

Report of the Chief Executive

| | |
|----------------------------|--|
| APPLICATION NUMBER: | 21/00049/FUL |
| LOCATION: | Babbington Hall, Westby Lane, Babbington, NG16 2SS |
| PROPOSAL: | Construct 5 dwellings including demolition of kennels, access and landscaping |

This application has been called to Planning Committee by Councillor M J Crow

1 Executive Summary

- 1.1 This application seeks permission to construct five dwellings, following the demolition of the kennels at the Babbington Hall site. One kennels building will be retained and used by the applicant, who resides at Babbington Hall, for rescue dogs.
- 1.2 The application site is within the Nottinghamshire Green Belt. The proposal is considered to be an exception to inappropriate development in accordance with Paragraph 146 g) of the NPPF which allows the redevelopment of previously developed land so long as it does not result in additional harm to the openness of the Green Belt.
- 1.3 The scheme has been amended from the original proposal which was for six dwellings, and now proposes five dwellings. The design has also been amended from the original proposal, with the proposed dwellings now having more traditional, rural designs with features that are considered to be in keeping with the character of the surrounding area. It is considered that an acceptable standard of design has been achieved.
- 1.4 There is one neighbouring property for the application site, and it is considered that the proposal will not result in an unacceptable loss of amenity for the residents of this dwelling, or any other nearby properties. It is considered that the proposal will offer acceptable levels of amenity for the future occupiers of the site.
- 1.5 The Highways Authority has not raised any objections to the proposal, and have acknowledged that the change of use will likely result in a reduced number of trips to and from the site. It is considered the proposal will not result in an unacceptable impact on highway safety.
- 1.6 The ecological impacts of the proposal have been assessed and the Council's Tree Officer and Nottinghamshire Wildlife Trust raise no objections. Conditions have been recommended to preserve and enhance the ecology on the site.
- 1.7 Overall it is considered that the proposal is in accordance with the policies set out in the Council's Local Plan and the NPPF. It is therefore considered that the proposal is acceptable and that planning permission should be granted in accordance with the recommendations set out in the appendix.

APPENDIX

1 Details of the Application

- 1.1 This application seeks permission to construct five detached dwellings on the site at Babbington Hall, which is currently occupied by Babbington Dog Rescue Centre. As part of the proposal the kennels and other buildings currently used as part of the rescue centre will be demolished.
- 1.2 The existing dwelling at Babbington Hall will be retained for residential use, and one outbuilding will be retained to continue with some limited dog rescue work.

2 Site and surroundings

- 2.1 The application site consists of Babbington Hall, which is a Local Interest Building and the original residential dwelling on the site. To the north and east of the hall is an extensive range of building associated with the rescue centre. These are used mainly for kennels, as well as for the reception and shop for the rescue centre.
- 2.2 The application site is relatively flat, occupying an elevated position with the land falling away to the south and west of the site. The land beyond the rescue centre to the south and west consists of open fields. To the north of the site is a neighbouring residential dwelling, No. 27 Westby Lane, with the access road being to the east of the site.
- 2.3 The site is located entirely within the Nottinghamshire Green Belt and within a Mature Landscape Area. The surrounding area largely consists of agricultural land, including Westby House Farm which operates to the south side of Westby Lane. There are further residential dwellings on Westby Lane to the east end of the village.

3 Relevant Planning History

- 3.1 It is understood that the site has been used for kennelling dogs since 1962. The application site has a detailed planning history and the details of the most relevant historic applications are outlined below.

- 3.2 88/00289/FUL - In 1988, planning permission was granted to construct a purpose built cattery building.

92/00404/FUL – In 1993, planning permission was granted for the refurbishment of the existing dog pens and an extension to form new pens and a feed store.

99/00543/FUL – In 1999, planning permission was granted to extend the residential element of Babbington Hall.

04/00174/FUL – In 2004, planning permission was granted to erect timber stabling at the site. The stables were positioned in the more built up area of the application site, to the north east of Babbington Hall.

08/00286/FUL – In 2008, planning permission was granted to construct a new kennel block and to extend the curtilage of the kennelling operation including the change of use of land from agriculture. This application was determined by Planning Committee with the case for Very Special Circumstances being put forward due to the demand for the nature of the applicants work in housing rescue dogs, notably from a number of neighbouring authorities. In this case it was noted that the positioning of the extension to the kennels would not project significantly further into the open countryside when seen in context with the existing buildings on the site. A condition was attached to this permission stating that the development shall only be used for the kennelling of rescue dogs, and for no other purpose.

09/00095/FUL – In 2009, planning permission was granted by Planning Committee for the construction of a new building incorporating a reception, office, education centre and staff facilities. Whilst it was established that the development was inappropriate in the Green Belt, it was concluded that the requirement for the facilities in supporting an established kennelling facility represented very special circumstances which outweighed the harm to the Green Belt.

10/00752/FUL – In 2011, planning permission was granted by Planning Committee for a kennel block and run to replace a building of the same purpose. The proposal was once again established to be inappropriate development in the Green Belt, but it was concluded that very special circumstances existed by virtue of the fact that modern kennelling was required to provide appropriate facilities at the site. A condition was attached to this permission stating that the development shall only be used for the kennelling of rescue dogs, and for no other purpose.

18/00236/FUL – In 2018, planning permission was granted for a poly tunnel to the south of the application site, to be used in connection with the rescue centre for dog training. Planning permission was granted for one year as the building was not considered suitable for permanent retention and to allow the applicant time to find a suitable permanent option.

19/00508/FUL – in 2019, planning permission was granted for the permanent retention of the poly tunnel.

4 Relevant Policies and Guidance

4.1 **Greater Nottingham Aligned Core Strategies Part 1 Local Plan 2014:**

4.1.1 The Council adopted the Core Strategy (CS) on 17 September 2014.

- Policy A: Presumption in Favour of Sustainable Development
- Policy 2: The Spatial Strategy
- Policy 4: Employment Provision and Economic Development
- Policy 8: Housing Mix and Choice
- Policy 10: Design and Enhancing Local Identity
- Policy 11: Historic Environment

4.2 Part 2 Local Plan 2019

- Policy 8: Development in the Green Belt
- Policy 15: Housing size, mix and choice
- Policy 17: Place-making, design and amenity
- Policy 23: Proposals affecting designated and non-designated heritage assets
- Policy 30: Landscape
- Policy 31: Biodiversity Assets

4.3 National Planning Policy Framework (NPPF) 2019:

- Section 2 – Achieving Sustainable Development.
- Section 4 – Decision-making.
- Section 12 – Achieving well-designed places.
- Section 13 – Protecting Green Belt Land

5 Consultations

5.1 **Council's Conservation Officer:** No objection raised.

5.2 **Council's Environmental Health Officer:** No objection raised. Note to applicant required regarding noisy works and burning of waste.

5.3 **Highways Authority:** Internal roads will be private so no objection raised.

5.4 **Rights of Way Officer:** No objection. Note to applicant to advise them of their responsibility in respect of the right of way.

5.5 **The Coal Authority:** No objection subject to condition requiring intrusive site investigations and any necessary remedial works.

5.6 **Nottinghamshire Wildlife Trust:** No objections subject to conditions to secure an additional bat survey, bat boxes within the new development, demolition works should be undertaken under the supervision of an appropriately licensed and experienced bat ecologist, demolition works on the roofs should be carried out between the months of February to November, swallow nesting provisions, measures to mitigate ecological impacts during construction, ecological enhancements post development.

5.7 **Tree Officer:** TPO should be sufficiently far away from the development as not to be impacted. Care should be taken to limit any damage to the Ash which is not protected.

5.8 **Parks and Green Spaces Manager:** Supports the landscaping plan, particularly the proposed orchard area.

5.9 **Kimberley Town Council:** Access to the village is severely restricted and concerned that allowing this development could create difficulties in resisting future similar proposals.

5.10 **Waste and Recycling Manager:** No objection.

5.11 Three properties either adjoining or opposite the site were consulted and a site notice was displayed. Eight responses were received, six of which raise objections and one of which is generally supportive, although with observations in respect of parking provision, the potential upgrading of the bridleway, and privacy for neighbouring properties. The reasons for objection can be summarised as follows:

- The development is too large and out of keeping with the character of the small village.
- Negative impact on valued landscape.
- Impact on green assets.
- The kennels were only allowed to be built due to exceptional circumstances, this should not then allow for a change to housing.
- Traffic increase on the narrow lane was accepted for exceptional circumstances for the kennels, but must be re-considered if it is for housing.
- Babbington is one of the last remaining unspoiled pieces of Green Belt.
- It would create a new suburb in a sparsely populated area.
- The design of the dwellings is not sympathetic to the existing architecture of Babbington, its environment and its industrial heritage.
- Objection to any improvement of the single track lane leading to the site as improvements may encourage more traffic to use it as a cut through.
- Not in accordance with Local Plan Policy 17. Design of development is not in keeping with the rural character of the village.
- Not sufficient parking for visitors or delivery may impact the wider area.
- Landscaping on north boundary will not provide sufficient screening to protect privacy of existing residents at No. 27.
- Would rob the area of a much needed dog rescue centre.
- The road leading to the proposed houses

5.12 A seven day re-consultation has been carried out on the amended plans. Three responses to this have been received, one of which makes no further comments to their original comments, and two of which raise further objections, which can be summarised as follows:

- Does not comply with national or local planning policies.
- Proposal lacks architectural merit.
- Proposal would increase the size of Babbington, adding almost 25% more dwellings on the existing number.
- The density and layout of the development does not reflect the historical linear, ribbon like development of Babbington and is more reflective of a suburban cul-de-sac.
- Increase in the proportion of the dwellings in a Green Belt area is excessive.
- The kennels were allowed to be developed due to their charitable status. If this had not been allowed the proposed development would not be compliant.
- The existing buildings to be demolished fit in better with the existing rural character of the area.
- Object to the improvement of the access road.
- The information used in the traffic assessment does not correspond with the local area. Traffic generation could be higher than present.

- No affordable housing proposed as part of the development.
- Conversion of existing buildings should be only option.
- The area is not identified in the Local Plan for housing development.
- Should not be considered on top of 250 house development on Newton's Lane and development of Dry Ski Slope at Cossall. This site and these ones were/are abutting wildlife havens.
- Existing dwellings can only extend by up to 30%. It is not right to then allow new housing.
- The proposal will set a precedent for further development in the village.
- Concerns about potential impact on wildlife.
- Cannot see a justification for any more than 2 houses.
- Development should adopt green credentials and make provisions to preserve and enhance wildlife.
- If the kennels are to close the site should be restored to its original size, status and topography.

6 Assessment

6.1 The main issues for consideration are whether or not the proposal is inappropriate development in the Green Belt, the design and appearance of the proposed development, impact on neighbouring amenity of the proposed development, impact on the local highway network, and ecological impact of the development.

6.2 **Green Belt**

6.2.1 Paragraph 143 of the NPPF states that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 states that very special circumstances will not exist unless potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal is clearly outweighed by other considerations. Paragraphs 145 and 146 set out a list of exemptions to inappropriate development. Paragraph 145 g) states that an exception to inappropriate development is the limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development.

6.2.2 The application site is largely covered by a range of buildings associated with the dog rescue centre. The buildings vary in terms of height and styles, but they cover a significant amount of floorspace across the site, with limited space between the buildings. The demolition of the existing buildings on the site is considered to be beneficial to the appearance of the surrounding area, as whilst the existing buildings serve a clear function, they have not been designed specifically to enhance the rural surroundings.

6.2.3 Whilst the proposed dwellings have been designed to be reasonably substantial, two storey dwellings, will result in a net reduction in terms of the volume of the buildings on the site. The density of the proposed development is considered to be more in keeping with its rural surroundings, with more open spaces within the site and views available through the site. It is therefore considered that the proposed development would not have a greater impact on the openness of the Green Belt,

and as it represents the redevelopment of previously developed land, it is considered that the proposal is in accordance with paragraph 145 g) of the NPPF. It is therefore considered that the principle of development is acceptable subject to an assessment of the design and appearance of the scheme, impact on neighbouring amenity, ecological impacts, and impact on highway safety.

- 6.2.4 It is noted that the kennels have been expanded over the years with additional buildings being built with very special circumstances for the use as a dog rescue centre being identified as the justification for granting permission. The NPPF does not make exceptions for sites that have been developed on the grounds of very special circumstances, as at this time the balance of harm to the Green Belt has already been assessed. Once the land is identified as previously developed land, which in this case it is, the key consideration is whether or not the proposed redevelopment of the site would amount to further harm to the Green Belt, which in this instance it is not considered to.
- 6.2.5 Notwithstanding the above, the applicant has submitted evidence of Babbington Hall, including the rescue centre and kennels, having been available for purchase on the market for some time with no success. Whilst the applicant is not required to provide this as this application does not rely on a very special circumstances case, it does highlight that the original intention for the applicant was for the existing use to continue under new ownership.

6.3 Design and Appearance

- 6.3.1 A number of discussions have taken place with the applicant regarding the design of the development, with a view to achieving a scheme that contributes positively to the character of the surrounding area. The original proposal was for six dwellings, with a more contemporary design put forward. Following an assessment of the plans as well as a review of the consultation responses, and a meeting with the local councillor, the applicant was asked to revise the scheme with a particular focus to reducing the density, and designing dwellings that are more in keeping with the character of the surrounding area.
- 6.3.2 The proposed dwellings will be reasonably well spaced throughout the site, ensuring the development is not overly dense or out of keeping with the rural character of the site. The dwellings will be reasonably well separated from the existing building, Babbington Hall, which is a locally listed building, and therefore the siting of the proposed dwellings are not considered to be harmful to the setting of the existing building. The reasonably large, detached style of the dwellings are in keeping with the surrounding area, which has similarly large dwellings set within substantial plots. Whilst the gardens for each of the dwellings is not overly large, the plots are of reasonable sizes, providing a good amount of space around each dwelling.
- 6.3.3 The proposed dwellings are made of three house types, 4.1, 5.1 and 5.3. All house types are of a traditional design with proposed red brick elevations and slate tiled roofs. Babbington Village has a mix of red brick and rendered houses, with notable nearby dwellings, No. 27 and 22 Westby Lane, being rendered and red brick respectively. As the existing building at Babbington Hall is rendered, it is considered that the contrast of traditional red brick is most appropriate for the site, providing

clear historical legitimacy in respect of the original building and the later development. It is recommended that should planning permission be granted that samples of the materials to be used are approved prior to above ground works taking place.

- 6.3.4 The design of the dwellings has been considered to incorporate features that are typically found on countryside dwellings and cottages. The eaves have been designed to overhand the elevations, and dormers have been incorporated into house types 5.1 and 5.3, a feature which is noticeable on the neighbouring property at No. 27 Westby Lane. The windows and doors will be of timber construction, with red brick header details and stone sill details which are in keeping with existing dwellings in the surrounding area. Timber canopy's over the front doors have been incorporated on house types 4.1 and 5.1, which work to break up the front elevations of these dwellings.



Example of dormers at No. 27 Westby Lane (Google Street View).

- 6.3.5 The proposed house types are considered to be of a design and appearance that is in keeping with the character of the surrounding area. The proposed residential development is of a scale and density that is considered to be in keeping with the area, and is considered to result in an improved appearance compared to the existing kennels buildings that currently cover the site.
- 6.3.6 In terms of landscaping, there is a strong focus on soft landscaping throughout the site, with the main boundaries along the south and west of the site to be made up of native hedgerows. This will help to incorporate the development into the rural surroundings, and ensure it is not overly prominent in the local landscape. Further planting is proposed throughout the site which will also enhance the rural nature of the development, with an orchard proposed in the north west corner of the site, providing some open space for the development as well as further screening of the dwellings.
- 6.3.7 Overall it is considered that an acceptable standard of design has been achieved and that the proposal will contribute positively to the local landscape, when compared to the existing land use.

6.4 Amenity

- 6.4.1 The only neighbouring residential property that is directly adjacent to the application site is No. 27 Westby Lane, to the north. The proposed Units 1 and 2 are in closest proximity to No. 27, with Unit 1 being approximately 8.9m from the north boundary of the site. No. 27 is also set back from the boundary, and faces towards the application site. The land slopes up towards No. 27, meaning the proposed units will be at a lower level. Overall it is considered that there will be sufficient separation between No. 27 and the proposed units to ensure the proposal will not result in an unacceptable loss of light, sense of enclosure or loss of privacy for the residents at No. 27.
- 6.4.2 The application site is currently home to Babbington Kennels and Rescue. It has capacity for a large number of dogs, and historical applications to expand the kennels have often been met with objections from members of the village due to the noise generated by the dogs. The proposed development will replace the kennels, thereby significantly reducing the amount of noise generated by the site. The applicant resides at the existing dwelling at Babbington Hall, and is proposing to retain the adjacent outbuilding to the rear, in order to continue with a small amount of dog rescue work. It is anticipated that there will be capacity to keep up to 6 rescue dogs in the remaining kennel. The Council's Environmental Health Officer has not raised any objection to this in respect of the impact on the amenity of the future occupiers of the dwellings, and notes that due to the change in circumstances the applicant would have to re-apply for their license for the kennels, so any additional impacts could be further assessed at this time. The applicant has indicated that the kennel will be retained for rescue dogs only, and it is considered appropriate to condition this, as well as to condition that no more than 6 dogs can be kept at the kennels at any one time. Given the significant reduction in the number of dogs that can be kept at the site, it is considered that the proposal will not result in an unacceptable loss of amenity for neighbouring residents in terms of noise generation.
- 6.4.3 The proposed dwellings all meet the nationally prescribed internal space standards. The dwellings will all provide sufficient natural light to principal living rooms, as well as sufficient private outdoor amenity space. The development is considered to be designed in a manner to ensure unacceptable overlooking between dwellings, or with the existing dwelling on the site will not be experienced. Whilst the separation between Unit 2 and the existing dwelling is marginally less than what is typically sought, the existing dwelling is designed to have its main openings on the south elevation, and therefore it is considered unacceptable overlooking between the two dwellings will not occur.
- 6.4.4 Overall it is considered that the proposal will not result in an unacceptable loss of amenity for the residents of any neighbouring properties, and will provide sufficient levels of amenity for the future occupiers of the dwellings within the site.

6.5 Access

- 6.5.1 The proposed development will be served by the existing road that leads to the kennels. It is considered that the residential development will generate significantly

fewer journeys than the existing kennels, and therefore the Highways Authority has raised no objection to the proposal.

- 6.5.2 Concerns have been raised by members of the public that the proposal will lead to the resurfacing of the road leading to the site, which would result in increased use and “rat-running” through the village. There are no plans to resurface the road, which is outside of the control of the applicant, and the Highways Authority has not stated that this would be required. Therefore, the resurfacing of this road is not considered to be any more likely as a result of the proposed development than the existing use.
- 6.5.3 The proposed development will be served internally by private roads that will not be adopted by the Highways Authority. Taking into account the relatively limited size of the proposed development it is considered that this is acceptable. Whilst the roads will be private, the Council’s Waste and Recycling Officer has noted that as the current arrangement is for refuge vehicles to access the site, which aids the vehicles in turning, this will continue. The layout of the site is considered suitable in terms of allowing the vehicles to turn.
- 6.5.4 Overall it is considered that the proposal will not result in an unacceptable impact on highway safety.

6.6 Ecology

- 6.6.1 The Council’s Tree Officer has assessed the proposal and considers the proposed dwellings to be sufficiently far away from the Tree Preservation Order (TPO) on the site to ensure it will not have an unacceptable impact on the protected tree. To ensure the TPO is protected it will be conditioned that no building materials are stored in close proximity to the tree during development.
- 6.6.2 The Nottinghamshire Wildlife Trust (NWT) has been consulted on this application. The NWT has requested that further bat surveys are carried out during the 2021 bat season, to ensure all buildings have been covered prior to any demolition works taking place. This can be secured by way of condition.
- 6.6.3 The NWT notes that both swallow and swift nests have been identified within the application site. They recommend that swallow nesting provisions should be secured by way of a condition, although it is also noted that swift nesting boxes are recommended as swift nesting sites have diminished considerably. The NWT notes that swift boxes would not meet the ecological requirements of swallows as the two species have quite different nesting habits. It is considered appropriate to condition that a scheme of swallow and swift boxes to meet the needs of each species is submitted to and approved in writing by the Council, prior to any development taking place.
- 6.6.4 The ecological appraisal makes recommendations on ways to enhance the site post-development, which are supported by the NWT. The NWT therefore recommends conditions to secure ‘hedgehog highways’, and the retaining of feature of ecological interest and wildlife value on the site. The proposed landscape plan shows that the borders of each dwelling will be made up of hedgerows, as opposed to close boarded timber fencing. It is therefore not considered necessary

to condition the 'hedgehog highways'. The landscape plan also identifies a number of additional hedgerows and trees to be planted, as well as the provision of the orchard in the north west corner of the site. It is considered that these measures will provide sufficient natural habitats to preserve and enhance the ecological interest and wildlife value of the site.

- 6.6.5 It is considered that the proposal will not result in an unacceptable impact on the ecology of the site, and that subject to the recommended conditions, the proposal can bring about benefits for the wildlife in the surrounding area.

7 Planning Balance

- 7.1 The benefits of the proposal are that it will result in the demolition of a large number of buildings that cover the application site. The buildings to be demolished are not particularly attractive, or in keeping with the open, Green Belt location. The proposal will provide a more open development with dwellings that have been designed to be in keeping with the character of the surrounding area.
- 7.2 Whilst the application site is within a Green Belt location, it is considered to be an exception to inappropriate development in accordance with paragraph 145 g) of the NPPF, by virtue of the fact that it involves the redevelopment of a previously developed site and will not have a more harmful impact on the openness of the Green Belt
- 7.3 The proposal is not considered to result in an unacceptable loss of amenity for the residents of any neighbouring properties and is not considered to result in an unacceptable impact on highway safety or ecology. On balance it is therefore considered that the proposal is acceptable.

8 Conclusion

- 8.1 The proposed development is considered to be in accordance with the aims of the policies within the Broxtowe Aligned Core Strategy (2014) and the Broxtowe part 2 Local Plan (2019, as well as the NPPF. It is therefore considered that the proposal is acceptable subject to the recommended conditions set out below.

Recommendation

The Committee is asked to RESOLVE that planning permission be granted subject to the following conditions.

- | | |
|----|--|
| 1. | <p>The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.</p> <p><i>Reason: To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.</i></p> |
|----|--|

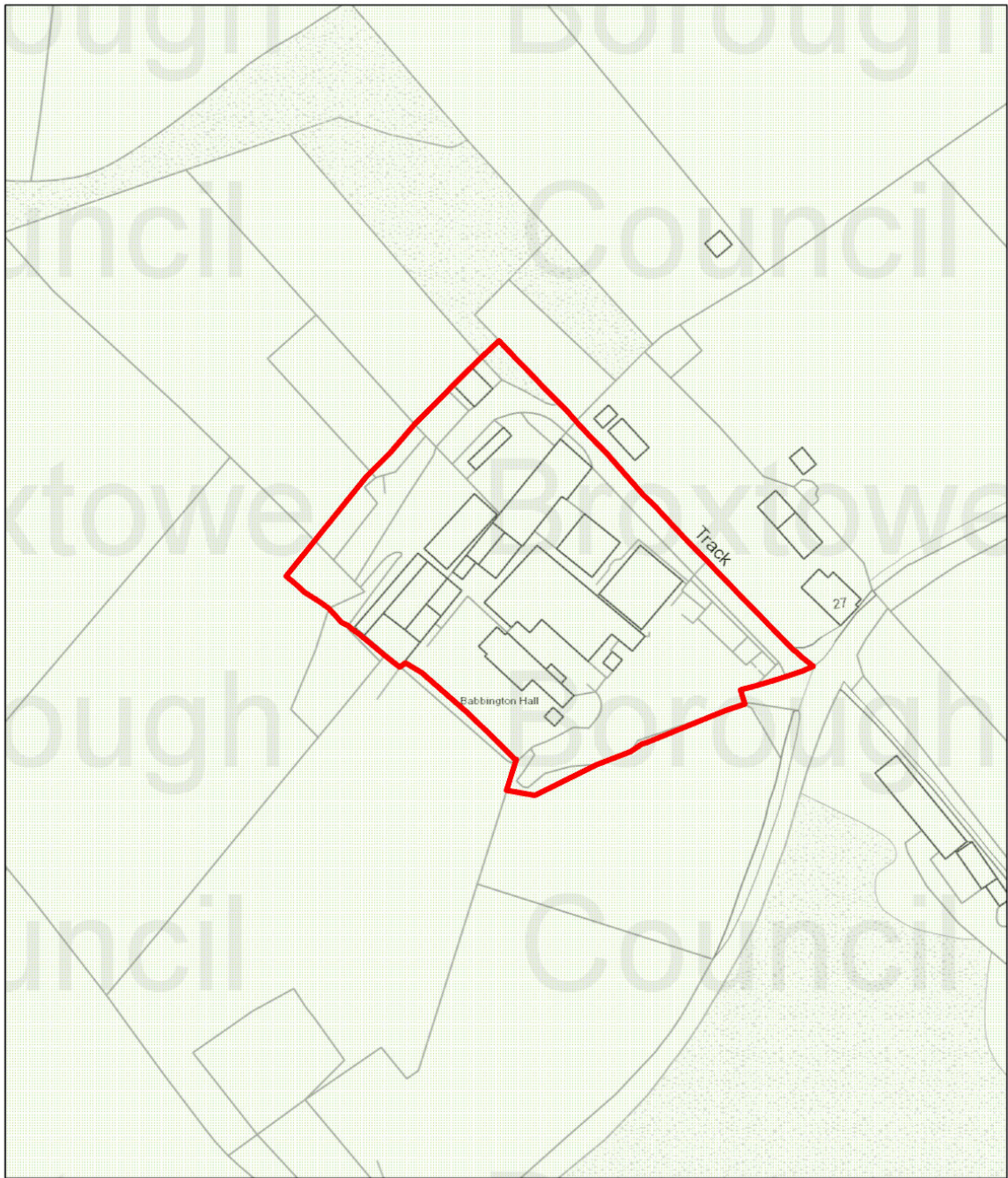
| | |
|----|--|
| 2. | <p>The development hereby permitted shall be carried out in accordance with the drawings numbered:</p> <ul style="list-style-type: none"> - 7445 (08) 01 – Site Location Plan - 7445 (08) 10 Revision N – Proposed Site Plan - 7445 (08) 11 Revision C – Proposed Site Sections - 7445 (08) 12 Revision B – Proposed Landscape Plan - 7445 (08) 20 Revision E – House Type 4.1 - 7445 (08) 21 Revision G – House Type 5.1 - 7445 (08) 23 Revision C – House Type 5.3 <p>Received by the Local Planning Authority on 22 January and 7 June 2021.</p> <p><i>Reason: For the avoidance of doubt.</i></p> |
| 3. | <p>No above ground building operations shall be carried out until details of the manufacturer, type and colour of the bricks and tiles; to be used in facing elevations and roofs of the dwellings hereby approved; have been submitted to and approved in writing by the Local Planning Authority, and the development shall be constructed only in accordance with those details.</p> <p><i>Reason: No such details were submitted and to ensure the development presents a satisfactory standard of external appearance, in accordance with the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014) and Policy 17 of the Broxtowe Part 2 Local Plan (2019).</i></p> |
| 4. | <p>The approved landscaping shall be carried out not later than the first planting season following the substantial completion of the development or occupation of the building(s), whichever is the sooner and any trees or plants which, within a period of 5 years, die, are removed or have become seriously damaged or diseased shall be replaced in the next planting season with ones of similar size and species to the satisfaction of the Local Planning Authority, unless written consent has been obtained from the Local Planning Authority for a variation.</p> <p><i>Reason: To ensure the development presents a more pleasant appearance in the locality and in accordance with Policy 17 of the Broxtowe Part 2 Local Plan (2019).</i></p> |
| 5. | <p>During the construction works, no materials, equipment, machinery, temporary buildings or surplus soil shall be placed or stored beneath the branches of the trees protected by a Tree Preservation Order, and no oil, bitumen, cement or other materials likely to be injurious to a tree shall be discharged within 10 metres of the trunk. If any trenches for services are required within the canopy areas, they shall be excavated and back-filled by hand and any tree roots encountered with a diameter of 25mm (1 inch) or more shall be left unsevered.</p> <p><i>Reason: To ensure the existing tree protected by a Tree Preservation Order is not adversely affected.</i></p> |

| | |
|----|---|
| 6. | <p>No development shall commence until:</p> <p>a) a scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;</p> <p>b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.</p> <p>The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.</p> <p><i>Reason: In the interest of public health and safety.</i></p> |
| 7. | <p>Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.</p> <p><i>Reason: In the interest of public health and safety.</i></p> |
| 8. | <p>Prior to any above ground works being carried out, a scheme showing the positioning and details for the provision of bat roosting boxes, swallow nesting boxes, and swift nesting boxes shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme, which shall remain in place for the lifetime of the development.</p> <p><i>Reason: In the interests of preserving biodiversity in accordance with Policy 31 of the Broxtowe Part 2 Local Plan (2019).</i></p> |
| 9. | <p>No development shall commence until an additional bat survey has been undertaken which follows a substantively similar format to that submitted with this application. The development shall then be carried out in accordance with the recommendations of the survey subject to prior written approval from the Local Planning Authority.</p> <p><i>Reason: In the interests of preserving biodiversity in accordance with Policy 31 of the Broxtowe Part 2 Local Plan (2019).</i></p> |
| 10 | <p>The development hereby permitted shall be carried out in a manner that minimises ecological impacts. Notably, any steep-sided excavations created during construction should be covered/filled/provided with ramps to prevent mammals becoming trapped and any pipes over 150mm in diameter should be capped off at night.</p> |

| | |
|----|---|
| | <i>Reason: In the interests of preserving biodiversity in accordance with Policy 31 of the Broxtowe Part 2 Local Plan (2019).</i> |
| 11 | <p>Any operations which may disturb nesting habitat should be conducted outside the main bird nesting season (usually taking place at the beginning of March to the end of August). If this is unavoidable, a preclearance inspection by a suitably experienced ornithologist will be required immediately prior to construction works to identify whether any nests are present, and ensure appropriate action is taken.</p> <p><i>Reason: In the interests of preserving biodiversity in accordance with Policy 31 of the Broxtowe Part 2 Local Plan (2019).</i></p> |
| 12 | <p>The outbuilding to be retained to the north of the existing dwelling at Babbington Hall shall be used for the keeping of rescue dogs only. No more than 6 dogs shall be kept in these kennels at any one time.</p> <p><i>Reason: To protect the amenity of the residents of neighbouring dwellings from operational noise.</i></p> |
| | |
| | NOTES TO APPLICANT |
| 1 | The Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale. |
| 2 | <p>The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.</p> <p>Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority</p> |
| 3 | Due to the proximity of the site to residential properties it is recommended that contractors limit noisy works to between 08.00 and 18.00 hours Monday to Friday, 08.00 and 13.00 hours on Saturdays and no noisy works on Sundays and Bank Holidays. |
| 4 | Burning of commercial waste is a prosecutable offence. It also causes unnecessary nuisance to those in the locality. All waste should be removed by an appropriately licensed carrier. |
| 5 | <p>Kimberley Footpath 63 runs to the south of the site, Kimberley Bridleway 5 to the east and Kimberley BOAT 61 to the south west. The applicant should be aware of the following:</p> <ul style="list-style-type: none"> - The paths should remain open, unobstructed and be kept on their legal alignment at all times. Vehicles should not be parked |

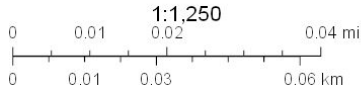
| | |
|---|---|
| | <p>on the RoW or materials unloaded or stored on the RoW so as to obstruct the paths.</p> <ul style="list-style-type: none"> - There should be no disturbance to the surfaces of the paths without prior authorisation the Rights of Way team. - The safety of the public using the paths should be observed at all times. - If the route is to be fenced, ensure that the appropriate width is given to the path and that the fence is low level and open aspect to meet good design principles. - If a structure is to be built adjacent to the path, the width of the right of way is not to be encroached upon. - Structures cannot be constructed on the line of the right of way without the prior authorisation of the Rights of way team. It should be noted that structures can only be authorised under certain criteria and such permission is not guaranteed - The existing boundary hedge/tree line directly bordering the development/boundary etc is the responsibility of the current owner/occupier of the land. On the assumption that this boundary is to be retained it should be made clear to all new property owners that they are responsible for the maintenance of that boundary, including the hedge/tree line ensuing that it is cut back so as not to interfere with right of way. - Should scaffold be required on or over the RoW then the applicant should apply for a license and ensure that the scaffold is constructed so as to allow the public use without interruption http://www.nottinghamshire.gov.uk/transport/licences-and-permits/scaffolding-hoarding-and-advertising-boards If this is not possible then an application to temporarily close the path for the duration should also be applied for (6 weeks' notice is required), email countryside.access@nottscc.gov.uk - If a skip is required and is sited on a highway, which includes a RoW then the company supplying the skip must apply for a permit. http://www.nottinghamshire.gov.uk/transport/licences-and-permits/skip-permit and also ensure that the RoW can still be accessed appropriately by the users permitted by its status i.e. equestrians if a on bridleway, motorised vehicles if on a byway open to all traffic |
| 6 | <p>Due to the presence of Cadent and/or National Grid apparatus in proximity to the specified area, the contractor should contact Plant Protection before any works are carried out to ensure the apparatus is not affected by any of the proposed works.</p> |

21-00049-FUL - Babbington Hall



6/23/2021, 9:24:02 AM

-  Green Belt
-  Site



© Crown copyright and database rights 2021. Ordnance Survey 100019453.
You are not permitted to copy, sub-license, distribute or sell any of this data to third parties in any form

Photographs



Babbington Hall (taken from south of the site).



Application site and access (taken from north east of the site).



Kennels within the central part of the site (taken from north of the site).



Kennels on the west side of the site (taken from west side of the site).



Babbington Hall (taken from south of the site).

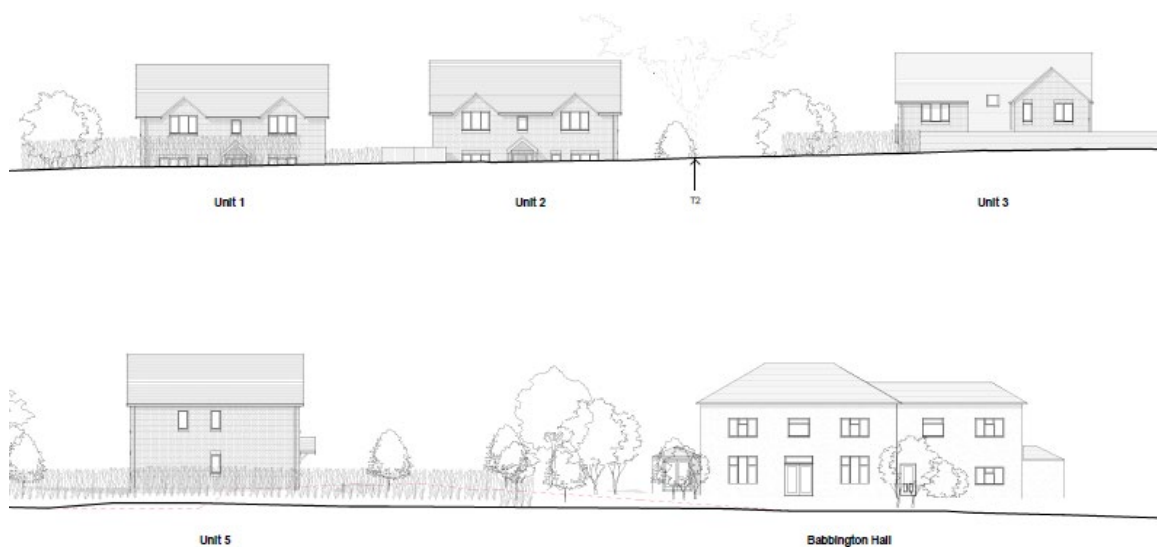


Aerial view of the application site.

Plans (not to scale)



Site Plan with landscaping details



Proposed north and south site sections



Proposed east and west site sections



House Type 4.1



Front Elevation
1 : 100



Rear Elevation
1 : 100

House Type 5.1



Front Elevation
1 : 100



Rear Elevation
1 : 100

House Type 5.3