

21/00354/FUL**Applicant** Mr Adrian Kerrison**Location** Land West Of School Lane Colston Bassett Nottinghamshire**Proposal** Proposed erection of car port/garden store (to be served by previously approved vehicular access)**Ward** Nevile And Langar**THE SITE AND SURROUNDINGS**

1. The site comprises a former grassed paddock, now a construction site for a dwelling, 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 are a number of mature deciduous trees on the northern and western part of the site. The car park for the Martin's Arms is adjacent to the north east, with the Grade II listed public house beyond. Adjacent to the south 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.

DETAILS OF THE PROPOSAL

2. A triple car port to the north east side of the dwelling under construction with a new vehicular access immediately in front of the car port was originally proposed. Due to the concerns of officers relating to the siting, scale & massing of the car port, and the width of the proposed vehicular access with splayed sections of boundary wall either side, and the impact on the rural character of School Lane and the Conservation Area, revised details have been received.
3. A double car port with attached garden store is now proposed, set back from the front elevation of the dwelling under construction. The building would have a brick plinth to match the new dwelling, with the remainder of the walls to be clad with feather edge timber, and a cedar shingle roof. The car port would be served by a vehicular access and driveway approved under the application for the dwelling under construction (ref. 19/02622/FUL).

SITE HISTORY

4. 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).
5. Outline applications for a dwelling were refused in 2016 and 2017 (refs: 16/01959/OUT & 17/00102/OUT respectively).

6. 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). Permission for a further revised scheme was granted in 2020 (ref. 19/02622/FUL).

REPRESENTATIONS

Ward Councillor(s)

7. The Ward Councillor (Cllr Combellack) objected to the original plans on grounds summarised as follows.
 - a. Over-development of the site, and the size and massing would be prominent in the street scene.
 - b. Permitted development rights were removed from the previous application in order to prevent further development of the site and this position should remain.
 - c. This is a very prominent site at the heart of the village and conservation area, and any development should be to enhance the area not harm it. The Colston Bassett Neighbourhood Plan should be consulted in this regard.
 - d. Re-location of the entrance with a splayed gateway is an urbanising element in a very rural street scene and would involve further demolition of the wall which is considered important to the street scene and setting of the listed Martins Arms.
 - e. The access should remain as granted in the previous application – it shows a minimal visibility splay, no change to the existing brick wall, and further provides adequate root protection for trees through a no dig construction.
8. With respect to the revised plans, Cllr Combellack maintains her objection and agrees with the Parish Council, although she is pleased the site entrance has reverted to the originally approved position.

Town/Parish Council

9. The Parish Council objected to the original plans on grounds summarised as follows.
 - a. The siting, scale and materials would harm the appearance and preservation of the historic core of the conservation area, the open aspect of the area and street scene, and would be contrary to policy D1 of the Neighbourhood Plan.
 - b. The re-positioning of the access requires greater detail, but the re-positioning would appear to offer a positive degree of security for the remaining trees between the site and the Martins Arms.

10. With respect to the revised plans, the Parish Council still object on grounds summarised as follows:
 - a. The overall mass of the building exceeds that suitable for the core of the Conservation Area where the intention of the conservation area and Neighbourhood Plan is to preserve space between buildings.
 - b. The ecology & street scene of the School Lane site have already been detrimentally impacted and so no further negative impacts or harm to the Conservation Area beyond the permitted building footprint on this site should now be considered.
 - c. Over-development of the site.

Statutory and Other Consultees

11. The Borough Council's Conservation Officer considers that the siting, and substantial scale and massing of the car port on the original plans would result in a substantial increase to the total development on the site and would create a negative impact.
12. She also considered that the car port and the proposed access boundary splays would be highly visible from the public realm, including from the Grade II listed Martins Arms Public House and, although the site is partially screened by trees and low boundary treatments, views or glimpses from the Conservation Area or into the Conservation Area would be affected in a way that could harm the special interest and character & appearance of the Conservation Area, albeit to the low end of the scale.
13. She considers that the proposal would harm the setting of the Martins Arms to a small degree; however, it would not harm the settings of other nearby listed buildings, the Grade II listed K6 Telephone Kiosk and Village Cross, or the 19th Century Commemorative Cross which is also a Scheduled Ancient Monument.
14. With respect to the revised plans, she notes the reduction in the size of the car port and considers that the design and use of timber are appropriate to the rural character of the area. She also notes that the location remains almost the same, but that it would be set back into the site slightly further and much more in line with the dwelling on site. As the access would revert to the previously approved location at the east end of the front boundary, any views of the car port would be indirect glimpses and would be partially screened by existing trees and the boundary treatments approved as a part of 19/02622/FUL. Such views of the structure would be read as a functional part of the limited development on site in conjunction with the barn-like like dwelling previously approved.
15. She concludes that the special interest of the Conservation Area would not be affected by the proposals.
16. The Borough Council's Design & Landscape Officer notes that the driveway layout is as previously approved and the proposed car port is located outside of the root protection areas of retained trees, so he does not object. He also

notes that the construction allows for the floor level of the garage to be above ground level and this will link with the no-dig construction of the drive.

17. He comments that the garage should be within the existing construction zone and shouldn't require changes to the implemented tree protection measures. However, he suggests a condition to ensure that, if any changes to the tree protection fencing is required, it should be agreed by the Council beforehand.

Local Residents and the General Public

18. Five written representations relating to the original and revised plans have been received (from three properties), four raising objections & comments and one expressing support which are summarised as follows:

19. Objections/comments

- a. The car port would result in a suburban street view and negative impact on the historic street scape, and would have an adverse impact on the character & appearance of the Conservation Area.
- b. Timber weather boarding is not appropriate at a prominent location in the conservation area where buildings are predominantly red brick, and is not a facing material used in traditional agricultural buildings in this area.
- c. Concerned about the impact on the root zone for the Sycamore tree adjacent to the road.
- d. Inconsistent with Sections 66 & 72 of the Planning (Listed Buildings and Conservation area) Act 1990, and Policy 3, as clarified by Local Plan Part 2, and 10 of the Rushcliffe Local Plan.
- e. Any planning permission should be made conditional on replacing the trees removed with substantial new trees to the side adjacent to The Martins Arms where these have been removed causing material damage to the conservation area, and previous conditions should remain in force.
- f. The revised plans do not address the concerns regarding the car port.
- g. The suggestion that the garage at Angel cottage provides a precedent is not relevant as it does not occupy a prominent position in the conservation area and the garage is shielded from public view by a large hedge, so is not in the public realm.
- h. Agree that the re-positioned driveway makes sense as it avoids further disruption to the site and trees. The original access & driveway were also directly adjacent to the pub car park access which may have caused some conflict, and moving the access further along would provide better visibility and would be safer.

20. Support
- a. The car port appears to be in keeping with the character of the site and Conservation Area and would have no adverse impact on the setting of the Martins Arms.

PLANNING POLICY

21. The Development Plan for Rushcliffe consists of the Rushcliffe Local Plan Part 1: Core Strategy (2014) (LPP1) and the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) (LPP2). Also of relevance to this application is the Colston Bassett Neighbourhood Plan (CBNP), which is part of the Development Plan for the area.
22. Other material considerations include the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG).

Relevant National Planning Policies and Guidance

23. The National Planning Policy Framework (NPPF) includes a presumption in favour of sustainable development and states that, for decision-taking, this means approving development proposals that accord with the development plan without delay.
24. There are three overarching objectives to sustainable development: economic, social and environmental.
25. Chapters 12 (Achieving well designed places) and 16 (Conserving and enhancing the historic environment) are relevant to consideration of the proposal.
26. 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

27. The following policies in LPP1 are considered to be relevant to the proposal:
- Policy 10 – Design and Enhancing Local Identity
 - Policy 11 – Historic Environment
28. The following policies in LPP2 are considered to be relevant to the proposal:
- Policy 1 – Development Requirements
 - Policy 28 – Conserving and enhancing heritage assets
29. The following policy in the CBNP is considered to be relevant to the proposal:
- Policy D1 – Design

APPRAISAL

30. The environmental objective of the NPPF refers to 'contributing to protecting and enhancing our natural, built and historic environment'.
31. Chapter 12 (Achieving well designed places) of the NPPF 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.
32. Chapter 16 (Conserving and enhancing the historic environment) states 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.
33. Policy 10 (Design and Enhancing Local Identity) of LPP1 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 (Historic Environment) of LPP1 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. Policy 1 (Development Requirements) of LPP2 states that permission for new development will be granted provided that (amongst others) the scale, density, height, massing, design, layout and materials of the proposal is sympathetic to the character and appearance of the neighbouring buildings and the surrounding area, and there is no significant adverse effect on any historic sites and their settings including listed buildings.
36. Policy 28 (Conserving and enhancing heritage assets) 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. Policy D1 (Design) of the CBNP states that dwellings and extensions should preserve or enhance the local distinctiveness and character of the area in

which it is situated, particularly within the Conservation Area, and should not disrupt the visual amenities of the street scene. 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.

38. 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.
39. The majority of land, including land to the north 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 and trees within the site, it makes an important contribution to the rural character of School Lane, and the Conservation Area.
40. For over 20 years development on the site was resisted on grounds of the loss of an open space which contributes 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.
41. It was concluded that the dwellings approved under applications refs. 19/00167/FUL and 19/02622/FUL represent a carefully considered and sensitive development which responds sympathetically to the constraints of the site and would adequately retain the open character of the site. The design combines a traditional barn conversion style appearance to the front elevation, with a two storey height threshing barn style opening, and only a few relatively small other openings, with a more contemporary appearance to the rear including large openings.
42. The dwelling approved under 19/02622/FUL (which includes a basement with adjacent light wells) is currently under construction. The double car port with attached store now proposed would be sited to the side of the dwelling, set back from the front elevation. The scale of the main part of the structure would be comparable to a 'standard' size pitched roofed double garage/car port (5m x 6m with a ridge height of 3.8m) with a lower 'lean-to' side store. It is considered that the siting and distance from the dwelling, the modest scale, traditional design and materials would complement the dwelling under construction, adequately retain the open character of the site, and would be sympathetic to the rural character of School Lane.
43. With respect to the use of timber cladding, this is one of the most common materials used in the construction of domestic outbuildings, (for example sheds & summerhouses), and it is considered that a natural timber finish, which should weather, would help the structure to meld into the surroundings, in this context with a backdrop of matures trees. Furthermore, as the front elevation

facing School Lane would be predominantly open sided, the timber sections should not be prominent.

44. It also needs to be stressed that, whilst a condition was imposed on the planning permissions for the dwelling under construction to remove permitted development rights for outbuildings on the site, this does not mean that no further development can ever take place, rather it gives the Council control over such development which could normally be carried out as permitted development.
45. As with the permission for the dwelling, conditions can be imposed to ensure trees are protected during construction. A condition was also imposed on application 19/02622/FUL requiring the submission, approval and implementation of a landscaping scheme for the site. This condition has not yet been discharged (submission and approval are required prior to occupation of the dwelling) and it is envisaged that a landscaping scheme would include tree(s) to provide some screening of the driveway/parking area and car port.
46. In view of the above, it is considered that the proposal would not result in harm to the character and appearance of the Conservation Area, thereby preserving these characteristics. Due to the distance from the Martins Arms and other nearby listed buildings/structures, it is also considered that the proposal would not result in harm to the settings of adjacent and nearby listed buildings, which 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.
47. Policy 1 (Development Requirements) of LPP2 states that permission for new development will be granted provided that (amongst others) it does not lead to an over intensive form of development, be overbearing in relation to neighbouring properties, nor lead to undue overshadowing or loss of privacy.
48. In view of the siting, scale and design and use of the structure for the parking of vehicles and for storage, it is considered that there would be no significant adverse impact on the amenities of adjacent or nearby properties. It is also considered that, given the level of resultant built development in relation to the size of the site, the proposal would not result in over-intensive development.
49. The comments relating to the re-positioned access on the original plans in terms of a potential improvement in safety are noted. However, the access close to the north eastern boundary and access to the car park of the Martins Arms was approved previously, and there was no highway safety objection from County Highways.
50. The application was not subject to pre-application discussions and revised details were sought from and provided by the applicant during processing of the application resulting in an acceptable proposal.

RECOMMENDATION

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

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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 plan(s): PL100C, PL110C.

[For the avoidance of doubt and to comply with policy 1 (Development requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].
3. The materials specified in the application shall be used for the external walls and roof of the development hereby approved and no additional or alternative materials shall be used.

[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].
4. No works relating to construction of the car port/garden store shall take place until the existing trees and/or hedges which are to be retained have been protected in accordance with details approved under application ref. 20/01510/DISCON or, if alternative protection measures are proposed, details have been submitted to and approved in writing by the Borough Council. The approved protection measures shall be retained for the duration of the construction period, and no materials, machinery or vehicles shall be stored or temporary buildings erected within the perimeter of the fence, nor shall any excavation work to be undertaken within the confines of the fence without the written approval of the Borough Council. No changes of ground level shall be made within the protected area without the written approval of the Borough Council.

[To ensure existing trees are adequately protected during construction of the development, and to comply with policy 37 (Trees and Woodlands) of the Rushcliffe Local Plan Part 2: Land and Planning Policies. If alternative protection measures are proposed, this condition needs to be discharged before works commences on site to ensure that measures are in place to ensure trees are protected during construction of the development].
5. 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].
6. The car port/garden store shall not be brought into use 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 submitted with application ref. 19/02622/FUL have been provided. These facilities shall be retained and the

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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].

7. Notwithstanding the provisions of Schedule 2, Part 1 Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) no alterations shall be made to the external appearance of the car port/garden store without the prior written approval of the Borough Council.

[The development is of a nature and within an area 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].