

21/02987/FUL & 21/02993/RELDDEM

Applicant Mr And Mrs Glenn

Location 1A Station Road East Leake Nottinghamshire LE12 6LQ

- Proposal**
- (i) Demolition of existing shed. Construction of new detached garage, new access to include new driveway, alterations to front boundary wall including partial demolition and new dropped kerb.
 - (ii) Partial demolition of front boundary wall.

Ward Leake

THE SITE AND SURROUNDINGS

1. The site is located in close proximity to the junction of Station Road and Brookside within East Leake.
2. Vehicular access is currently taken from between 1 Station Road and the application property. These properties are located abutting Station Road, opposite St Marys Church. There is a large area of hardstanding to the rear of the property.
3. The application sites garden is an 'L' shape wrapping round 2 Brookside (a Barber shop) and extending down to adjoin Brookside. The land level slopes towards Brookside. This garden area contains a number of trees including a Willow tree together with other vegetation. A summer house/ shed is also present in this area. This part of the site is bordered by a wall abutting Brookside.
4. The entire site falls within the East Leake Conservation Area and falls within floodzone 3.

DETAILS OF THE PROPOSAL

5. This is a joint report for a full planning application, 21/02987/FUL, and an application for relevant demolition of an unlisted building in a Conservation Area, 21/02993/RELDDEM.
6. Application 21/02993/RELDDEM seeks permission for the demolition of part of a brick wall located on the Brookside Road frontage to allow vehicles to gain access to an area of garden.
7. Application 21/02987/FUL seeks planning permission for the demolition of an existing shed, the construction of a new 3 bay detached garage (48sq.m, 4m high), new access to include new permeable driveway, alterations to front boundary wall including partial demolition (rebuilt using salvaged materials where possible) and new dropped kerb. The proposed new building would be constructed in a timber frame with red clay bricks to the damp proof

course (dpc) level and feather edged horizontal oak panelling above with a grey slate roof to match the house. Existing areas of hardstanding will be removed to the rear of the dwelling.

8. Access to the site would be via a new vehicular access off Brookside. The existing boundary wall would be altered to facilitate the access and visibility.
9. As part of the submission a "Householder and other Minor Extensions in flood zones 2/3" form was provided advising that the floor levels would be set no lower than the existing and flood proofing, where appropriate will be incorporated.
10. During the course of the application a planning statement, revised Design and Access statement, and additional supporting information has been submitted for the design of the building and a justification including examples of other timber buildings in the village were provided together with revisions to the access/ wall, the pedestrian use of the existing access.
11. The planning statement advises that *"Currently the amount of impermeable surfacing on the site, made up of the driveway and areas of hardstanding, amounts to 212sqm. The proposed development will provide a permeable surface to the driveway and will create a new area of garden and therefore the impermeable area on site will be reduced to 127sqm."* It also advises that four replacement trees are proposed and that *"A section of the existing wall will be removed facing onto Brookside to allow access to the garage. The wall will remain at its current height where it runs parallel to Brookside but will be stepped down to 600m where it is chamfered into the driveway access at the request of the highways officer to allow satisfactory visibility splays."*

SITE HISTORY

12. None relevant.

REPRESENTATIONS

Ward Councillor(s)

13. One Ward Councillor (Cllr Thomas) objects to both 21/02987/FUL and 21/02993/RELDDEM "The reasons are well articulated by neighbours and the Conservation Officer in their responses in summary and reiterates these comments following the consideration of new information:
 - Harm to conservation area and the setting of listed buildings caused by loss of ancient wall, garden, and trees in the most sensitive area of the historic village.
 - Proposed reduction of height to provide a visibility splay would create a stepped wall that is not in character with historic walls in the village.
 - New garage building is not in keeping with the Conservation Area
 - Traffic/access/parking/visibility/road safety concerns close to a busy junction where children cross to school. This is not offset by reduction of risk on Station Road because the existing vehicle access would remain in use.
 - Increased flood risk from paving and building on an area that is currently grass, and from removal of wall that contains flooding.

- Should the application be permitted I request a condition that no alterations shall be made to the external appearance of the car port without the prior written approval of the Borough Council and that the buildings shall only be used for the purposes applied for (a garage) and for no other use.
14. One Ward Councillor (Cllr Shaw) objects fully endorsing the comments from the Conservation Officer. The Cllr considers that this is a totally unacceptable development in the East Leake Conservation Area.
 15. One Ward Councillor (Cllr Way) objects to the application as it involves the removal of an old wall and trees that are an important part of the street scene and the erection of a building that is imposing and out of keeping with its surroundings. The Conservation Officer has given a detailed description of the site and provided a great deal of background and historical information. This would be detrimental to the conservation area.

Town/Parish Council

16. East Leake Parish Council object on the following grounds:
 - Double yellow lines have been agreed on Brookside and these may impact on proposed driveway access
 - Access onto the main road poses safety risks T-junction and bus stops
 - Surface water flooding (area liable to flooding in periods of heavy rain)
 - Crossing point for children going to school
 - Garage is totally out of keeping with the area
 - Removal of trees as these make a positive contribution to the conservation area.
17. In respect of the revised and additional information the Parish Council maintained their objection reiterating their previous comments.

Statutory and Other Consultees

18. The Borough Council's Conservation Officer comments that 1a Station Road is an identified positive building of special architectural or historic character and the proposal site includes an identified significant tree within the East Leake Conservation Area Townscape Appraisal. The site is adjacent to the Grade II listed Church House at 1 and 3 Station Road and opposite the Grade I listed Church of St Mary and opposite 1 and 3 Brookside (grade II). A short distance away is the Grade II listed 1914-18 War Memorial.
19. The Townscape Appraisal indicates that 1a Station Road is attached to an identified building with a negative impact (a modern commercial single-storey building) at 2 Brookside. The same plan identifies nearby significant trees, significant walls, significant hedges, positive buildings of special architectural or historic character, positive open spaces (including the grass verges and churchyard) and identified views of positive buildings.
20. The officer advises that *"a new boundary wall would be constructed with necessary visibility splays resulting in angled, uncharacteristic boundary walls. The proposal would be intervisible from the churchyard of the Grade I Church of St Mary, the Grade II listed 1 and 3 Brookside and the Grade II listed 1914-18 War Memorial. It would be highly visible from the public realm.*

21. *The open space to belonging to 1A Station Road and that now to the front of 2 Brookside is bound by a traditional brick wall and evidence for the wall dates back before 1880, at which time it was recorded on historical maps. Since that time the boundary wall, which originally swept around the corner, has been altered. It survives in a poor state with only a few courses to the proposal sites north where it now fronts 2 Brookside, but the section proposed for demolition within this application is in relatively good condition for its age. It is crucially the last remaining part of the original traditional boundary wall that delineated the original plot. The wall is in good condition for its age, but would benefit from repointing using lime mortar and, in a limited section to the north, rebuilding where the tree has moved the wall slightly so that both may co-exist. I consider the boundary wall and the enclosed garden with its mature vegetation, including the identified significant tree, to make a positive contribution to the character of East Leakes Conservation Area.”*
22. *The officer objects to the partial demolition and alteration of the wall on the grounds of its own historic value and its contribution to the character of the Conservation Area. that the officer did consider that the wall may have been constructed to retain and/or slow flood waters and that the resulting open frontage would have a negative impact on the areas character with the settlements historic core.*
23. The officer considers that the demolition of the wall would not cause harm to the significance of the Listed Buildings and their setting but that the proposal would have less than substantial harm to the character and appearance of the Conservation Area.
24. In relation to the construction of the proposed new detached garage the Conservation officer advises that they object to the proposed detached garage on the basis of *“its siting, scale, massing, design and materials being inappropriate for the Conservation Area. Its construction would see the removal of mature vegetation, including the significant tree, it would represent infill of a garden as an open space contributing to the character of the Conservation Area and would instead present as small carpark.”*
25. *For reasons of distance and intervening development, I consider that the proposal would not cause harm to the significance of the Listed Buildings and their settings. But, for the reasons given above, I consider the proposals would harm the character and appearance of the Conservation Area. This harm may be considered towards the middle of the less than substantial scale.”*
26. In respect of the revised/ additional information submitted the officer advised that:
*“Trees and Landscaping:
“I have reconsidered matters regarding mature vegetation to the east end of the proposal site, including the Landscape Officers comments in relation to the very prominent Willow tree on site (T5), which I would suggest is the significant tree identified on the Townscape Appraisal.”* The officer concludes that they remove their objection to this aspect subject to a condition regarding landscaping and root barriers as per the Landscape Officers comments.

27. *Existing access drive:*
“The existing access drive is shown as retained on the revised proposed site plan. Although it is labelled as pedestrian access the existing gap for the access drive is shown as open.” The officer notes that no independent information has been submitted regarding the safety of the existing drive.
28. Proposed access drive, works to wall and other matters covered in original comments:
The officer comments on the extent of the wall to be removed and that the revision is a very marginal improvement. The officer considers the proposal to be harmful to the Conservation Area but goes on to advise that “Should any grant of permission be considered I would recommend that traditional matching materials are used where it is not possible to use the originals.”
29. The officer has also advised that the impacts on heritage could be lessened if they change the location of proposed garage/carport to southern boundary of the proposal site, reduced scale in terms of height/ overall, the relocation of access drive / reduction in its size and also the drive and the use of traditional materials.
30. The Nottinghamshire County Council Archaeologist has advised that “While the scale of the work is small, there is potential for encountering Medieval remains given the location and proximity to the church.” As such they have recommended that all groundworks including those required for the car park are carried out under archaeological supervision and a condition has been proposed. The officer’s full comments are available on the website.
31. The Borough Council’s Landscape Officer advised that he considered a conservation area tree notice to fell the Willow earlier in the year. Whilst it is a very prominent tree and it is an important feature, it is damaging the wall and the officer has concerns about the structure and the way it was leaning towards the adjacent building. The officer did not feel comfortable protecting the tree because of its proximity to the building and the fact it is already damaging the wall.
32. The officer has also advised that there are no trees in the site area that he would look to TPO, but he does suggest a high quality landscape scheme including a replacement tree together with a hedgerow along the northern boundary would be beneficial. Where services run through the site the officer has advised that it might be possible to install a root barrier. The officers full comments are available on the website.
33. Nottinghamshire County Council as Highways Authority originally objected to the application. However, based on revised information and plans the Highways officer advised that “the proposed access to meet highways design standards. Both vehicles and pedestrian visibility requirement has been met. The access will also be used by one household making the 3m width suitable.” The officer removed their previous objection subject to conditions.
34. The Environment Agency has advised that “the site lies fully within flood zone 2 and therefore the LPA can apply national flood risk standing advice (FRSA) in this instance.”

35. Nottinghamshire County Council as Lead Flood Risk Authority has issued their standing advice.

Local Residents and the General Public

36. 8 representations were received on the original submission objecting on the following grounds:
- a) Highway safety as close to a three-way junction – Station Road/Brookside/Main Street
 - b) Safety of school children and other pedestrians
 - c) The bus stop also makes it dangerous with overtaking
 - d) Parking will back up along Brookside which will become worse when double yellow lines are implemented
 - e) Existing residents have difficulty leaving left from their properties
 - f) Water run off/ loss of absorption in an area known for flooding
 - g) Development in a conservation area
37. 4 representations were received on the original submission in support for the following reasons:
- a) the construction of a driveway and dropped kerb will stop vehicles parking on Main Street close to the junction with Station Road.
 - b) Visibility of the road will be significantly improved for both pedestrians and traffic and bottleneck congestion will be eased.
 - c) It will be safer for vehicles to pull out and turn in to the junction with Station Road and it will be safer for parents and children to cross the road on their journey to and from school
 - d) the biggest problem at the junction from the Station Road perspective is parked vehicles outside 1A and the two commercial properties
 - e) the proposal will ultimately reduce the quantity and frequency of vehicles parked there.
 - f) The alterations to the pavement would furthermore prevent cars parking along this stretch of the road southwards from the junction.
 - g) The inability for vehicles to park along proposed dropped kerbs would dramatically improve safety for traffic leaving and approaching Station Road
 - h) The proposed Brookside alterations would be in keeping with the traditional village
 - i) Welcome improvement
 - j) the old shed is an eye sore
 - k) a drive would take cars off the main road and couldn't be any different from the other houses
 - l) cannot understand why anyone would object to making something look better
 - m) the area always floods and I haven't seen any flood barriers outside the cottages and one of the reasons that the walls on the brook was rebuilt was suppose to stop this which it hasn't
38. In response the revised/ additions documents a further 4 representations were received:
- a) Evidence of traffic in the vicinity of the proposed access provided

- b) a driveway entrance on Brookside would offer greater visibility than the entrance on Station Road and so there is less chance of a road traffic incident.
- c) 6 properties,(5 dwellings and 1 retail) already have driveways onto Brookside between the Station Road Junction and Leivers Close. None of them have the benefit of splays, so vehicles have to drive out into the far carriageway, especially if vehicles are parked right up to the edge of the access point, as they often are. Temporary traffic bottlenecks are also created when vehicles are waiting to turn into any of the 6 Properties.
- d) Brookside is a major route into and out of East Leake and therefore carries a significant volume of traffic, including double decker buses and HGV's. There are therefore already significant traffic movement hazards that will only be exacerbated if permission is granted to this proposal
- e) It is difficult to see what can be achieved by new double yellow lines at the junction of Brookside and Station Road. I cannot find the proposed yellow line plan nor whether it is any different from the existing white lines, which drivers obey. Any change may lead to people parking near to the existing right of way across Sheepwash Brook, opposite 9 Brookside, which most parents and children now use to cross Brookside to go to Brookside School. This may be an example of the Rule of Unintended Consequences.

PLANNING POLICY

39. The Development Plan for Rushcliffe consists of The Rushcliffe Local Plan Part 1: Core Strategy (LPP1) (2014) and the Local Plan Part 2: Land and Planning Policies (LPP2) (2019) and in this instance, the East Leake Neighbourhood Plan. Other material considerations include the National Planning Policy Framework (NPPF) (2021), the National Planning Practice Guidance (the Guidance), and the Rushcliffe Residential Design Guide (2009)

Relevant National Planning Policies and Guidance

40. 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
41. The Borough Council has a duty under sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires special regard to be paid to the desirability of preserving listed buildings, their setting or features of special architectural or historical interest that they possess; and special attention to be paid to preserving or enhancing the character and/ or appearance of the conservation area.

Relevant Local Planning Policies and Guidance

42. The Rushcliffe Local Plan Part 1: Core Strategy (LPP1), the following policies are of relevance:

Policy 1 – Presumption in Favour of Sustainable Development
Policy 2 – Climate Change
Policy 10 – Design and Enhancing Local Identity
Policy 11 – Historic Environment
Policy 17 – Biodiversity

43. The Rushcliffe Local Plan Part 2: Land and Planning Policies (LPP2), in particular the following policies are of relevance:

Policy 1 – Development Requirements
Policy 17 – Managing Flood Risk
Policy 18 – Surface Water Management
Policy 28 – Conserving and Enhancing Heritage Assets
Policy 29 - Development affecting Archaeological Sites
Policy 37 – Trees and Woodland

44. The East Leake Neighbourhood Plan was adopted in 2015, and the following policy is considered of particular relevance:
Policy E3 – Green Infrastructure within the Built Environment

45. The East Leake Conservation Area Appraisal and Management Plan (July 2008) advises at para 5.3 that “*There are some examples of timber framed buildings and bricks are generally red, with some properties having blue brick detailing. Roofing materials are mixed and largely include pantile, plain tile and Welsh slate.*” It identifies the site as being within the Historic Core. The document refers to boundary treatments and the importance they have on the character of the Conservation Area. Whether buildings or features are to be retained or redeveloped and they have not been identified as positive or negative the Council will seek to ensure that the conservation area is continued to be enhanced or preserved. The Townscape Plan identifies the property as being a positive building in the Conservation Area with significant trees on the garden area. The boundary wall is not identified specifically as being ‘significant’ and the existing timber shed is not specifically identified or referred to.

46. The full narrative of the LPP1, LPP2, the Neighbourhood Plan and the Conservation Area Appraisal Management Plan and Townscape Plan can be viewed on the Rushcliffe Borough Council website.

APPRAISAL

47. The main consideration in respect of this application is:
- Principle of development
 - Design and impact on the character of the surrounding area
 - Amenity
 - Highway Safety
 - Flooding

Principle of development

48. The starting point for the determination of any proposal is the Development Plan. The Development Plan for Rushcliffe consists of the Rushcliffe Local

Plan Part 1: Core Strategy (2014) (Core Strategy) and the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) (Local Plan Part 2).

49. Other material planning considerations include Government guidance in the National Planning Policy Framework (NPPF) and National Planning Practice Guide (NPPG).
50. Policy 1 of the LPP1 reinforces a positive and proactive approach to planning decision making that reflects the presumption in favour of sustainable development contained in the NPPF.
51. The application site is a part of the garden of 1A Station Road and is considered to be acceptable in principle subject to other material planning considerations which will be assessed below.

Design and impact on the character of the surrounding area

52. The proposal involves the removal of part of a wall to create a vehicular access off Brookside, amendments to the design and width of this have been received during the course of the application to limit the width of the gap. The proposed garage would be located in the site, set back from the road frontage to be broadly in line with the frontage of the adjacent bungalow 2A Brookside. It would span the width of the garden leaving gaps of 2m to the southern boundary and 3.137m to the northern boundary. The building would have an asymmetrical and half hipped roof design, having its lower eaves at the rear towards the garden of the property and higher eaves on its frontage facing towards Brookside. As a result of the access, visibility and the permeable hardstanding a number of trees and vegetation would also have to be removed.
53. The Landscape Officer has confirmed that he does not object to the removal of the trees/ vegetation subject to a condition regarding high quality landscaping, a hedgerow along the northern wall and a replacement tree for the willow.
54. In respect of the impact on the Listed Buildings the Conservation Officer considers that the development would have no harm to the significance or their settings but in relation to the Conservation Area it would result in less than substantial harm. Paragraph 202 of the NPPF advises that: "*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.*" Harm has been identified and therefore consideration has to be had as to whether this harm has wider public benefits.
55. In the supporting documents the applicant advises that "*these benefits would include:*
 - *Improved highway and pedestrian safety. The new access will be safer than the existing access at Station Road because of improved visibility.*

- *The access will deter on-street parking near the Brookside/Station Road junction, particularly by parents dropping off and picking up children at school/nursery opening and closing times. This has also been pointed out in the letters of support received from local residents.*
- *New standard trees of species local to this area to compensate for the loss of the willow tree will enhance the conservation area.*
- *A permeable surface is proposed to mitigate the impact of the forecourt area and a new garden area is to be created replacing a current area of hardstanding thereby improving the current flood risk situation. Reduction in impermeable area from 212sqm to 127sqm.”*

56. The proposed building would be more prominent within the street scene than the existing structure by virtue of its size and also because of the creation of the access and formation of hardstanding. That said it is considered that its design and appearance would not be so imposing or have such an adverse impact to justify a refusal of the development. The village does have examples of other timber buildings and it is considered that the building would be seen in context with the adjacent buildings on Brookside with the listed building and host property in the backdrop. It is noted that the adjacent property 2 Brookside has a single brick and tiles roof garage forward of the property directly abutting the footway and this, together with another building that is in commercial use, would largely obscure views of the proposed garage when entering the village from the south. When leaving the village from the north the garage would be located behind the existing barber shop building. It is not considered that the building would result in significant harm to the area. The proposed, largely timber design would be high quality, and would provide a positive contribution to the area.
57. The agent considers in their submission that *“the wall is currently in a poor condition. Some sections of the existing walls are already damaged and these works will therefore help to restore and where required replace the wall in an improved state for future years albeit on a slightly amended build line to that which is existing.”*
58. A total of 7m of the existing wall would need to be removed however the resulting gap would extend to a gap of 4.8m having 2m visibility splays either side. The wall would be rebuilt on either side of the access way at 600mm high (to allow sufficient visibility) using the original bricks (where salvageable) and point in a lime mortar.
59. The front boundary wall is not specifically identified as a positive or significant feature within the Conservation Area but it is a feature nonetheless. The existing Willow tree has caused some damage to a section of the wall as identified by the Landscape Officer. There are a number of other examples of access points along this stretch of Brookside and so would not appear at odds with these. However fundamentally the alteration to the wall to allow vehicular access does, as discussed below, result in wider public benefit and improvement in respect of the cessation of the existing access on Station Road for vehicles therefore it is considered that there are highway safety improvements that weigh favour of the the proposal
60. For the reasons set out in this report, it is considered that the impact on the character of the East Leake Conservation Area would be outweighed by the

wider benefits of highway safety and that the setting of the Listed Buildings would be preserved as required by Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas Act 1990).

61. It is considered that Policies 10 and 11 of the Core Strategy, Policies 1, 28 and 29 of Rushcliffe Local Plan Part 2 and Section 12, para 127 within the National Planning Policy Framework have satisfactorily been met and the proposal in terms of design and impact on the character of the surrounding area are considered to be acceptable.

Impact on residential amenity

62. The proposal would not result in direct impact of amenity on the adjacent properties. It is considered that the proposal is compliant with the requirements of Core Strategy policies 1 and 10 and Policy 1 of the Rushcliffe Borough Local Plan Part 2.

Highways and Parking

63. The proposed new access is located in close proximity to a number of existing property access points which don't all have the visibility splays that would now be sought. In addition, the proposed access is in close proximity to a 3 way junction and there are currently no parking restrictions on Brookside in front of the site.
64. A number of representations have been received raising concerns in respect of the potential for conflict between vehicles and pedestrians including school children and their parents with the proposed access and highway traffic/parking. Likewise a number of representations have suggested that they see the inclusion of an access point on Brookside would remove some of the on street parking and improve the current situation.
65. The Parish Council have also commented raising concerns in relation to double yellow lines on the adjacent road. The applicant advises that *"the proposal will not affect the introduction of double yellow lines. It will prevent parking in front of the access to the property and will therefore serve the same purpose as the introduction of double yellow lines. The newly formed access will actually improve the current situation for the owner of the property in highways safety terms as visibility on access and egress will be much improved. Both access and egress will be possible in forward gear with visibility which meets highways safety standards. Preventing people parking on this section of road will also improve safety for pedestrians walking to the junction of Brookside and Station Road which we understand is a current concern and the reason for the proposed addition of double yellow lines"*.
66. The additional supporting information advises that the existing access point on Station Road presents difficulties in terms of pedestrian and vehicle visibility when leaving the property. The existing dwellings (1 and 1 A Station Road) directly abut the footway and there are no parking restrictions on this section of Station Road therefore visibility can be poor.
67. In addition, the amended details indicate the use of the existing access as pedestrian only. Whilst details of this restriction have not been provided it is

considered that a condition to secure this, together with the details of what this would look like, is appropriate.

68. The supporting documentation advises that the proposed driveway would *“only serves one property and there is no requirement for two cars to pass. This has since been discussed in correspondence to highways on the 9th December and the Highways Officer has subsequently confirmed in writing that the 3m access width is acceptable. They have also confirmed more recently that they require 2m pedestrian visibility splays either side of the proposed opening which will allow more of the original wall to be retained.”*
69. The Highways Officer has considered the proposal and as a result of the amendments, reducing the width and providing appropriate visibility slays, they have not raised any highway or pedestrian concerns with the development. As a result, it is not considered that a refusal could be sustained on this basis of highway safety for the new access point but that the relocation of the access for vehicles could be seen as an improvement to the current situation that can be weighed in the assessment of the impact on the conservation area.
70. Having judged the proposal against the Rushcliffe Borough Local Plan Part 2 Policy 1, the proposal is considered acceptable in terms of highway requirements.

Impact on trees

71. The planning statement advises that *“The proposal involves the relocation of the garden area from the south eastern area of the site to the south western area of the site providing a more private, accessible area for the family with greater connectivity to the existing dwelling than the current arrangement. Two new trees will be planted within the garden area to increase biodiversity and to replace those lost as part of the proposals. A hedge will be planted along the northern boundary in accordance with the Landscape Officer’s recommendations to screen the driveway from the area of open space.”*
72. As previously indicated earlier in the report the landscape officer has considered the impact of the proposal on the loss of the trees, noting that the existing willow tree is causing damage to the existing wall, and he has raised no objection to the removal of the trees and vegetation subject to conditions. In addition, the Conservation officer also considered the additional information and withdrew their objection to the loss of the tree subject to conditions regarding landscaping.
73. It is therefore considered that the proposal to remove the trees/ vegetation is acceptable subject to conditions regarding landscaping, hedgerow and replacement trees.

Ecology

74. The Council has a duty to consider impacts of developments on ecology. In this case it is considered that the impacts would be limited but a condition and note to applicant is considered appropriate to ensure compliance with Policy 17 of the Core Strategy and policies 1 and 38 of the Rushcliffe Local Plan Part 2.

Archaeology

75. The comments of the County Council's Archaeology Officer are noted (see above) and a condition is proposed in accordance with their recommendation.

Flood risk/ drainage

76. The site is located within Flood Zone 2 on the Environment Agency's Flood Zone maps. Following long periods of heavy rainfall, areas of the village suffer from surface water flooding.
77. The supporting submission documents advise that *"The level of the current garden and proposed garage is about 0.7m higher than the road. Permeable paving is proposed for the new drive. It is also proposed to remove about 50% of the concrete hardstanding to the very rear of the property and replace with a grassed garden area as shown on the proposed plans. Currently the amount of impermeable surfacing on the site, made up of the driveway and areas of hardstanding, amounts to 212sqm. The proposed development will provide a permeable surface to the driveway and will create a new area of garden and therefore the impermeable area on site will be reduced to 127sqm."*
78. Therefore, the areas of existing hardstanding would be replaced with a grassed garden area and the proposed access/driveway will be constructed from permeable paving. Planting will be introduced alongside the driveway. As the proposal is for a garage it is not a requirement to demonstrate flood resilience measures however the proposed elements are considered to result in no greater impact in respect of flooding or surface water drainage impacts than what currently exists. Conditions are proposed to reflect the above and a note to applicant is proposed to suggest that flood resilience is incorporated into the building.

Conclusion

79. The proposal would provide improvements to highway safety. This outweighs the less than substantial harm to the East Leake Conservation Area. 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
80. Given all the matters as considered above and having assessed the development proposal against the policies set out in National Guidance and the development plan for Rushcliffe, the scheme is considered to be acceptable.
81. 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. This has resulted in a more acceptable scheme and the recommendation to grant planning permission, subject to conditions.

RECOMMENDATION

(i) 21/02987/FUL - It is RECOMMENDED that planning permission be granted subject to the following condition(s)

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

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

2. The development hereby permitted must be carried out strictly in accordance with the following approved plan(s)/drawings/documents:

- Application Form received 18 November 2021
- Flood Risk Assessment received 22 November 2021
- Proposed Garage Plans A-004B received 4 January 2022
- Design and Access Statement received 4 January 2022
- Planning Statement received 6 January 2022
- Proposed Site Plan A-003G received 6 January 2022
- Garden Wall Plans and elevations A- 005A Received 6 January 2022

[For the avoidance of doubt having regard to Policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)].

3. The development hereby permitted must be undertaken in accordance with the brick and tiles indicated on the application form and approved plans. The coloured finish of the timber shall be submitted to and approved in writing by the Local Planning Authority prior to the development proceeding beyond the damp proof course level. In respect of the boundary wall to Brookside traditional matching materials should be used where it is not possible to use the originals. The development must only be constructed in accordance with the approved materials and colour finish.

[To ensure the appearance of the development is satisfactory having regard to policies 10 (Design and Enhancing Identity) and 11 (Historic Environment) of the Rushcliffe Local Plan Part 1: Core Strategy (2014); Policies 1 (Development Requirements) and 28 (Conserving and Enhancing Heritage Assets) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Chapters 12 and 16 of the National Planning Policy Framework (2021)]

4. The development hereby permitted must not proceed above the damp proof course level until details of the existing hardsurfaced areas to be removed and the permeable materials to be used in the construction of the new driveway and parking area have been submitted to and approved in writing by the Local Planning Authority. The hard surface areas must be removed and new areas of driveway and parking constructed in accordance with the approved details prior to the use of the garage hereby approved being commenced. Notwithstanding the provisions of the Schedule 2 Part 1 Class F of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and/or re-enacting that Order)

no hard surfaces (other than those expressly authorised by this permission) shall be constructed within the curtilage of the dwelling hereby permitted without express planning permission from the Local Planning Authority.

[To ensure the appearance of the development is satisfactory and to enable the Local Planning Authority to retain control over the construction of additional hard surfaces that may adversely affect surface water runoff from the site having regard to Policies 2(10) (Climate Change), 10 (Design and Enhancing Identity) and 11 (Historic Environment) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policies 1 (Development Requirements), 17 (Managing Flood Risk), 18 (Surface Water Management) and 28 (Conserving and Enhancing Heritage Assets) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Chapters 12 and 16 of the National Planning Policy Framework (2021)]

5. No development shall take place until a detailed landscaping scheme for the site has been submitted to and approved in writing by the Borough Council. The scheme shall include root barriers (if required), hedgerow and replacement trees species, size and numbers. The approved scheme shall be planted in position(s) previously agreed in writing by the Borough Council in the first planting season after the felling of the tree(s) to be removed. Any tree(s) within a period of 5 years from the completion of the planting which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Borough Council gives written consent to any variation.

[To ensure the appearance of the development is satisfactory having regard to policies 10 (Design and Enhancing Identity) and 11 (Historic Environment) of the Rushcliffe Local Plan Part 1: Core Strategy (2014); Policies 1 (Development Requirements) and 28 (Conserving and Enhancing Heritage Assets) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Chapters 12 and 16 of the National Planning Policy Framework (February 2021)]. This is a pre commencement condition required to ensure that existing features to be retained are identified and protected, to ensure adequate mitigation is in place before any intrusive site works take place]

6. No development shall be commenced 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 scheme shall be implemented in accordance with the approved programme and details.

[To ensure that the development increases water attenuation/storage on the site and minimises the risk of flooding elsewhere having regard to Policy 2 (Climate Change) of the Rushcliffe Local Plan Part 1: Core Strategy (2014), Policies 17 (Managing Flood Risk) and 18 (Surface Water Management) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Paragraphs 163 and 165 of the National Planning Policy Framework (2021) This is a pre commencement condition to ensure that flood risk is mitigated and the measures can be incorporated in to the build phase].

7. No development shall take place until the applicants, or their agents or successors in title, have secured the implementation of a programme of archaeological control and supervision to be carried out during demolition,

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 and/or features are recorded in a manner proportionate to their significance and to make the recorded evidence (and any archive generated) publicly accessible, having regard to Policy 11 (Historic Environment) of the Rushcliffe Local Plan Part 1: Core Strategy (2014); and Policies 28 (Historic Environment: Conserving and Enhancing Heritage Assets) and 29 (Development Affecting Archaeological Sites) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Chapter 16 (Conserving and enhancing the historic environment) of the National Planning Policy Framework (2021). This is a pre-commencement condition required to ensure that if archaeological interest is identified it is recorded]

8. The proposed access shall be constructed to Nottinghamshire Highway Authority specification.

[In the interests of highway safety having regard to Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)].

9. The development shall not be brought into use until the existing access has been closed permanently to vehicles and the land within the highway reinstated, in accordance with details previously submitted to and approved in writing by the Borough Council prior to the use of the access and garage hereby approved being brought into use. The approved closure details shall be retained for the life of the development.

[To reduce the number access points into the site in the interest of highway safety, having regard to Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)].

10. Notwithstanding the provisions of section 55(2)(a)(i) and 55(2)(d) of the Town and Country Planning Act 1990 or Article 3(1) of the Town and Country Planning (Use Classes) Order 1987 the garage hereby permitted must be kept available at all times for the parking of motor vehicles of the occupants of the dwelling (1a Station Road) and their visitors and must not be used for any other purpose whatsoever.

[To ensure that sufficient parking provision is retained at the site having regard to Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)].

11. There shall be no enlargement or any other alteration to the appearance, [including alterations to the roof of the garage] hereby permitted without express planning permission from the Local Planning Authority.

[To enable the Local Planning Authority to retain control over any future enlargements and/or alterations that may harm the amenities of neighbouring properties, the appearance of the dwelling or the character of the area having

regard to Policy 10 (Design and Enhancing Local Identify) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Policy 11 (Historic Environment) of the Rushcliffe Local Plan Part 1: Core Strategy (2014); Policy 28 (Historic Environment: Conserving and Enhancing Heritage Assets) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Chapter 16 (Conserving and enhancing the historic environment) of the National Planning Policy Framework (2021)].

Note to applicant

1. The development should not increase flood risk to existing properties or put the development at risk of flooding.
2. Any discharge of surface water from the site should look at infiltration – watercourse – sewer as the priority order for discharge location.
3. SUDS should be considered where feasible and consideration given to ownership and maintenance of any SUDS proposals for the lifetime of the development.
4. Any development that proposes to alter an ordinary watercourse in a manner that will have a detrimental effect on the flow of water (eg culverting / pipe crossing) must be discussed with the Flood Risk Management Team at Nottinghamshire County Council.

For these works to 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 Licences@viaem.co.uk to arrange for these works to be carried out.

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.

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). Further information about CIL can be found on the Borough Council's website at <https://www.rushcliffe.gov.uk/planningandgrowth/cil/>

You are advised that your property falls within an area identified to be at risk of flooding in the Environment Agency's Flood Risk Maps. It is therefore recommended that the design and construction of the garage incorporates advice with regard to flood resilience and resistance techniques which is available to view on the Environment Agency's website.

(ii) 21/02993/RELDDEM - It is RECOMMENDED that planning permission for relevant demolition in a conservation area be granted subject to the following condition(s)

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

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

2. The development hereby permitted must be carried out strictly in accordance with the following approved plan(s)/drawings/documents:

- Application Form received 18 November 2021
- Flood Risk Assessment received 22 November 2021
- Proposed Garage Plans A-004B received 4 January 2022
- Design and Access Statement received 4 January 2022
- Planning Statement received 6 January 2022
- Proposed Site Plan A-003G received 6 January 2022
- Garden Wall Plans and elevations A- 005A Received 6 January 2022

For the avoidance of doubt having regard to Policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).