained].