

When telephoning, please ask for: Laura Webb
Direct dial 0115 914 8481
Email democraticservices@rushcliffe.gov.uk

Our reference:
Your reference:
Date: Wednesday, 2 June 2021

To all Members of the Planning Committee

Dear Councillor

A Meeting of the Planning Committee will be held on Thursday, 10 June 2021 at 6.30 pm in the Council Chamber, Rushcliffe Arena, Rugby Road, West Bridgford to consider the following items of business.

Yours sincerely



Sanjit Sull
Monitoring Officer

AGENDA

1. Apologies for Absence and Substitute Members
2. Declarations of Interest
 - a) Under the Code of Conduct
 - b) Under the Planning Code
3. Minutes of the Meeting held on 13 May 2021 (Pages 1 - 6)
4. Planning Applications (Pages 7 - 90)

The report of the Director – Growth and Economic Development is attached.

Membership

Chairman: Councillor R Upton
Vice-Chairman: Councillor Mrs M Stockwood
Councillors: S Bailey, N Clarke, P Gowland, B Gray, L Healy, A Major, D Mason, F Purdue-Horan and C Thomas

Rushcliffe Borough
Council Customer
Service Centre

Fountain Court
Gordon Road
West Bridgford
Nottingham
NG2 5LN

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9.30am - 5pm
Friday
8.30am - 4.30pm

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Rushcliffe Arena
Rugby Road
West Bridgford
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NG2 7YG





Rushcliffe
Borough Council

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MINUTES OF THE MEETING OF THE PLANNING COMMITTEE THURSDAY, 13 MAY 2021

Held at 6.30 pm in the Council Chamber, Rushcliffe Arena, Rugby Road, West
Bridgford

PRESENT:

Councillors R Butler (Chairman), Mrs M Stockwood (Vice-Chairman), N Clarke,
P Gowland, L Healy, A Major, D Mason, J Murray, F Purdue-Horan, C Thomas
and D Viridi

ALSO IN ATTENDANCE:

Councillor A Phillips

OFFICERS IN ATTENDANCE:

A Pegram
R Sells
T Coop
H Tambini

Service Manager - Communities
Solicitor
Democratic Services Officer
Democratic Services Manager

APOLOGIES:

There were no apologies.

16 Declarations of Interest

There were no declarations of interest reported.

17 Minutes of the Meeting held on 8 April 2021

The Minutes of the meeting held on 8 April 2021 were approved as a true
record.

18 Minutes of the meeting held on 22 April 2021

The minutes of the meeting held on 22 April 2021 were approved as a true
record.

19 Planning Applications

The Committee considered the written report of the Director of Growth and
Economic Development relating to the following applications, which had been
circulated previously.

21/00414/FUL – Two storey side and rear extension, single storey rear extension and new front porch – 1 Green Leys, West Bridgford, Nottinghamshire, NG2 7RX.

Updates

An additional representation was received after the agenda had been published and was circulated to the Committee before the meeting.

In accordance with the Council's Public Speaking Protocol for Planning Committee Mr H Ali (Applicant) and Councillor A Phillips (Ward Councillor) addressed the Committee.

DECISION

PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

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

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

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

- Location Plan 1:1250 Stanfords VectorMap 2021
- Drawing SG/21/01/01 Revision A dated 01/21 and received on 27.04.2021

[For the avoidance of doubt and to comply with Policy 1 (Presumption in Favour of Sustainable Development) of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land & Planning Policies].

3. The materials used in the construction of the exterior of the development hereby permitted must be similar in appearance to the materials used on the exterior of the existing dwelling.

[To ensure the appearance of the development is satisfactory having regard to policy 10 (Design and Enhancing Local Identity) 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)].

4. The three off-street car parking spaces, as shown on approved plans referred to under condition 2 of this approval, shall be provided prior to the extensions hereby approved being brought into use. The three car parking spaces shall thereafter be kept free from obstruction and made available for the parking of vehicles at all times.

[To prevent an increase in on-street car parking, 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).]

As Ward Councillor for the following application, Councillor C Thomas removed herself from the meeting and did not take part in the following discussion.

20/03176/FUL – Erection of detached double garage – 19 Damson Road, East Leake, Nottinghamshire, LE12 6QY.

Updates

In accordance with the Council's Public Speaking Protocol for Planning Committee Councillor C Thomas (Ward Councillor) addressed the Committee.

DECISION

PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 2019/D1 Rev A (Site Location Plan), 2019/D2 Rev A, and 2019/P01 Rev A (Existing and Proposed Elevations), received on 8 February 2021.

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

3. The garage hereby permitted shall be constructed in suitable facing and roofing materials to match the elevations of the existing property, as specified in the application, and no additional or alternative materials shall be used.

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

4. The garage shall not be used at any time other than for purposes ancillary to the residential use of the dwelling known as 19 Damson Road.

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

5. The construction of the garage hereby approved shall not proceed above foundation level until such time that details of the disposal of surface water from the garage roof have been submitted to and approved in writing by the Borough Council and the works shall only be carried out in accordance with the details as approved.

[To ensure a satisfactory standard of development in terms of the disposal of surface water, to minimise the risk of flooding elsewhere and to ensure that the development does not adversely impact on the stability of the adjacent railway embankment, 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)].

Notes to Applicant

Please be advised that all applications approved on or after the 7th October 2019 may be subject to the Community Infrastructure Levy (CIL). The Borough Council considers that the approved development is not CIL chargeable. Further information about CIL can be found on the Borough Council's website at <https://www.rushcliffe.gov.uk/planningandgrowth/cil/>

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

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

The footprint of the garage is of a size that would attract a need for approval under the Building Regulations. When applying for building regulations, the proximity of the proposed garage to the top of the railway embankment should be brought to the attention of the Building Regulations Authority or chosen approved inspector and the design and depth of the foundations should take into account the ground conditions in order to ensure that the garage is not susceptible to movement and does not adversely affect the stability of the railway embankment.

Councillor C Thomas re-joined the meeting.

As Ward Councillor for the following application, Councillor A Major removed herself from the meeting and did not take part in the following discussion.

**21/00680/FUL – Upgrade/remodel existing bike track - Playing Fields
Corner of Boundary Road and Loughborough Road, West Bridgford,
Nottinghamshire.**

Updates

An additional representation was received after the agenda had been published and was circulated to the Committee before the meeting.

DECISION

**PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING
CONDITIONS:**

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

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

2. The development hereby permitted must be carried out strictly in accordance with the following approved plan(s)/drawings/documents: Site Plan 17-002 (05)001 rev PL2; Site Plan 17-002(06)001 rev PL2; Track Plan 17-002 (07)001 rev PL2; Track Sections 17-002 (08)001 rev PL2.

[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 shall be undertaken in accordance with the materials specified in the submission for the hardsurfaced areas.

[To ensure the appearance of the development is satisfactory having regard to policy 10 (Design and Enhancing Local Identity) 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)].

4. The development hereby permitted must not commence until details of both the existing and proposed land levels across the site and relative to adjoining land, together with the finished levels of the proposed development, have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development hereby permitted must be carried out and completed in accordance with the approved details

[This is a pre-commencement condition to ensure the satisfactory appearance of the development in respect of its relationship to adjoining properties having regard to policies 10 (Design and Enhancing Identity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014); Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Chapter 12 of the National Planning

Notes to Applicant

Any construction work, including deliveries, be restricted to the following times, to cause the minimum amount of disturbance to neighbouring residents/businesses:

Monday Friday 0700 1900 hours
Saturday 0800 1700 hours
Sunday/Bank Holidays No work activity

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/>

The Lead Flood Risk Authority have provided the following advice regarding drainage:

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.

The meeting closed at 7.33 pm.

CHAIRMAN



Planning Committee

10 June 2021

Planning Applications

Report of the Director – Growth and Economic Development

PLEASE NOTE:

1. Slides relating to the application will be shown where appropriate.
2. Plans illustrating the report are for identification only.
3. Background Papers - the application file for each application is available for public inspection at the Rushcliffe Customer Contact Centre in accordance with the Local Government Act 1972 and relevant planning legislation/Regulations. Copies of the submitted application details are available on the website <http://planningon-line.rushcliffe.gov.uk/online-applications/>. This report is available as part of the Planning Committee Agenda which can be viewed five working days before the meeting at <https://democracy.rushcliffe.gov.uk/ieListMeetings.aspx?Committeeld=140> Once a decision has been taken on a planning application the decision notice is also displayed on the website.
4. Reports to the Planning Committee take into account diversity and Crime and Disorder issues. Where such implications are material they are referred to in the reports, where they are balanced with other material planning considerations.
5. With regard to S17 of the Crime and Disorder Act 1998 the Police have advised they wish to be consulted on the following types of applications: major developments; those attracting significant numbers of the public e.g. public houses, takeaways etc.; ATM machines, new neighbourhood facilities including churches; major alterations to public buildings; significant areas of open space/landscaping or linear paths; form diversification to industrial uses in isolated locations.
6. Where the Planning Committee have power to determine an application but the decision proposed would be contrary to the recommendation of the Executive Manager - Communities, the application may be referred to the Council for decision.
7. The following notes appear on decision notices for full planning permissions:
“When carrying out building works you are advised to use door types and locks conforming to British Standards, together with windows that are performance tested (i.e. to BS 7950 for ground floor and easily accessible windows in homes). You are also advised to consider installing a burglar alarm, as this is the most effective way of protecting against burglary.

If you have not already made a Building Regulations application we would recommend that you check to see if one is required as soon as possible. Help and guidance can be obtained by ringing 0115 914 8459, or by looking at our web site at

<http://www.rushcliffe.gov.uk/planningandbuilding/buildingcontrol>

Application	Address	Page
20/00810/FUL	Overgrown Acres Cotgrave Road Normanton On The Wolds Nottinghamshire NG12 5PE Seasonal change of use, erection of 3 tipis each 10.3m diameter to be used from 1st May to 30th September annually to allow for 28 events to be held, part use of existing dwelling as bridal suite (limited to bridal use during the 28 events only).	11 – 50
Ward	Tollerton	
Recommendation	Planning permission be granted subject to conditions.	
<hr/>		
21/00804/FUL	38 Mulberry Close, West Bridgford, Nottinghamshire, NG2 7SS Proposed Two Storey and first floor Front Extension, first floor window to side elevation and Internal Alterations.	51 – 59
Ward	Compton Acres	
Recommendation	Planning permission be granted subject to conditions.	
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Application	Address	Page
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[21/01029/CTY](#)

Land North Of Rempstone Road East Leake Nottinghamshire 61 - 76

The erection of a Primary School for up to 2-forms of entry (in phases), plus 26 place nursery with associated car parking. Associated areas of soft play, hard play, grass playing field with landscaping works. Erection of 2m high security and lit 3m shared pedestrian and cycle path on route of Public Footpath, East Leake FP5. Bound surface and lit path and bridge between Sheepwash Way.

Ward

Leake

Recommendation

The County Council be informed that the Borough Council does not object to the proposal subject to conditions.

[21/01046/CTY](#)

Land Off Widnall Drive Bingham Nottinghamshire NG13 7AE 77 – 90

Construction of new 315 (1.5FE) place primary school with 26 place nursery over two phases (1st phase 1FE 210 place with 26 place Nursery) associated playing fields, car parking (including lighting columns 4m high), lit service areas and sprinkler tank, hard surfaced outdoor play and footpaths. Associated landscaping and covered areas to nursery/reception classes, sun canopies, fenced sprinkler tank and bin store, 2.4m high security fencing and gates to boundary, including lit path between Widnall Drive and Dunsmore Avenue, associated highway works and safe pedestrian movement.

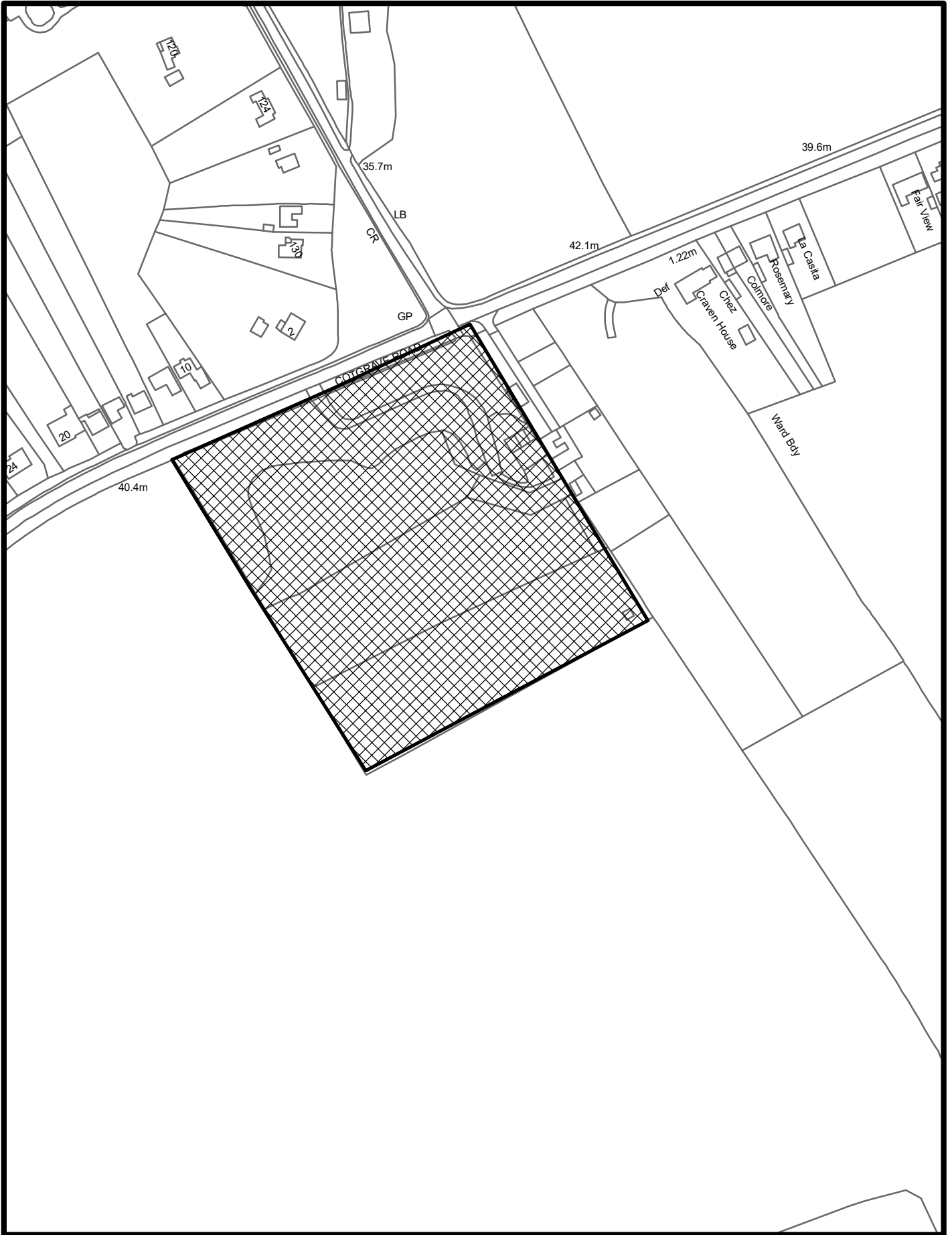
Ward

Bingham West

Recommendation

The County Council be informed that the Borough Council does not object to the proposal subject to conditions.

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Application Number: 20/00810/FUL
Overgrown Acres, Normanton on the Wolds



scale 1:2,500

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20/00810/FUL

Applicant Ms Michelle Woodward

Location Overgrown Acres Cotgrave Road Normanton On The Wolds Nottinghamshire NG12 5PE

Proposal Seasonal change of use, erection of 3 tipis each 10.3m diameter to be used from 1st May to 30th September annually to allow for 28 events to be held, part use of existing dwelling as bridal suite (limited to bridal use during the 28 events only).

Ward Tollerton

BACKGROUND

1. Planning permission was granted for the development outlined above on 20 October 2020. The decision was challenged by way of judicial review on the ground (in essence) that in determining whether to grant planning permission the Council failed to accord substantial weight to the object of protecting the Green Belt from the harm that would be caused by the applicant's scheme, which falls within the National Planning Policy Framework's definition of "inappropriate" development in the Green Belt. The claim for judicial review also alleged the conclusion that very special circumstances weighed in favour of granting planning permission was flawed because it failed to identify sufficiently and demonstrate how it outweighed the harm to the Green Belt. In addition, criticism was also made of the reliance on paragraph 83 of the Framework, which the Council judged to weigh in favour of the scheme. Counsel advised that a claim for judicial review would be likely to succeed. Therefore, the Council consented to the quashing of the decision, and its remittal back to the authority for redetermination.
2. The matter was listed on the agenda for the May meeting of the planning committee. However, after the agenda was published a number of lengthy representations were made which needed to be considered properly and reported fully to the Committee. Legal advice was sought from Counsel regarding these representations (privilege is not waived) and, where considered necessary, these representations are addressed in this report. The representations which have been received are lengthy and have necessarily been summarised. Each may be read in full on the Council's website.
3. Objector's have expressed their concern in great technical and legal detail. However, it is unnecessary and unhelpful to respond in the same terms: planning officer's reports should not (and should not attempt to) be written as a legal treatise (whether on the application and green belt policy or anything else). In the words of Lord Justice Judge in *R v Selby DC & Persimmon Homes Ltd, ex parte Oxton Farms & S Smith [1997] 4 WLUK 278*:

"the report by a planning officer to his Committee is not and is not intended to provide a learned disquisition of relevant legal principles which repeat each and every detail of the relevant facts to members of the Committee who are

responsible for the decision and who are entitled to use their local knowledge to reach it. The report is therefore not susceptible to textual analysis appropriate to the construction of the statute or the directions provided by a judge when summing the case up to a jury. From time to time there will no doubt be cases when judicial review is granted on the basis of what is or is not contained in the planning officer's report. This reflects no more than the court's conclusion in the particular circumstances of the case before it. In my judgment, an application for judicial review based on criticisms of the planning officers' report will not normally begin to merit consideration unless the overall effect of the report significantly misleads the Committee about material matters which thereafter are left uncorrected at the meeting of the planning Committee before the relevant decision is taken."

MAIN CONSIDERATIONS

4. The application proposes the seasonal erection of tipis and use of the land for weddings and other events for up to 28 event days per year, along with the temporary use of the existing dwelling as a bridal suite on event days only. Having regard to the nature of the proposal, the relevant facts and national and local planning policy, the main planning considerations are judged to be:
 - a) Impact on the Green Belt - Consideration against Green Belt policies.
 - b) Impacts upon the amenity of the area and particularly residential amenity in terms of noise and disturbance
 - c) Traffic generation and impact on the highway network and highway safety issues

THE SITE AND SURROUNDINGS

5. The application relates to a 2.4 hectare site to the south of Cotgrave Road comprising paddock land with a dwelling positioned adjacent to the eastern boundary. The dwelling is a residential barn conversion approved in 2017 (application reference 17/02161/FUL), accessed from Cotgrave Road via a gated vehicular access positioned midway along the northern boundary of the site. There is a belt of mature trees running along the north and north east corner of the site.
6. The site is located outside of the main built up area of Tollerton and Plumtree, however there is a frontage of residential properties opposite the site running westward. Approximately 80 metres to the east there is a frontage of properties on the same side of Cotgrave Road as the application site. The site access is approximately 60 metres from the junction of Cotgrave Road with Cotgrave Lane. The application site falls within the Green Belt.

DETAILS OF THE PROPOSAL

7. The application seeks planning permission for the erection of three tipis from 1 May - 30 September annually, a change of use of the land for up to 28 event days annually along with the erection of pagoda for wedding ceremonies, and the part use of the existing dwelling as bridal suite, with its use limited to these 28 event days only.
8. The tipis would comprise a series of three linked fabric structures with timber supports referred to in the specification as 'big hat' tipis, each measuring 10.3

metres in diameter with a total height of 7.4 metres. There would be an adjoining catering tent at the rear. The tipis would be dismantled between seasons although they would sit on a 150mm high timber base (already in situ) which would be retained on a permanent basis. The tipis would be sited 42 metres from front boundary and 45 metres from the east boundary. A small timber pagoda for the holding of wedding ceremonies is already in situ.

9. Lighting of the immediate area outside of the tipis would comprise low energy festoon lights suspended from shepherd hooks/timber poles at a height of 2.5 metres. Festoon lighting would also be used internally.
10. An amplified sound system is proposed within the tipis comprising a Zone Array Directional Speaker System, this would comprise an array of overhead speaks mounted on rigging, directed downward towards the dancefloor area, limiting the sound spillage outside of the tipis, that might be associated with conventional speakers.
11. Provision would be made for 75 parking spaces, positioned towards the west of the site. The parking spaces would be temporarily marked out on the paddock during events and not hard surfaced. Access to the parking area would be via a track reinforced with an Ecodeck plastic grass reinforcement grids, which are in situ and are proposed to remain in perpetuity.
12. The submitted plans show a camping area to the north west corner of the site, adjacent to the car parking area. The applicant has clarified that they wish to omit the camping element from the proposal, therefore the only overnight accommodation would comprise the bridal suite within the dwelling.
13. There is a timber 'chill out den' arctic cabin structure and play equipment in situ which do not currently have planning permission. These structures are shown on the layout plans, however the applicant seeks to withdraw these elements from the current application and to apply for their retention separately.
14. The applicant has clarified that electricity would be supplied from an existing connection from the residential property and therefore a generator would not be required, except in the event of a power cut. The events would be serviced by portaloos brought into and removed from site.
15. The submission is supported by a Highway Report commissioned by Highway Access Solutions dated 6 November 2019. A series of acoustic reports have been commissioned, the most recent being Noise Impact Assessment version 3 dated 21 July 2020. As part of the mitigation measures outlined in section 5 (Mitigation) of the report, a 2 metre high acoustic barrier is proposed running along the rear of the tipis as shown in Figure 14 of the assessment.
16. The applicant has clarified that one 'event day' could include the hire of the site for up to 46 hours, for example to allow for setting up the day before a wedding/event and allowing for guests to stay in the bridal suite until the day after a wedding. However, the 'event day' would only comprise one day of an event with music and/or a licensed bar. To ensure this would be the case, the applicant states that gates would be locked at 8pm on a 'setting up' or 'close down' day. If two consecutive events were proposed or a single event over two days (for example with music and/or a bar), then this would count as 2 'event days' out of the annual total of 28 that is being applied for.

SITE HISTORY

17. U1/92/0406/P- Use of land for touring caravan and camping park. Refused in 1992. Resubmission refused under planning reference U1/92/0668/P.
18. U1/92/0875/P- Form new vehicular access. Approved in 1992.
19. 93/00852/FUL- Retention of earth banks (as part of overall landscaping scheme). Refused in 1993.
20. 96/01102/FUL- Use of land as playing fields; form car park; construct floodlit multi-sport pitch; use outbuildings as changing accommodation. Refused in 1996. The application was refused on the basis that:
 1. The proposed development would generate increased activity, noise, disturbance and vehicular traffic which would be detrimental to the amenities of nearby residential properties and this rural area. The provision of a floodlit pitch would permit use at time other than those when possible in normal daylight; and
 2. the floodlit pitch would be visually intrusive in the Green Belt location and would not respect the open character of the area.
21. 16/01507/FUL - Conversion and extension of agricultural barn to farm dwelling. Withdrawn 2016.
22. 17/01050/FUL - Conversion of agricultural building to dwelling. Approved in 2017.
23. 17/02503/FUL - Conversion of existing barn to single dwelling. Approved in 2017.

REPRESENTATIONS

Ward Councillor(s)

24. The Ward Councillor (Cllr Mason) objects to the proposal for reasons of noise, traffic, access and environment.
25. Cllr Mason provided further comments, expanding on the above points:
26. Noise - Concerns that the design of the tipis appear as an outside venue with few ways of containing noise pollution from music, guests or vehicles. There is no limit to the length of an "event", although 28 "events" are mentioned, this could mean that many more weeks would be affected over the summer.
27. Traffic/access - Cotgrave Road has a T junction near the entrance as well as dip in the road. Traffic approaching from Cotgrave is hidden in this dip. Large support vehicles arriving at a similar time could cause a dangerous scenario. The access is narrow and at an angle inside the drive, making it difficult for 2-way traffic, vehicles approaching from Normanton/Plumtree would have to queue to give way to approaching traffic. Concerns regarding disturbance of nearby residents from noise and vehicles.

28. Environment - Not considered that the site is suitable for outdoor events regardless of the time of day.

Town/Parish Council

29. Normanton on the Wolds Parish Council object to the proposal for the following reasons:
- a. Highway safety issues. Whilst work has been done on the entrance, it is still an unsuitable location.
 - b. The proposal for amplified music will result in an unacceptable disturbance of people in several parishes.
30. Tollerton Parish Council as an adjacent Parish Council object to the application for the following reasons:
- a. Out of character and inappropriate development in the Green Belt, not in keeping with surrounding rural area nor will it protect the environment from pollution/ waste.
 - b. Unacceptable antisocial noise/nuisance at antisocial hours, impacting on the amenity of neighbouring dwellings. Potential impact on health and wellbeing of neighbours. Local residents strongly oppose the proposal.
 - c. Additional traffic generation, site is not served by appropriate access and road safety infrastructure. Similar applications in the area have been rejected.

Statutory and Other Consultees

31. The Environmental Health Officer submitted comments requesting further information relating to the operation of the speaker system, maximum number of guests, whether noise from guests arriving/leaving and congregating at the venue had been considered; and details of mitigation measures. A further email was received from the EHO requesting a noise report that provides all of the information on noise sources and all of the proposed mitigation measures. The report should include all of the predicted noise sources, guests, vehicle movements, noise from music system and then the resultant modelling of noise taking account of the mitigation measures, noise limiting device, structures, areas where guests will gather and barriers.
32. The application provided a further Noise Impact Assessment (version 3) dated 21 July 2020 which sought to address a number of queries raised by the EHO. The applicant also provided a Draft Noise Management Plan on 22 July. The EHO provided comments on 12 August commenting that the reports address all the issues that had previously been raised, however the data can differ from how noise transmission may occur in practice. Post completion noise surveys are therefore requested for the first 3 wedding events, to ensure that the noise levels being predicted are actually being achieved. The EHO confirmed that the noise surveys could be secured by way of a condition as part of a temporary period of approval.

33. Following the submission of additional information, the EHO provided further formal comments on the proposals. She acknowledges that the Town and Country Planning (General Permitted Development) Order (GPDO) allows for temporary uses of land for up to 28 days and that the activity could therefore take place for a limited number of events without the need for planning permission. However, she notes that the application involves the erection of structures during the period from 1 May to 31 September with the potential for more than 28 events triggering the need for planning permission. This provides the opportunity for consideration to be given to the environmental impact of the development such as noise. If the applicant chose to operate under the provisions of the GPDO, any issues with noise would have to be investigated and dealt with by means of statutory nuisance provisions.
34. Following consideration of the Noise Impact Assessment submitted by the applicant, the EHO has reviewed the application and likely impacts. She advises that there is no one specific guidance document that can be used to assess this type of event. The applicant's consultant has referred to various documents and it is most relevant to use the criteria in the Noise from Pubs and Clubs guidance 2005, which is stringent in terms of noise levels and does require the average noise level when music is playing not to exceed the background noise level without music playing, at the nearest residential property.
35. In preparing the report, the baseline noise level has been calculated through a series of noise measurement periods. The EHO considers this approach to be satisfactory and, therefore, the existing noise levels as stated within the report are representative of the time period up until 2300 hours. The calculated noise levels within the report at the nearest residential property demonstrate that at most frequencies the noise level is below the background noise level, however at 125Hz the background noise level is marginally exceeded. The consultant considers that this exceedance is due to car park activities as opposed to music noise.
36. The EHO advises that the noise impact assessment does demonstrate that with the appropriate noise mitigation measures, the noise criteria set can be achieved and this would demonstrate that the development is unlikely to cause a statutory noise nuisance. There is a slight exceedance in the background noise level due to car park activities, however this aspect of the development could be controlled by means of a noise management plan.
37. In summary, the EHO advises that the noise impact assessment is suitable and accurate for this proposed development and that the noise mitigation measures as stated within the noise assessment should be implemented as well as a noise management plan, with focus on the car park management during events. Based on the assessment there should be no statutory noise nuisance as a result of the development and no adverse impact on residential amenity from noise level breakout from the site. She recommends conditions to be attached to any grant of permission, including a condition limiting the permission to a temporary period of 12 months in the first instance.
38. Nottinghamshire County Council as Highway Authority commented that it is understood that permitted development allows a temporary use for up to 28 days per calendar year, although the need to erect and dismount temporary structures limits the number of events that can be run. Based on the

assessment provide, the level of parking is considered acceptable. In terms of traffic generation, the impact of the events will occur at off-peak times, and the level anticipated is considered unlikely to result in a severe impact on the public highway. The access will need to be surfaced in a hard-bound material for the first 10m to the rear of the highway boundary, and suitably drained to prevent the unregulated discharge of surface water from the driveway to the public highway. There is no highway objection subject to the conditions listed in their consultee response.

39. The Environmental Sustainability Officer commented that protected species including bats and grass snakes are found locally but are unlikely to reside within the development site, although they may forage within the site. It should be possible to avoid impacts by appropriate avoidance measures. The consultee response sets out a number of recommendations including the provision of a site management plan incorporating reasonable avoidance measures.

Local Residents and the General Public

40. Objections have been received from 70 neighbours and members of public with the comments summarised as follows:

Noise/disturbance:

- a. Proposed use would be over summer months - impact on neighbouring gardens.
- b. Noisiest aspects of the proposal (dance floor and bars) would be nearest to residents on Cotgrave Road/Lane.
- c. Previous experience of music already being played until midnight.
- d. Concern about the site being used as a caravan park- guests could carry on partying past midnight.
- e. Concern that noise could spread over 2-3 days.
- f. Noise- LAmax sound power level from 100 people is likely to be around 100db - 110db. Noise increases with larger numbers attending, alcohol will increase levels.
- g. Activities relating to each event would be spread over 3 days due to set up and dismantling time, clearing glass etc. may take place beyond suggested hours.
- h. Do not accept the claims of the acoustic study that suggests noise levels are likely to be within acceptable levels.
- i. The time during which music may play seems excessive, with a licensed bar between the hours of 12.00-23.45, recorded music 15.00-23.59 and live music 19.00-23.00. Many local residents are elderly or families with young children.

- j. suggestion of camping on site would add to disturbance from occupants and vehicles entering/exiting.
- k. Many of the 28 events could be multi-day, resulting in noise nuisance for a significant proportion of the year.
- l. Antisocial behaviour from drinking.
- m. The report prepared by NoiseAir dated 20 March 2020, included a number of tests involving taking readings, but none were taken to the north or north west of the site, there are a number of houses on Cotgrave Lane that are likely to be affected that were not measured.
- n. Tests were on the assumption that sound amplification would be provided, however guests may bring their own which would not be controllable.
- o. Tipis have little/no sound insulation, nuisance to residents.
- p. Sound travels long distances i.e. from events in Tollerton 1.5km away.
- q. The noise assessment was carried out in October which is different to the timing of the proposed events. It assessed noise levels for a couple of hours over a lunchtime period on a Saturday, not for the length of time that an event would take place.
- r. Noise assessment did not account for noise from a number of sources - cars, crowd noise, disco, generators.
- s. Would like it to be reduced in scale, volume limits and a cut off time on noise to be put in place.
- t. The claim of aircraft noise in the evening is false. The argument that the location is already noisy and therefore the proposal would not further harm the tranquillity is flawed.
- u. Guests will not arrive in a phased manner, most will arrive and leave at a similar time, noise impact of cars and taxis late at night when Cotgrave Road is quiet.
- v. Hard to see how noise will be controlled, the threat of banning a group would not act as a deterrent given that clients would not normally visit the same place twice.
- w. Guests may wander around other properties/fields.
- x. The EHO has considered the impact of noise in terms of sound levels, rather than the nature of the sound, its context and time of day which can have an impact even at low levels.
- y. No reference has been made to the Noise Policy Statement for England which states subjective experience of residents should be given significant weight

- z. No reference to NPPF guidance on noise- the proposal would fall into the 'Significant Observed Effect Level' of noise disruption

Highways:

- aa. Increased traffic from guests and suppliers, highway safety impact. There have been numerous traffic accidents on Cotgrave Road.
- bb. Access close to a busy and dangerous junction, additional traffic would increase risks to highway safety. Traffic entering or exiting the site could further obscure views from the T junction.
- cc. Concerns regarding vehicles entering/exiting the site on a blind crest. Concerns regarding blind bend. Slowing down and turning into the site could create a potential hazard to other road users. Turning onto the road is dangerous for those not familiar with the area.
- dd. Not suitable for guests to walk along the highway as it is narrow, no lighting at night.
- ee. Close proximity of residents to site entrance, noise and traffic pollution with movements late at night.
- ff. Turning traffic could block one lane of Cotgrave Road, some taxis and hired buses may even park in Cotgrave Road to drop off or pick up their passengers.
- gg. A previous application to turn the site into a caravan park for touring caravans was rejected in part on the grounds that Cotgrave Road carries a significant amount of traffic and that the hump in the road just beyond the Cotgrave Lane turning means that the Cotgrave Lane/Cotgrave Road junction can be difficult, especially for vehicles turning right out of Cotgrave Lane.
- hh. No street lighting- increased risk of accidents at night/in poor weather.
- ii. Signage not in keeping with the environment and is a distraction.
- jj. Road is used by many cyclists, increased risk to cyclists due to higher volumes of traffic and parking.
- kk. Heavy goods vehicles use the roads to access nearby Swinger's site.
- ll. Car reliant, lack of frequent bus service or safe cycle paths.
- mm. Large volumes of guests in convoy could cause queueing to turn into the site. Cars coming over the brow of the hill may not see the queue in time to slow down.
- nn. Issues around ownership of part of the entrance or 'adopted verge', there are no guarantees of reasonable maintenance to the entrance, impact on visibility.

- oo. Question whether there are any issues with the proposed number of parking spaces.
- pp. Traffic count report completed in 2007 preceded housing development in the vicinity and so its accuracy should be questioned.
- qq. Traffic report is limited in its scope in terms of time window, type of event, refers to an older style English wedding rather than other types of events.
- rr. Traffic survey carried out during Covid is not representative. Highway report not representative of lockdown and the current and potential change in traffic usage such as increased cycling.
- ss. Highway report does not consider impact of seasons on visibility, visibility splay was not evaluated at a time of active growth of verge vegetation. Reduced roadside mowing could compound the issue.
- tt. Incident of cars queuing on the highway waiting to turn into the site due to the gates being closed
- uu. The highway report does not appear to reflect the highway issues in reality.
- vv. Potential conflict with heavy goods vehicles from Swingler's site
- ww. Does the traffic review include journeys for set up and assembly/dismantling before and after events?

Green Belt/Visual Impact:

- xx. Inappropriate development in Green Belt, semi-rural character with no established entertainment business or venues.
- yy. Could set a precedent for commercial development in the Green Belt, changing the open character, detrimental environmental effects.
- zz. Possibility of the site being further developed over and above the current proposal.
- aaa. Green Belt justification - not a diversification of a farming business but a change of use.
- bbb. Benefit in terms of 'promoting healthy communities in the green belt' as claimed - it does not involve any sport or exercise that is the clear intention of this policy.
- ccc. Tipis will remain for the duration of the season rather than 28 days - visual impact.
- ddd. Visual impact of parking on site.
- eee. Would not comprise 'outdoor recreation' or 'outdoor sports' as exceptions to inappropriate development in the Green Belt.

- fff. Erection of tipis for 5 months a year would harm the openness of the Green Belt.
- ggg. Visual impact of wedding/ event paraphernalia such as buses, bouncy castles etc.
- hhh. Change of use of the dwelling to support weddings/events would contribute towards development that would change the use of the pasture and result in a loss of openness. Harm not outweighed by very special circumstances.
- iii. Establishing a double hedge screen with a row of evergreens would be harmful to the openness of the Green Belt.
- jjj. The double hedge would not overcome the intrusion of the development on the open character of the Green Belt.
- kkk. Tipis would be erected during the time of year when people are most likely to go for walks in the area.
- lll. Wooden floors of the tipi's would be a permanent fixture, harm to openness of the Green Belt.
- mmm. Not all of the harm has been properly considered, including other non-Green Belt harms arising.

Other:

- nnn. Proposals in the past relating to change of use for dwellings in the OS Plots 5530 and 5923 alongside Cotgrave Road have been refused because of the adverse impact on Cotgrave Road residents.
- ooo. The following refused applications should be referred to: 96/01102/FUL (Playing field with amenities) and U1/92/0668/P (Touring Caravan Site with amenities).
- ppp. No benefit to local business.
- qqq. Numbers attending this site would likely increase beyond predicted figures.
- rrr. Waste removal - application states that it is the responsibility of suppliers - potential noise from glass bottles and cans.
- sss. Concerned that the dwelling approved in 2017 is being used for commercial gain.
- ttt. The 2017 application set clear boundaries between domestic and agricultural land, this now seems mixed up.
- uuu. The officer report for the 2017 residential conversion stated no objection provided it did not lead to further development. Understood that the conversion was allowed under very special circumstances.

- vvv. Disruption to wildlife, potential for littering, waste and campfires.
 - www. Health and safety considerations if the land is being used for grazing and then events.
 - xxx. The original permission for the conversion of the agricultural building to residential use was on the basis that it would only be for purposes ancillary to the host dwelling.
 - yyy. A bridal suite is not an appropriate use of the dwelling, because it goes against the original permission that was granted for designated residential curtilage.
 - zzz. Object to the applicant's proposal to have a site manager and live elsewhere.
 - aaaa. Question whether normal residential occupancy of the dwelling is possible if it has to be cleared for wedding events.
 - bbbb. Even if the use of the land were possible under permitted development, this would not apply to the dwelling.
 - cccc. Engineering works through the laying of grass reinforcement matting has already been carried out, not within permitted development.
 - dddd. The change of use permitted and authorised by the GPDO is not permanent, however there are various physical alterations to the site that are permanent.
 - eeee. Impact on wildlife, which has increased on land to the rear of the site since Covid.
 - ffff. Question whether additional events could be held under permitted development by erecting the tipis in a different paddock.
 - gggg. The applicant defines an event day as one where more than 20 people will be hosted with music/licensed bar, does that mean that gatherings of 20 or less would not count as event days?
 - hhhh. Unclear whether items/structures associated with events would be permanently stored on site.
 - iiii. Query how items/structures for events will be delivered/removed from site and frequency of deliveries for events.
 - jjjj. Would event preparation time be considered as part of the length of time stated for the change of use of the land.
 - kkkk. The 28 day 'fall back position' should be given limited weight as this would include substantial time to build and remove tipis and the wooden base.
41. Tollerton Against Backdoor Urbanisation commented that the proposed use for large events would alter the rural nature of Cotgrave Road as a result of

increased traffic (in an accident blackspot) and significant noise that would cause considerable disturbance to residents living nearby. The proposal would alter the rurality of Tollerton as a village. The proposal does not preserve the openness of the Green Belt - large amount of car parking, the increased number of comings and goings associated with staff, suppliers, contractors and up to 200 event guests, the installation of tipis, pagoda, lighting and other paraphernalia, together with potential signage. Minimal public transport, not easily accessible by walking or cycling, therefore heavily car reliant and unsustainable. Concerns regarding noise and disturbance. Could increase traffic through village at unsocial hours. Allowing properties in Tollerton to change their use to primarily serve residents from outside the village reduces the perception of separation of Tollerton from the suburban area, threatening the rurality of the community. Application 15/01382/FUL for change of use of a residential property at 20 Cotgrave Lane to a registered daycare nursery was withdrawn due to noise, disturbance, car reliance and impact on open character of Green Belt - it is considered that the application has the same features and should be refused for the same reasons.

42. Following the quashing of the previous grant of planning permission, 20 additional representations were received from neighbours and members of public objecting to the application and 48 representations were received from members of the public and businesses in support of the proposals. Some of the comments relate to the committee report which was published as part of the agenda for the meeting held on 13 May 2021.
43. The additional representations objecting to the proposal reiterated some of the comments detailed above and the additional points raised are summarised as follows:

Noise/disturbance:

- a. The twenty-eight event days sought could potentially be 46-hour wedding events every weekend plus an additional 6 weekday events during the seasonal timeframe.
- b. Could lead to twenty-eight 46 hour wedding days plus any number of therapy/bushcraft events during the week.
- c. The benefits of proposed health and wellbeing events are cancelled out by the negative mental health impact on local residents.
- d. Light pollution impacts.

Highways

- e. Inadequate infrastructure in terms of public transport, footpaths and cycle lanes.
- f. It would be irresponsible to expect to use the bus services from Cotgrave given the lack of pavements, unstable/impassable grass verge and no street lighting.
- g. With regard to the potential conflict with the heavy goods vehicles associated with Swingers, the officer report states that events would

likely take place outside of weekday hours, however Swingers does not just operate during weekday hours, therefore leading to inevitable conflict. Some events are being advertised as being on weekdays within working hours.

- h. The officer report refers to a specific road safety incident, however residents have reported several incidents which are not mentioned in the report, road safety should be given far more weighting in judging the VSC's against the harms.
- i. The highways assessments are at odds with the residents' experiences, do not account for new evidence, and are irrelevant and out of date.
- j. Overgown Acres has an unacceptable impact on roads even during the quieter times of Covid and despite events not being at full capacity.
- k. The applicant intends to use the land for events of all sizes, all year round, on any day of the week and at any given time. Events have taken place or are advertised outside of the seasonal timeframe.

Green Belt/visual impact

- l. In terms of very special circumstances, there are no local economic gains as employment would be limited, part time, temporary and carried out by family and friends.
- m. Question why the Borough Council is going against the High Court judgement that clearly stated the inappropriateness of the development in the Green Belt.
- n. Maintaining the land as agricultural and therefore avoiding harm through inappropriate development clearly outweighs any benefit to the applicant.
- o. Cannot see any robust evidence of weightings given to VSCs versus harms.
- p. In considering the harm arising, the cumulative impact of factors need to be considered including the inappropriate location due to the proximity to residential properties, the location close to a dangerous junction, increased vehicles on a dangerous road, and the change of Green Belt for commercial purposes and loss of residential amenity.
- q. The structures, including those already in situ, fail to maintain openness and represent an encroachment on the countryside and character of the area.
- r. Even temporary structures prevent permanent openness, limited or temporary harm is still harm.
- s. There are many structures around the site that were not removed last autumn when the tipis were removed, detrimentally impacting on openness.

- t. The intention to use the site all year round would cause significant harms not outweighed by VSC.
- u. Land always has been agricultural, within the Green Belt and as such business use is not permitted.
- v. The rise of the land behind the site means the tipis are prominent from the higher ground and totally out of character with the rural and green land around it.
- w. The materials and appearance do not assimilate with the rural landscape.
- x. Applications by a previous owner refused on the grounds of increase activity, noise, disturbance and traffic to the detriment of local amenity and impacts on the visual and rural amenities of the locality, consider this applies to the proposed development.
- y. The officer report does not identify that openness in the Green Belt refers to both visual openness and an absence of built development.
- z. The development would result in settlements merging towards one another.
- aa. Alteration to the setting and character of historic towns.
- bb. The temporary nature of the tipis should not constitute a VSC given that the tipis result in harm that would not exist if they were not there.
- cc. The officer report still does not show how the VSC clearly outweigh the harms.
- dd. No evidence of an unmet health need to justify the development.

Other

- ee. The site is directly opposite residential properties, the officer report infers that only 2 Cotgrave Road is directly opposite the site when in fact Nos. 10, 12 and 14 and Cotgrave Road are also directly opposite.
- ff. The proposal is not within the intention of the 28 days permitted under General Permitted Development Order and would result in 84 days use of the land.
- gg. Question the motives behind the proposed wellbeing sessions and whether the applicant's claims have been evidenced regarding insurance, risk assessments and whether local and national social care organisations have been engaged with.
- hh. Overgrown Acres marketing only appears to advertise weddings, question why there is not detailed information on wellbeing provision on the website.
- ii. There is a bush craft and Forest School less than 5 miles away, question the need for another facility such as this.

- jj. The plans/details of controls and site management submitted in respect to the discharge of condition 4 conflict with the information already in the public domain.
- kk. The development is not sustainable. In light of the impact of Covid on the hospitality business, the priority should be to support established facilities to maintain and enhance their business, not to introduce a further venue that might decrease their viability and income. Amazed that no-one has questioned the need for the development.
- ll. The needs of established residents against a short-term business venture that may or may not take off has to be considered.
- mm. As it is a new business, there are no established supply chains to prove any legitimate economic benefits.
- nn. Therapy sessions likely to be a short-term stopgap during Covid, weddings likely to be given more priority in the long term.
- oo. Reference to supporting front-line workers should not be a reason to support the application.
- pp. Question whether families would want to attend ticketed events when there are plenty of green spaces in Rushcliffe with free access.
- qq. Tipis and use of the site whilst the applications are pending has gone beyond the 28 days (extended to 56 due to covid) allowed under permitted development.
- rr. Events have taken place in unlawfully erected structures subject to a separate application i.e. the log cabin/chill out den.
- ss. Additional pre-arranged visits by prospective customers with any number of people, would these be classed as events?
- tt. An event that charges £200 per person cannot be described as charitable or for community benefit.
- uu. The officer report states that the proposal would allow diversification of an existing land-based rural business but there has never been a business use of the land.
- vv. Committee report (due to be considered in May) contains inaccuracies and misleading information. Fails to properly apply Green Belt policy. Failure to attach weighting to harm and any benefits of the proposal.
- ww. Report suggests that something which causes harm can also be a benefit, this is irrational. Also irrational to conclude that the identified benefits of the proposal outweigh the harm arising.
- xx. A recent wedding on a Friday demonstrates that they will not just be restricted to weekends.
- yy. Events have been advertised during the winter months.

- zz. The wedding pagoda is already in situ and should be considered under a separate retrospective application.
44. The comments in support of the proposal can be summarised as follows:
- a. Would support local business and employment, both directly at events i.e. Catering suppliers, and also from local hotel bookings.
 - b. Do not consider that the volume of traffic generated on Cotgrave Road would be considerable compared to the traffic generated from existing businesses in the vicinity and the new housing at Cotgrave.
 - c. Use provides jobs and income for local businesses, therefore supporting the local community.
 - d. Visually appropriate, in keeping with surroundings.
 - e. Sustainability of the venue.
 - f. Improvements to the woodland area.
45. In further representations received from two residents, concerns were raised in detail over the application of Green Belt policy and they made a number of observations regarding the report that was published and due to be considered by the Planning Committee at the meeting scheduled for May. It was suggested that only moderate weighting can rationally be allocated to the proposed benefits put forward in the officer's report where these can be justified as material planning considerations. It was also suggested that a formal scoring matrix is used in looking at the balance of harm and benefits around the application for the purposes of transparency. One of the residents has completed and submitted a matrix which identifies a 'Total Harm Score' of 38 and a 'Total Material Consideration (Benefit) Score' of 3.
46. With regard to the weightings applied to planning consideration, it is considered that any such judgements are required to be rational. It was noted that the planning officer has put forward that several positive features outweigh the harms associated with this application. However, to approve the application on these grounds would require members of the planning committee to allocate weightings which are without precedent and outside established national norms in order to clearly outweigh the substantial weight required to be allocated to Green Belt harms. The resident goes on to support their views by providing examples of case law.
47. On the basis of advice received, they considered that the report still contained mistakes in the application of planning policy, which was the basis of the quashing order on the original determination. In particular, it is considered that there is a failure to present the weight that is required to be given to each element of harm to the Green Belt such that the committee members can make a determination based on making an evaluation of balance. The requirements of the NPPF are reiterated in the representations. It is considered that the emphasis in the report is placed on only one aspect of green belt harm – visual openness and that the report has no consideration in relation to the separate spatial aspect of green belt harm as well as elements of local green belt policy. It is also considered that the report incorrectly states the test applicable to the

Green Belt and is also misleading. In particular, they consider that the report suggests that something which causes harm to the Green Belt has also been treated as a very special circumstance. In addition, matters have been given weight as favourable considerations which are not material planning considerations.

48. The full text of all representations is available on the Council's website at <https://planningon-line.rushcliffe.gov.uk/online-applications/>

PLANNING POLICY

49. The Development Plan for Rushcliffe consists of The Rushcliffe Local Plan Part 1: Core Strategy (Core Strategy) and the Local Plan Part 2: Land and Planning Policies (LPP2), which was adopted on 8 October 2019. Other material considerations include the National Planning Policy Framework (NPPF) (2019), and the National Planning Practice Guidance (the Guidance)

Relevant National Planning Policies and Guidance

50. The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and makes clear at paragraph 3 that the Framework should be read as a whole, including footnotes and annexes. The sections of the NPPF which are considered to be of particular relevance to the current application are as follows:

- Chapter 2 - Achieving sustainable development
- Chapter 6 - Building a strong, competitive economy
- Chapter 13 - Protecting Green Belt land.
- Chapter 15 - Conserving and enhancing the natural environment

51. The full text of the NPPF can be viewed on the gov.uk website at <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

Relevant Local Planning Policies and Guidance

52. The following policies of the LPP1 are considered to be relevant to the current application:

- Policy 1 - Presumption in Favour of Sustainable Development
- Policy 4 Nottingham-Derby Green Belt
- Policy 10 Design and Enhancing Local Identity

53. The following policies of the LPP2 are considered to be relevant to the current application:

- Policy 1 - Development Requirements
- Policy 21 - Green Belt
- Policy 31 - Sustainable Tourism and Leisure
- Policy 38 - Non-Designated Biodiversity Assets and the Wider Ecological Network.

54. The full text of the policies in the LPP1 and LPP2 together with the supporting text can be found in the Local Plan documents on the Council's website at: <https://www.rushcliffe.gov.uk/planningpolicy/localplan/>

APPRAISAL

Green Belt

55. The NPPF sets out the Government's planning policies for England and makes clear at paragraph 3 that the Framework should be read as a whole, including footnotes and annexes. Of particular relevance to the current application is Chapter 13 – Protecting Green Belt land. A copy of this chapter is annexed at the rear of this report. Paragraph 133 emphasises the importance of the Green Belt and states that; "The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence."
56. Paragraph 134 sets out the five purposes of the Green Belt which are:
- a) to check the unrestricted sprawl of large built-up areas;
 - b) to prevent neighbouring towns merging into one another;
 - c) to assist in safeguarding the countryside from encroachment;
 - d) to preserve the setting and special character of historic towns; and
 - e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
57. Paragraph 143 states that; "Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances."
58. Paragraph 144 of the NPPF advises that; "When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations."
59. Paragraphs 145 and 146 list the types of development which are regarded as not inappropriate. These lists do not include the type of development proposed in the current application and, therefore, this must be regarded as inappropriate and harmful "by definition". Substantial weight must be given to any harm to the Green Belt and paragraph 143 of the NPPF provides that in such cases planning permission should only be approved in very special circumstances. Very special circumstances will not exist unless the harm to the Green Belt by reason of inappropriateness and any other harm resulting from the proposal, is clearly outweighed by other considerations.
60. Policy 21 (Green Belt) of the LPP2 specifies that applications for development in the Green Belt will be determined in accordance with the National Planning Policy Framework.
61. The site is located in the Green Belt. The tipis are not insubstantial structures, they do not fall within any exception to Green Belt policy under paragraphs 145

and 146 of the Framework. Therefore, the proposal involves inappropriate development in the Green Belt, and is thus deemed to be harmful. The harm would primarily arise through inappropriateness and impacts on the openness of the Green Belt. It may also be seen to effect a small degree of encroachment into the countryside. Other harm arising from the development must also be taken into account, e.g. any adverse impact in residential amenity or highway safety. As required by paragraph 144 of the NPPF substantial weight must be given to any harm to the Green Belt. Therefore, planning permission should not be granted for the proposal unless other considerations clearly outweigh the harm to the Green Belt by reason of inappropriateness and any other harm.

62. It is apparent from submissions from residents that there is concern that the report due to be considered at the meeting of the Planning Committee in May focused on the potential harm to the openness of the Green Belt and has not fully taken into account other harms, including the purposes for including land in the Green Belt. The following are the purposes for including land in the Green Belt and an assessment of the proposal against these purposes:

a) to check the unrestricted sprawl of large built-up areas;

The proposal involves temporary use of land, including structures of a temporary nature (save for the bases) or which can be removed with relative ease, and as a matter of planning judgment it is not considered that the proposal would tend materially to lead to unrestricted sprawl contravening this purpose.

b) to prevent neighbouring towns merging into one another;

The proposal involves temporary use of land, including structures of a temporary nature or which can be removed with relative ease in a location that is not, as a matter of planning judgment, critical to the maintenance of separation between settlements. Therefore, the grant of planning permission would not undermine this objective.

c) to assist in safeguarding the countryside from encroachment;

The temporary erection of the tipis would result in some, albeit very limited, harm to this purpose.

d) to preserve the setting and special character of historic towns;

The site is not considered to be in an area where the proposal would impact upon the setting and special character of a historic town.

e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

The development proposed is not of a scale and kind that would ordinarily be accommodated on PDL.

63. The National Planning Policy Guidance (NPPG) includes guidance on 'What factors can be taken into account when considering the potential impact of development on the openness of the Green Belt?' Assessing the impact of a

proposal on the openness of the Green Belt, where it is relevant to do so, requires a judgment based on the circumstances of the case. By way of example, the courts have identified a number of matters which may need to be taken into account in making this assessment. These include, but are not limited to:

- openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume;
- the duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and
- the degree of activity likely to be generated, such as traffic generation.

64. The NPPF requires substantial weight to be given to any harm to the Green Belt.

Other potential harm arising

Residential amenity

65. The site is in a semi-rural location outside of the main built up area of Tollerton and Plumtree. Although it abuts fields on three sides, there is a frontage of residential properties running along Cotgrave Road both to the east and west of the site, in addition to properties fronting Cotgrave Lane running northward from the junction. The closest residential property is at 2 Cotgrave Road opposite the site. The proposed tipis would be sited around 58 metres from the boundary with this neighbouring property. Given the proximity of residential properties combined with the relatively low ambient noise associated with the relatively rural location, the potential impact of noise on neighbouring properties has been carefully considered.

66. The objections on the grounds of noise are noted. The most significant noise would come from wedding events both in terms of amplified music and speeches etc. within the tipis, along with noise arising from guests both within and outside of the tipis including the arrival and departure of guests.

67. The application is accompanied by a Noise Impact Assessment (NIA) which has been revised during the course of the application, the noise assessment P4113-R1-AD-V1 dated 20 March 2020 focused specifically on the control of amplified noise. Following discussions with the Environmental Health Officer, it was agreed that the NIA should cover the following (which have been addressed in the most recent NIA version 3 dated 21 July 2020):

- Noise breakout from live music;
- Noise breakout from patrons inside the tipis;
- Noise breakout from the adjacent car park (including LAmax noise); and,
- Noise breakout from guests walking to the car park area.

68. In terms of amplified sound, a Zone Array Directional Speaker System is proposed within one tipi, comprising an array of overhead speakers mounted on rigging, directed downward towards the dancefloor area. An in-situ test of this audio system has been carried out by NoiseAir consultants on behalf of the

applicant. The assessment concluded that noise would diminish considerably over a relatively short distance.

69. The most recent NIA includes 3D sound modelling taking into account noise from guests outside of the tipis, guests moving between the tipi and car park areas, and modelling of noise arising from vehicular movements in the car park area. The NIA sets out a number of mitigation measures including the erection of a 2 metre high acoustic barrier running along the rear of the tipis to limit noise impacts on neighbouring properties.
70. In addition to the NIA, the applicant has provided a draft noise management plan setting out the terms and conditions that musicians/ DJ's must adhere to. This sets out a number of mitigation steps including the provision of signage to inform guests to respect neighbouring properties by being quiet when leaving the venue. Guests will be escorted to their vehicles after 22:00hrs and reminded to access their vehicles and leave quietly. It is thus considered that noise created by the events could be effectively managed through the zone array system and associated noise limiting device, mitigation measures detailed in the Noise Impact Assessments, and through measures to be implemented via the applicant's noise management plan.
71. The Environmental Health Officer confirmed that NIA version 3 had addressed the issues that had previously been raised, however they note that data from modelling can differ from real life conditions in practice.
72. The Noise Policy Statement for England (NPSE) refers to the Significant Observed Adverse Effect Level (SOAEL), this being the level above which significant adverse effects on health and quality of life occur as a result of noise impacts. The NPSE states that it is not possible to have a single objective noise-based measure that defines SOAEL that is applicable to all sources of noise in all situations. Consequently, the SOAEL is likely to be different for different noise sources, for different receptors and at different times. It is thus acknowledged that noise impacts on neighbouring amenity should be considered not just in terms of sound levels, but also the nature of the sound, its context and time of day. Such issues are difficult to quantify through a NIA alone and it is for this reason that noise monitoring surveys are requested by the EHO for the first 3 wedding events should planning permission be granted. The applicant intends to complete monitoring as per the noise management plan for all events. Given the proximity of the site to residential properties it is recommended that if planning permission were granted, this should be on a temporary basis until the end of this season (September 2021) to monitor and review the effectiveness of noise mitigation measures. Subject to the outcome of the monitoring, it would not normally be necessary to grant a further temporary consent, however, in this instance, due to the restrictions arising from the pandemic and the limitations that this has placed on holding events at the site, this may be necessary to further monitor the effectiveness of any mitigation measures.
73. The Environmental Health Officer has confirmed that they consider applications in terms of whether it would cause a statutory noise nuisance or an adverse impact on residential amenity. She agrees that statutory noise nuisance is a higher threshold and therefore if applications were solely considered on statutory nuisance, they would be recommending approval on a good number of applications where there may be an adverse impact on

residential amenity. The best example in this case would be that if concentrating solely on statutory nuisance, consideration would be given to only the entertainment system and the resultant noise levels at the residential receptors and whether the increase in noise level is likely to cause sufficient interference with the enjoyment of the resident's property. To define statutory nuisance in a case like this there would have to be an increase in noise levels. Therefore, they have considered statutory noise nuisance and residential amenity, hence the reason for requesting the noise assessment to include all noise sources associated with the development including noise from guests and noise from vehicles. All the noise sources when operational are not predicted to increase the background noise levels and therefore it was concluded that the noise is unlikely to be a statutory noise nuisance and unlikely to have an adverse impact on residential amenity.

74. Fears and concerns by members of public may constitute a material consideration if they relate to a matter that in itself is material. In this instance the perception of noise and disturbance should not be discounted and therefore the possibility of harm should not be ruled out. Thus, the public opposition arising is a material consideration that should have weight applied and thus considered as part of the 'harm' arising.

75. Representations received in respect of the application have raised concerns about the potential impact of the development on health and wellbeing, which is a material planning consideration. These factors may include impacts on sleep, the enjoyment of private amenity space, and impacts on the overall quality of life. Whilst noise assessments have been carried out, noise impacts are subjective in nature. Paragraph 006 of the Planning Practice Guidance on Noise states that there are a number of factors that require consideration including:

- the source and absolute level of the noise together with the time of day it occurs. Some types and level of noise will cause a greater adverse effect at night than if they occurred during the day – this is because people tend to be more sensitive to noise at night as they are trying to sleep. The adverse effect can also be greater simply because there is less background noise at night;
- for a new noise making source, how the noise from it relates to the existing sound environment;
- for non-continuous sources of noise, the number of noise events, and the frequency and pattern of occurrence of the noise;
- the spectral content of the noise (i.e. whether or not the noise contains particular high or low frequency content) and the general character of the noise (i.e. whether or not the noise contains particular tonal characteristics or other particular features), and;
- the local arrangement of buildings, surfaces and green infrastructure, and the extent to which it reflects or absorbs noise.

76. Whilst the application has been subject to noise assessments and mitigation measures are proposed, the impact on health and wellbeing can only be assessed through the monitoring of events and the evaluation of feedback from local residents. Complaints have been received from residents about an event recently held at the site. These complaints were being investigated at the time of writing this report and an update on these investigations will be provided in the late representations document prior to the meeting.

77. In summary, it is considered that noise and disturbance impacts would be managed through both physical measures such as acoustic screening and the use of a zonal speaker array, combined with management of the impacts through measures such as a noise management plan and monitoring. It is accepted that the measures may not prevent a degree of harm arising to the amenities in the vicinity and thus potential impacts on health and wellbeing, it is for this reason that a temporary permission is proposed to allow for the monitoring and review of the real- life operation of the development and to inform what measures may be required if a temporary permission is granted then an application for permanent permission is made.

Highways

78. The application proposes a total of 75 parking spaces, however these would be set out with temporary markers rather than permanently marked out or hard surfaced. The Highway Authority consider that the level of parking provision proposed is acceptable. The consultee concerns regarding vehicles parking or dropping off on the public highway are noted. The applicant's noise management plan states in the guest terms and conditions that vehicles must only drop off and pick up guests within the confines of the venue.
79. In terms of highway safety considerations, the applicant included a Highways Report which includes a vehicular speed survey conducted on 15 October 2019. The report confirms that an acceptable vehicular visibility splay can be achieved at the site access which is commensurate to passing vehicular speeds.
80. A neighbour has raised a concern regarding a recent incident where the gates were closed, leading to turning vehicles waiting on the highway. The incident regarding the closed gate is a management issue relating to visitors to the site and it is unclear whether the incident was connected to an organised event. The proposal would provide more stringent controls through the submitted Highway Report which states that the gates shall be left open and monitored by security staff during events.
81. With reference to neighbour concerns relating to vehicle movements arising from the setting up and close of events, the applicants Highway Report notes that the seasonal retention of tipis would reduce vehicle movements compared to a scenario where they are assembled and dismantled between events.
82. With regard to traffic generation, the Highway Authority note that the impact of the events would occur at off-peak times. The Borough Council concurs with the view of the Highway Authority that the level of traffic anticipated is unlikely to result in a severe impact on the public highway. The concerns regarding a potential conflict with the heavy goods vehicles associated with the nearby Swingers site are noted, however events taking place at the application site would likely be outside of weekday working hours. The Highways Authority as the competent authority do not object to the proposal. For this reason, officers are of the view that the proposal would not result in an unacceptable level of harm in terms of highway safety and amenity.
83. An application to discharge conditions was submitted under planning reference 20/02968/DISCON, which included details of a noise management plan. This

application was submitted pursuant to the permission which has now been quashed. However, the 'controls' section of the management plan states that no guests are to leave the venue on foot; however, letters of representation comment that marketing material promotes access to the site by bus. The closest bus service runs from Nottingham to Cotgrave along Cotgrave Lane and Cotgrave Road with bus stops around 160 metres and 330 metres from the site on the respective roads. This is an hourly service (Monday to Saturday) running between 0700hrs and 1900hrs (less frequent during the pandemic). Whilst this might be an option for users of the facility when day time events are held, evening events are likely to finish after the buses have stopped running. Whilst it would not be reasonable to prevent people from accessing the site on foot, it is unlikely to be a frequent occurrence due to the limited timetabled service provided. In any event, it should be noted that the discharge of conditions application referred to and the contents of the management plan have not yet been agreed as the original permission has now been quashed, it would be necessary for the applicant to resubmit these details as a fresh discharge of conditions application if permission is granted for the seasonal use of the site for events.

Visual amenity

84. In terms of visual impact, views into the site are screened by a belt of mature trees running along the north and north east corner of the site. A row of trees along the Cotgrave Road frontage and further band of trees along the south side of the access drive would provide additional screening of the tipis. The tipis would be sited in the top paddock close to the existing dwelling, limiting their prominence from the open countryside to the south. Given the seasonal nature of the tipis, these would be taken down over the winter months when leaf cover and therefore screening would be less. When the tipis are dismantled out of season, the bases would be retained on the site, however, given that these do not project significantly above ground level, it is not considered that they would have a significant impact or cause unacceptable visual harm to the amenities or openness of the area. Impacts may arise from other structures/facilities associated with the use, such as the catering facilities, toilets and car parking. However, these would again be temporary in nature and not considered to have a significant impact on the surrounding area.
85. It is also proposed to erect an acoustic barrier adjacent to the site of the tipis as part of the noise mitigation measures. A condition is recommended requiring the submission of the final details of the barrier, however, this is likely to take the form of a structure similar to a close boarded fence. This would be partially screened by the belt of trees along the frontage of the site and could be finished in a colour which would further reduce its impact. A close boarded fence has been erected adjacent to the position of the tipis, this fence is under two metres in height and has been erected under permitted development rights. However, the fence is in a similar position to the proposed acoustic fence shown in the Noise Impact Assessment submitted with the application and required by condition 9 in the recommendation. In the event that planning permission is granted, details of the acoustic fence would need to be submitted to discharge this condition, this may involve modifications to the existing fence. In terms of the impact of the acoustic fence, as a matter of planning judgment it is concluded it would not have a materially greater visual impact, or impact on openness of the Green Belt, than the existing close boarded fence which has been erected on the site.

86. A number of other structures have been referred to in representations. However, these either pre-date the use of the site for events or are the subject of separate applications which are currently pending consideration. In particular, the original description of development included the 'erection of a pagoda for wedding ceremonies'. The applicant has confirmed that they now intend to use an existing structure which has been on site for a number of years. In the winter months, this structure is used as an animal shelter and in the summer months the sides would be removed and used for wedding ceremonies. As such, and as a matter of planning judgment, the use of a pre-existing structure on the site for this purpose would not have a materially greater impact on the surrounding area or openness of the Green Belt.

Ecology

87. The Environmental Sustainability Officer considers it unlikely that protected species would reside within the site, although the site may be used for foraging. It is considered that impacts can be mitigated through appropriate avoidance measures, which should be set out in a site management plan. This could be secured by way of a condition should planning permission be granted. It is the view of the officer that the proposal would not result in harm in terms of ecology and biodiversity.

Conclusion of other potential harm arising

88. In representations received in respect of this application, the view has been expressed that the evidence behind classifying some of the harms as "not unacceptable" should be presented to the planning committee otherwise the report risks being perceived as predetermination. Other potential harms have been discussed in this section of the report.
89. It is accepted that the activities at the site have the potential to cause noise and disturbance to neighbouring properties and this could amount to harm. However, there is potential for such impacts to be mitigated through conditions of any permission, for example requiring the submission of an events management plan and limiting activities/operating hours on the site. Furthermore, the recommendation includes a condition limiting permission to a temporary period, thereby enabling the Council to monitor the activities at the site and determine the full extent of any impacts, prior to consideration being given to a more permanent consent for the site.
90. Whilst the application has attracted objections on grounds of traffic generation and highway safety matters, the Highway Authority has not objected on highway safety grounds and have recommended conditions to mitigate any potential adverse impacts. As such, it is considered that highway safety matters do not amount to harm in this instance.
91. The report needs to be read as a whole and it is not considered that the way the report is presented amounts to predetermination. As per paragraph 144 NPPF, substantial weight should be given to any harm to the Green Belt, which includes other potential harms discussed in this section. It is a matter of planning judgment for the Committee to consider whether the other considerations (outlined below) clearly outweigh the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal.

Other considerations

Employment

92. Paragraph 83 of the NPPF states that planning policies and decisions should enable:
- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;
 - b) the development and diversification of agricultural and other land-based rural businesses;
 - c) sustainable rural tourism and leisure developments which respect the character of the countryside; and
 - d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.
93. Paragraph 84 of the NPPF states that; “Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport).”
94. The proposal would provide economic benefits as a source of employment and rural diversification, whilst allowing the diversification of the existing land-based rural business comprising the grazing of livestock on site. The use would generate direct employment for the applicant’s business and for people employed in connection with events, e.g. bar staff etc, and would also provide business and income for local suppliers/catering businesses. The design and access statement indicates that the activity would generate employment including an event planner (the applicant), gardener, security/car park attendant and around 6 bar staff. Whilst the activity may not be regarded as a tourist use, the applicant makes the observation in the Design and Access Statement that some guests travel from other locations for weddings and stay in local accommodation, generating business and income for hotels/B&B accommodation etc.
95. In considering criterion c) above, it is acknowledged that the site, by virtue of its rural location without reliable public transport links, is heavily reliant on private vehicles/taxis. However paragraph 84 of the NPPF recognises that “[...] sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport [...]”. Such development should ensure it is sensitive to its surroundings, does not have an unacceptable impact on roads, and exploits any opportunities to make the location more sustainable. Paragraph 83 is worded positively – in that “*planning policies and decision should enable....*”, it does not specifically preclude any type of development (provided that development complies with NPPF policies as a whole), and

arguably paragraph 84 goes on to provide greater clarity in its recognition that sites may need to be in locations not well served by public transport.

96. It is considered that the development is acceptable in terms of visual amenity and highway impacts. In particular, the main areas/structures associated with the use of the site for events are set well back from the road and well screened by intervening natural growth. Whilst concerns have been raised about traffic generation and highway safety, including lack of infrastructure to facilitate arrival by means other than by car, it should be noted that the Highway Authority has not objected to the proposals. Therefore, the site accords with paragraph 84 of the NPPF and the proposal would provide employment and rural diversity benefits, it is considered that this should be given significant weight (in accordance with paragraph 80 of the NPPF) as a material consideration weighing in favour of the grant of permission.
97. In addition to weddings, the applicant has indicated that they intend to host a diverse range of events and activities on the site that would include charity and community events. The applicant states in an email dated 9 March 2021 that they have secured a contract to partner with an organisation to host community therapy sessions, including support for vulnerable children and young persons and mental health issues, delivered by qualified therapists. The aim therefore is to use the tipis and surroundings to provide a safe and secure environment. The events would run on a weekend on a monthly basis during the tipi season. These would appear to be targeted events which may clearly benefit those attending, rather than providing health benefits to the wider community. As such, this matter may only be afforded limited weight in the consideration of the application.

Seasonal nature of the impacts and visual screening

98. The tipis would be disassembled between seasons, other than the base which would remain in situ. Notwithstanding the 'chill out den' and play equipment, which have been omitted from the current application, the other permanent feature would be the grass reinforcement membrane on the drive leading to the site and potentially the acoustic barrier referred to above. This membrane allows the continued growth of the grass whilst providing reinforcement during wet/muddy conditions. Whilst it is therefore acknowledged that there are some permanent features proposed at the site, these are very low level and combined with the temporary nature of the tipis, the impact on the openness of the Green Belt would be limited. The site benefits from a good degree of tree cover along the frontage, obscuring public views of the tipis from the public highway. The temporary nature of the use, which would allow the continued grazing of the site out of season, and the screened nature of the site, is a relevant factor to place in the planning balance.

Biodiversity net gain

99. The applicant has provided a Biodiversity Net Gain schedule which sets out a number of actions and opportunities to improve the biodiversity of the site. This includes the provision of accessible wildlife foraging environments in previously unmanaged woodland, native tree planting, the creation of a wildflower area and nesting box provision.

Permitted Development

100. In considering what works could be carried out under permitted development, the land could potentially be used on a temporary basis for hosting events for up to 28 days a year under Schedule 2 Part 4 Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO). (Note that for a temporary period permitted development rights have been amended to effectively allow land to be used for any purpose for up to 56 days until 31 December 2021). Permitted development rights would only apply if the tipis and any associated base were dismantled between events and not in situ for longer than the above time period. As the application proposes the retention of a permanent base for the tipis, permitted development rights could not be relied upon. Nevertheless, if there were no fixed structures, the applicant could, in theory host weddings and other events on the land for 28 days under Permitted Development without the controls such as noise mitigation measures and monitoring that are proposed in the current application.
101. It is important to note that the number of days referred to for the purposes of temporary uses of land under permitted development rights relates to calendar days. The application seeks permission for temporary use of the land for 28 events during the period from 1 May to 30 September. Further clarification on the duration of events is provided in the Event Plan submitted by the applicant on 10 June 2020, which clarifies that an 'event day' includes setting up on the afternoon before the event, e.g. dressing the tables for a wedding event.

Planning Balance

102. It has been suggested in representations received in respect of the application that a formal scoring matrix should be used in looking at the balance of harm and any benefits or other considerations around the application. Such an exercise is typically used when preparing a Local Plan, including allocating sites for development, and particularly when proposing changes to the Green Belt to remove sites from the designation. It is not commonplace to undertake such an exercise when considering a planning application for development in the Green Belt. Officers do not think that is a helpful approach. Some considerations weigh much more than others, and ultimately the decision that must be made is a balanced planning judgment rather than an arithmetic exercise. This point is illustrated by the case of *Sefton Metropolitan Borough Council v Secretary of State for Housing, Communities and Local Government v Jerry Doherty* [2021] EWHC 1082 (Admin)) in which HHJ Eyre QC stated (paragraph 34):

“When paragraphs 143 and 144 are read together they can be seen as explaining that very special circumstances are needed before inappropriate development in the Green Belt can be permitted. In setting out that explanation they emphasise the seriousness of harm to the Green Belt in order to ensure that the decision maker understands and has in mind the nature of the very special circumstances requirement. They require the decision maker to have real regard to the importance of the Green Belt and the seriousness of any harm to it. They do not, however, require a particular mathematical exercise nor do they require substantial weight to be allocated to each element of harm as a mathematical exercise with each tranche of substantial weight then to be added to a balance. The exercise of planning judgement is not to be an artificially sequenced two-stage process but a single exercise of judgement to

assess whether there are very special circumstances which justify the grant of permission notwithstanding the particular importance of the Green Belt.”
(emphasis added)

103. The legislation does not specify what may amount to a ‘very special circumstance’ (VSCs), although case law provides some direction in relation to such matters. Ultimately, it is for the decision maker to determine if other considerations clearly outweigh the harm to the Green Belt and any other harm resulting from the proposal.
104. In reaching a decision on this application, members of the Planning Committee will need to give substantial weight to the harm arising from inappropriateness and any other harm resulting from the proposal and to then determine whether other considerations clearly outweigh the harm to the Green Belt and any other harm arising. If the Planning Committee consider that the other considerations do clearly outweigh the harm to the Green Belt and any other harm resulting from the proposal, then ‘very special circumstances’ will exist.
105. Officers are of the opinion that the tipis, by reason of their seasonal and insubstantial nature, the remediability of any harm and limited visual impact, are judged to have a relatively small impact on the openness of the Green Belt. Nevertheless, that harm must be, and is, accorded substantial weight. Any other kinds of potential harm that are caused by the scheme, as discussed in paragraph 65 to 90 of this report, must also be placed in the balance. These include impact on residential amenity, including health and wellbeing, traffic generation and highway safety, visual amenity and ecological impacts. However, the proposal gives rise to a significant range of other considerations, including economic benefits through employment generation and rural diversification and biodiversity net gains. Therefore in this instance, officers consider that the other considerations clearly outweigh the harm to the Green Belt by reason of inappropriateness, and other harm resulting from the proposal, and that very special circumstances exist.
106. The proposal was subject to pre-application discussions with the applicant and advice was offered on the measures that could be adopted to improve the scheme and address the potential adverse effects of the proposal. As a result of this process, modifications were made to the proposal, in accordance with the pre-application advice, reducing delays in the consideration of the application and resulting in a recommendation to grant planning permission.

RECOMMENDATION

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

1. This permission shall expire on 30 September 2021 after which, unless a further planning permission has been granted, the tipis and associated timber base shall be removed from site and the site be restored to its former condition within 28 days of this date; the use of the dwelling as a bridal suite shall cease; and the land shall not be used for events unless a further consent has been granted.

[To enable the Borough Council to monitor the impacts of the use and effectiveness of mitigation measures, in the interests of neighbouring amenity

and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

2. The tipis and any associated catering tents/marquees shall only be erected between the 1 May and 30 September annually. The tipis shall accord with the specification for the 'big hat' tipis detailed on page 2 of the technical information sheet dated 7 April 2020. The tipis shall be sited in accordance with the Block Plan received on 10 June 2020.

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

3. The use of the site for events, including the use of the dwelling as a bridal suite, shall be limited to no more than 28 event days during the period from 1 May to 30 September in each year. As defined in paragraph 5 of the Event Plan received on 10 June 2020, each event shall be capped to a maximum hire period of 46 hours. There shall be a maximum of 28 days with amplified music and/or a licensed bar per calendar year. No other events, regardless of the number of attendees, shall be held at the site in addition to the 28 event days authorised by this permission.

[For the avoidance of doubt and in the interest of the amenities of the area and nearby residential occupiers and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

4. Within one month of the date of this permission, a final version of the noise management plan shall be submitted to the Borough Council. No events shall take place until such time that a management plan has been approved in writing by the Borough Council. The management plan shall include details of noise monitoring to be undertaken, required by condition 12, which would be sought for a minimum of the first three wedding events following the grant of planning permission and shall also include the hours of use, times of amplified/live music, controls to be put in place when guests are leaving the premises e.g. ensure no congregating guests, details of signs to be displayed on the premises (including number, content and location) to remind patrons/visitors that the venue is located close to other residential properties and to minimise disturbance when leaving the premises, particularly late at night, vehicles leave the premises in an orderly manner and during the evening entertainment that there are no groups of guests congregating near to any residential dwellings. The use hereby approved shall only be carried out in accordance with the approved noise management plan.

[In the interest of the amenities of the area and nearby residential occupiers and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

5. The development shall not be brought into use until the site access has been surfaced in a hard-bound material for a minimum distance of 10m to the rear of the highway boundary, and suitably drained to prevent surface water from the driveway discharging to the public highway. The hard-bound material and measures to prevent the discharge of surface water to the public highway shall be retained for the life of the development.

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

6. The speaker system shall be the 'zone array' system to the specification tested in report P4113-R1-AD-V1 and no other or alternative speaker or PA system shall be used.

[In the interest of the amenities of the area and nearby residential occupiers and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

7. No further weddings/events shall be held at the site until all sound attenuation measures detailed in the Noise Impact Assessment P4271-R1-V3 (produced by Noise Air Acoustic Consultancy and Solutions) have been implemented and, thereafter, the use shall be carried out in accordance with the mitigation measures detailed within the report and these measures shall be retained for the lifetime of the development.

[In the interest of the amenities of the area and nearby residential occupiers and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

8. Within one month of the date of this permission, a site management plan shall be submitted to the Borough Council. No events shall take place until such time that a site management plan has been approved in writing by the Borough Council. This shall include reasonable avoidance measures (RAMs) to avoid impacting on wildlife. This should consider ensuring the grass on the development site remains short at all times, including when the tipis are removed (to prevent wildlife making use of the grassland) and for a visual check to be carried out each time the tipis and any ancillary structures are to be erected. Permanent fencing of more sensitive sites (e.g. adjacent woodland) to prevent unauthorised access should be included. The plan should also set out habitat improvements that will be made to provide a biodiversity net gain. Thereafter, the approved management plan shall be implemented for the life of the development.

[To ensure that the proposed development contributes to the conservation and enhancement of biodiversity within the site and for the wider area in accordance with paragraphs 174-175 of the NPPF and Policy 17 of the Local Plan Part 1: Rushcliffe Core Strategy].

9. Prior to the tipis being brought into use, an acoustic barrier shall be constructed in accordance with paragraph 5.1.6 and Fig. 14 of the Noise Impact Assessment P4271-R1-V3 Version 3, details of which shall be first submitted to and approved in writing by the Borough Council. These details shall include the design of the barrier and details of when this will be erected and disassembled. The barrier shall be implemented to the agreed specification and erected for the duration of any events for the lifetime of the development.

[In the interest of the amenities of the area and nearby residential occupiers and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

10. No camping or caravanning shall be permitted on the site.

[In the interest of the amenities of the area and nearby residential occupiers and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

11. The use of Chinese lanterns or fireworks on the premises is not permitted.

[In the interest of the amenities of the area and nearby residential occupiers and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

12. The approved use shall be subject to noise monitoring to include but not limited to 3 events with music entertainment and guest numbers at 130 (+/- 5), to verify that the noise levels at the nearest sensitive receptors as specified within by Noise Air Acoustic Consultancy and Solutions report ref P4271-R1-V3 dated 21/7/20 are as predicted. Before any monitoring is undertaken the applicant shall liaise with the Local Planning Authority to provide details of the event proposed for monitoring in order to agree noise monitoring locations. The post monitoring verification report shall be submitted to the Local Planning Authority for approval following the event and prior to further events being held. The noise monitoring shall continue until 3 events have been held with guest numbers at 130 (+/- 5). If any further mitigation measures are required by the post completion report these shall be fully implemented and maintained before further events are held.

[In the interest of the amenities of the area and nearby residential occupiers and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

Notes to Applicant

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.

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

- The use of external lighting (during construction and post construction) should be appropriate to avoid adverse impacts on bat populations, see http://www.bats.org.uk/pages/bats_and_lighting.html for advice and a wildlife sensitive lighting scheme should be developed and implemented.
- The maximum usage of the site, times of use and noise control measures should be conditioned.
- A basic metric biodiversity net gain assessment should be provided as recommended in section T2.8.1 on page 124 of CIRIA (2019) Biodiversity Net Gain – Principles and Guidance for UK construction and developments.

- Permanent artificial bat boxes / bricks and wild bird nests should be considered on adjacent retained trees.
- New wildlife habitats should be created where appropriate, including wildflower rich neutral grassland, hedgerows, trees and woodland, wetlands and ponds.
- Any existing hedgerow / trees should be retained and enhanced, any hedge / trees removed should be replaced. Boundary verges should be retained and enhanced.
- Where possible new trees / hedges should be planted with native species (preferably of local provenance and including fruiting species). See <https://www.rushcliffe.gov.uk/conservation/treeshedgesandlandscaping/landscapingandtreeplanting/plantingonnewdevelopments/> for advice including the planting guides (but exclude Ash (*Fraxinus excelsior*))
- Good practice construction methods should be adopted including:
 - d. Advising all workers of the potential for protected species. If protected species are found during works, work should cease until a suitable qualified ecologist has been consulted.
 - e. No works or storage of materials or vehicle movements should be carried out in or immediately adjacent to ecological mitigation areas or sensitive areas (including ditches).
 - f. All work impacting on vegetation or buildings used by nesting birds should avoid the active bird nesting season, if this is not possible a search of the impacted areas should be carried out by a suitably competent person for nests immediately prior to the commencement of works. If any nests are found work should not commence until a suitably qualified ecologist has been consulted.
 - g. Best practice should be followed during building work to ensure trenches dug during works activities that are left open overnight should be left with a sloping end or ramp to allow animal that may fall in to escape. Also, any pipes over 200mm in diameter should be capped off at night to prevent animals entering. Materials such as netting and cutting tools should not be left in the works area where they might entangle or injure animals. No stockpiles of vegetation should be left overnight and if they are left then they should be dismantled by hand prior to removal. Night working should be avoided.
 - h. Root protection zones should be established around retained trees / hedgerows so that storage of materials and vehicles, the movement of vehicles and works are not carried out within these zones.
 - i. Pollution prevention measures should be adopted
- It is recommended that consideration should be given to energy efficiency, alternative energy generation, water efficiency, travel sustainability (including electric vehicle charging points and cycle storage), management of waste during and post construction and the use of recycled materials and sustainable building methods.

The development makes it necessary to amend a vehicular crossing over a verge of the public highway. These works shall be carried out to the satisfaction of the Highway Authority. You are therefore required to contact Via (in partnership with Nottinghamshire County Council) on 0300 500 8080 to arrange for these works to take place.

13. Protecting Green Belt land

133. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
134. Green Belt serves five purposes:
- to check the unrestricted sprawl of large built-up areas;
 - to prevent neighbouring towns merging into one another;
 - to assist in safeguarding the countryside from encroachment;
 - to preserve the setting and special character of historic towns; and
 - to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
135. The general extent of Green Belts across the country is already established. New Green Belts should only be established in exceptional circumstances, for example when planning for larger scale development such as new settlements or major urban extensions. Any proposals for new Green Belts should be set out in strategic policies, which should:
- demonstrate why normal planning and development management policies would not be adequate;
 - set out whether any major changes in circumstances have made the adoption of this exceptional measure necessary;
 - show what the consequences of the proposal would be for sustainable development;
 - demonstrate the necessity for the Green Belt and its consistency with strategic policies for adjoining areas; and
 - show how the Green Belt would meet the other objectives of the Framework.
136. Once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans. Strategic policies should establish the need for any changes to Green Belt boundaries, having regard to their intended permanence in the long term, so they can endure beyond the plan period. Where a need for changes to Green Belt boundaries has been established through strategic policies, detailed amendments to those boundaries may be made through non-strategic policies, including neighbourhood plans.
137. Before concluding that exceptional circumstances exist to justify changes to Green Belt boundaries, the strategic policy-making authority should be able to demonstrate that it has examined fully all other reasonable options for meeting its identified need for development. This will be assessed through the examination of its strategic policies, which will take into account the preceding paragraph, and whether the strategy:
- makes as much use as possible of suitable brownfield sites and underutilised land;

- b) optimises the density of development in line with the policies in chapter 11 of this Framework, including whether policies promote a significant uplift in minimum density standards in town and city centres and other locations well served by public transport; and
 - c) has been informed by discussions with neighbouring authorities about whether they could accommodate some of the identified need for development, as demonstrated through the statement of common ground.
138. When drawing up or reviewing Green Belt boundaries, the need to promote sustainable patterns of development should be taken into account. Strategic policy-making authorities should consider the consequences for sustainable development of channelling development towards urban areas inside the Green Belt boundary, towards towns and villages inset within the Green Belt or towards locations beyond the outer Green Belt boundary. Where it has been concluded that it is necessary to release Green Belt land for development, plans should give first consideration to land which has been previously-developed and/or is well-served by public transport. They should also set out ways in which the impact of removing land from the Green Belt can be offset through compensatory improvements to the environmental quality and accessibility of remaining Green Belt land.
139. When defining Green Belt boundaries, plans should:
- a) ensure consistency with the development plan's strategy for meeting identified requirements for sustainable development;
 - b) not include land which it is unnecessary to keep permanently open;
 - c) where necessary, identify areas of safeguarded land between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period;
 - d) make clear that the safeguarded land is not allocated for development at the present time. Planning permission for the permanent development of safeguarded land should only be granted following an update to a plan which proposes the development;
 - e) be able to demonstrate that Green Belt boundaries will not need to be altered at the end of the plan period; and
 - f) define boundaries clearly, using physical features that are readily recognisable and likely to be permanent.
140. If it is necessary to restrict development in a village primarily because of the important contribution which the open character of the village makes to the openness of the Green Belt, the village should be included in the Green Belt. If, however, the character of the village needs to be protected for other reasons, other means should be used, such as conservation area or normal development management policies, and the village should be excluded from the Green Belt.
141. Once Green Belts have been defined, local planning authorities should plan positively to enhance their beneficial use, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land.
142. The National Forest and Community Forests offer valuable opportunities for improving the environment around towns and cities, by upgrading the landscape and providing for recreation and wildlife. The National Forest Strategy and an approved Community Forest Plan may be a material consideration in preparing development plans and in deciding planning applications. Any development

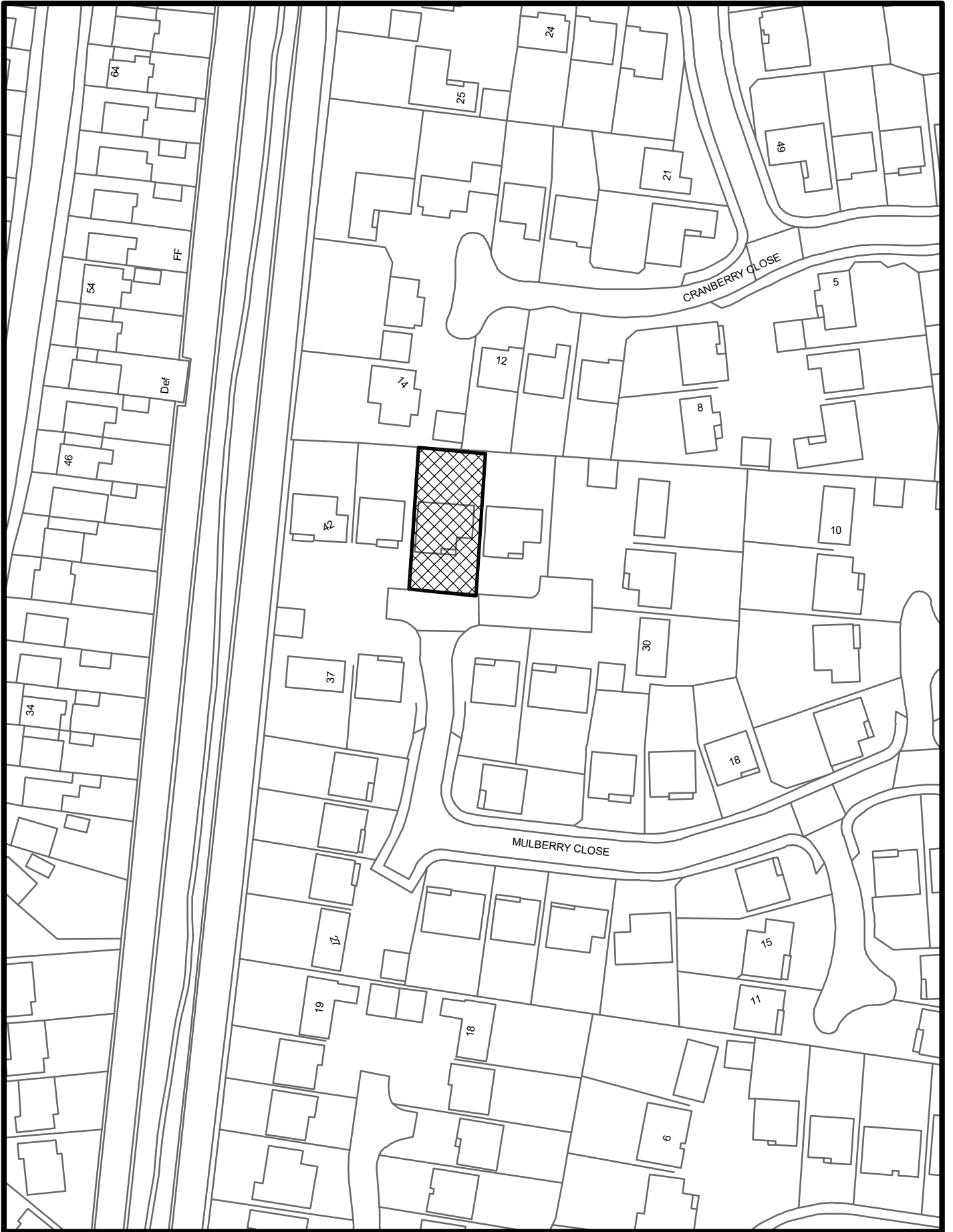
proposals within the National Forest and Community Forests in the Green Belt should be subject to the normal policies for controlling development in Green Belts.

Proposals affecting the Green Belt

143. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
144. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
145. A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:
 - a) buildings for agriculture and forestry;
 - b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
 - c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
 - d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
 - e) limited infilling in villages;
 - f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
 - g) 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; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.
146. Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:
 - a) mineral extraction;
 - b) engineering operations;
 - c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;
 - d) the re-use of buildings provided that the buildings are of permanent and substantial construction;
 - e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and

f) development brought forward under a Community Right to Build Order or Neighbourhood Development Order.

147. When located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.



Application Number: 21/00804/FUL
38 Mulberry Close, West Bridgford



scale 1:1000

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Rushcliffe Borough Council - 100019419

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21/00804/FUL

Applicant Mr. Rashid

Location 38 Mulberry Close, West Bridgford, Nottinghamshire, NG2 7SS

Proposal Proposed Two Storey and first floor Front Extension, first floor window to side elevation and Internal Alterations.

Ward Compton Acres

THE SITE AND SURROUNDINGS

1. The application relates to a modern property on a residential estate road in the Compton Acres area of West Bridgford.
2. To the east and west are similar size detached properties at 36 and 40 Mulberry Close respectively. The site lies within Flood Zone 3 of the River Trent. However, there are benefits from protection afforded by the flood defences along the river.

DETAILS OF THE PROPOSAL

3. Permission is sought for a two storey and first floor front extension to increase the size of existing living accommodation and bedrooms. The proposal also involves the addition of a new window in the first floor eastern (side) elevation.

SITE HISTORY

4. 86/01121/A4P: Construct 23 houses - Approved 29 January 1987
5. 83/04368/HIST: Residential development (outline) - Approved 8 August 1984

REPRESENTATIONS

Ward Councillor

6. One Ward Councillor (Cllr A Phillips) has declared an interest in the application due to residing in the property next to the application site.
7. One Ward Councillor (Cllr G Wheeler) made comments neither objecting to or supporting the application, advising that the decision can be left to Officers.

Local Residents and the General Public

8. Representation has been received from the owner of no. 36 (neighbouring property to the east) objecting to the application and making comments which are summarised as follows:

- a. Concerns are raised about the impact of the two storey extension on the appearance of the street scene, which was originally protected in the title of the properties.
- b. The two storey extension would affect the main view from and light to the respondent's main bedroom window.
- c. A first floor window is proposed on the side elevation and in close proximity to the respondent's property.
- d. It is queried whether the ground floor bay window should be included on the plans as it is understood that this has been removed from the proposal.

PLANNING POLICY

9. The Development Plan for Rushcliffe consists of the Rushcliffe Local Plan Part 1: Core Strategy (LPP1) and the Rushcliffe Local Plan Part 2: Land and Planning Policies (LPP2). Other material considerations include the National Planning Policy Framework (2019), the National Planning Practice Guidance and the Residential Design Guide Supplementary Planning Document (SPD).

Relevant National Planning Policies and Guidance

10. The relevant national policy considerations for this proposal are those contained within the 2019 National Planning Policy Framework (NPPF) and the proposal should be considered within the context of a presumption in favour of sustainable development as a core principle of the NPPF. The following sections of the NPPF are relevant to this application:
 - Section 12 - Achieving well-designed places.
 - Section 14 - Meeting the Challenge of Climate Change

Relevant Local Planning Policies and Guidance

11. The following policies of the LPP1 are considered relevant to this application:
 - Policy 1 - Presumption in Favour of Sustainable Development
 - Policy 2 - Climate Change
 - Policy 10 - Design and Enhancing Local Identity
12. The following policies of the LPP2 are considered relevant to this application:
 - Policy 1 - Development Requirements
 - Policy 17- Managing Flood Risk
13. The 2009 Rushcliffe Residential Design Guide provides guidance on the style and design of an extension, stating it should respect that of the original dwelling and should not dominate over it. Extensions should be designed so that they

are not readily perceived as merely 'add-ons' to the original building and therefore scale, proportion and roof form are very important.

APPRAISAL

14. Planning permission is sought for an extension to an established residential property within an urban area. It is considered to be a sustainable form of development and acceptable in principle.
15. The main issues to consider are:
 - i) The impact of the proposal on the character and appearance of the property and wider area.
 - ii) The impact on the residential amenity of neighbouring properties.
 - iii) Flood Risk matters.

The impact of the proposal on the character and appearance of the property and wider area

16. LPP1 policy 10, Design and Enhancing Local Identity, states that development should make a positive contribution to the public realm and sense of place and should have regard to the local context and reinforce valued local characteristics. Development should be assessed, amongst other things, in terms of its massing, scale, proportions, materials, architectural style and detailing. This is reinforced under policy 1 of the LPP2, which also states that development should be sympathetic to the character and appearance of neighbouring buildings and the surrounding area.
17. The proposed extensions would be to the front elevation of the property. The first floor of the western half is to be brought forward by 2.2 metres over an existing lean-to roof over the front section of the integral garage and front porch to the dwelling. The first floor would retain a set back of around 0.8 metres. The front elevation of the extension would contain a set of doors and a Juliet balcony and the central section would have full height glazing to provide a vaulted feature entrance hall.
18. Adjoining this, on the eastern side of the property, a full two storey front extension would be added, projecting forward by 3.3 metres. This addition would lie level with the ground floor front elevation of the western half of the property (except for the bay window) and 'square off' the plan form of the dwelling. The extension would have a front facing new gable, also with a Juliet balcony at first floor level.
19. It is considered that the proposed front extensions are sympathetic to the design and character of the existing property and should generally update and enhance its appearance. The front gable of the new two storey extension would complement the lines and proportions of the existing gable but will be lower in height so should appear as a subservient addition. Both gables are to be part rendered in an off white colour and part constructed from brick. The materials are indicated on the proposed plans. The brick is to be confirmed and a

condition is recommended to state that the materials should match the host dwelling unless, other details are submitted and approved.

20. The existing front driveway of the property would be largely unaltered by the proposal and the parking provision of the dwelling would not be affected. It is acknowledged that concerns have been raised in relation to the impact on the appearance of the street scene, however, the front building line would be retained and the resulting dwelling would not noticeably project forward of the existing line of properties in this section of Mulberry Close. The surrounding properties have some variation in terms of design and materials, and it is not considered that the proposed extensions would result in a property which appears unduly out of place in the street scene.
21. The proposal is therefore considered to accord with the aims of policy 10 of the LPP1 and policy 1 of the LPP2 in terms of scale, design and materials. The proposed additions and alterations to the property are considered to be acceptable and should harmonise well with the main dwelling.

The impact on the residential amenity of neighbouring properties.

22. LPP1 policy 10 states that development should be assessed in terms of its impact on the amenity of nearby residents. This is reinforced under policy 1 of the LPP2, which states that development should not be granted where there is a significant adverse effect upon the amenity of adjoining properties.
23. The owner of the neighbouring property to the east has raised concerns in relation to the impact of the proposed two storey extension on the view and light from their main bedroom window.
24. The Residential Design Guide sets out how the principle of the '45 degree code' can be used to ascertain whether a proposed extension on or close to the boundary would over dominate neighbouring properties and potentially result in an unacceptable loss of light. In this case the extension would project in front of the first floor of the neighbouring property, which lies on the boundary with the application site. However, as there would be a gap of 1.25 metres between the application property and the boundary, the extension just meets the 45 degree test. In addition, as the front elevations are south facing, any impact on light should be minimal. In practice therefore, it is not considered that the proposed extension would have a significant adverse impact on the amenity of this neighbouring property.
25. There would also be sufficient separation distance between the application property and the other neighbouring property on the western side to ensure that the first floor extension on this part of the dwelling accords with the 45 degree principle. There should be little material impact on this property.
26. A new window is proposed in the first floor eastern (side) elevation of the existing property, although this would serve a bathroom and therefore a condition is suggested for this to be obscure glazed and top opening. The front elevation faces down the road and not directly onto any neighbouring properties

and it is not considered that any new windows in the front elevation would result in any additional overlooking above that which would be deemed reasonable on this type of residential estate.

27. Revised plans have been received omitting the bay window from the extension adjacent to 36 Mulberry Close. The removal of this feature was not as a direct result of negotiations with the applicant's agent, but the issue was raised with them in response to comments from the owner of the neighbouring property. It is understood that concerns were raised directly with the applicant by the neighbour about the potential overlooking that may arise from the bay window.
28. The proposal is therefore deemed to accord with LPP1 policy 10 and policy 1 of the LPP2 in terms of its impact on the residential amenity of neighbouring occupiers.

Flood Risk Matters

29. The area where the proposed extension would be located lies within Flood Zone 3 of the River Trent, although the area benefits from flood defences. In accordance with paragraph 163 of the NPPF a site specific Flood Risk Assessment (FRA) for a householder extension has been provided for the proposal. The FRA confirms that the proposed floor level would align with the existing internal ground floor level. The proposal therefore accords with policy and guidance within LPP2 policy 17 and the NPPF in respect of flood risk assessment. The flood risk to the property has been managed and, due to the small scale of the extension, which would be built over the existing driveway, flood risk elsewhere should not be exacerbated.

Conclusion

30. The proposed extensions to the dwelling would harmonise with the design, scale, proportions and materials of the existing building and respect the living conditions and amenity of existing neighbouring residential occupiers. The proposal therefore complies with the relevant planning policies and is recommended for approval.
31. The application was not subject to pre-application discussions. The scheme however is considered acceptable and no discussions or negotiations with the applicant or agent were considered necessary.

RECOMMENDATION

It is RECOMMENDED that planning permission be granted subject to the following conditions:

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

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

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

Proposed Floor Plans, Elevations, Site Block Plan and OS Plan, drawing number 1005 002, revision C

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

3. The external materials used in the construction of the development hereby permitted shall be as detailed on the submitted application form and proposed elevations on drawing number 002, revision B. The new brickwork shall be of a similar appearance to the brick used on the exterior of the existing dwelling. If any alternative materials are proposed details must be submitted to and approved in writing by the Local Planning Authority prior to the development advancing beyond damp proof course level. Thereafter the development must be carried out in accordance with the approved, alternative materials.

[To ensure the appearance of the development is satisfactory and to comply with policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

4. The new upper floor window in the side (east) elevation of the development hereby permitted must be:
 - a. non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and;
 - b. fitted with glass which has been rendered permanently obscured to Group 5 level of privacy or equivalent.

Thereafter, this window shall be retained to this specification throughout the life of the development.

[To preserve the amenities of neighbouring properties, 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)].

Notes to Applicant

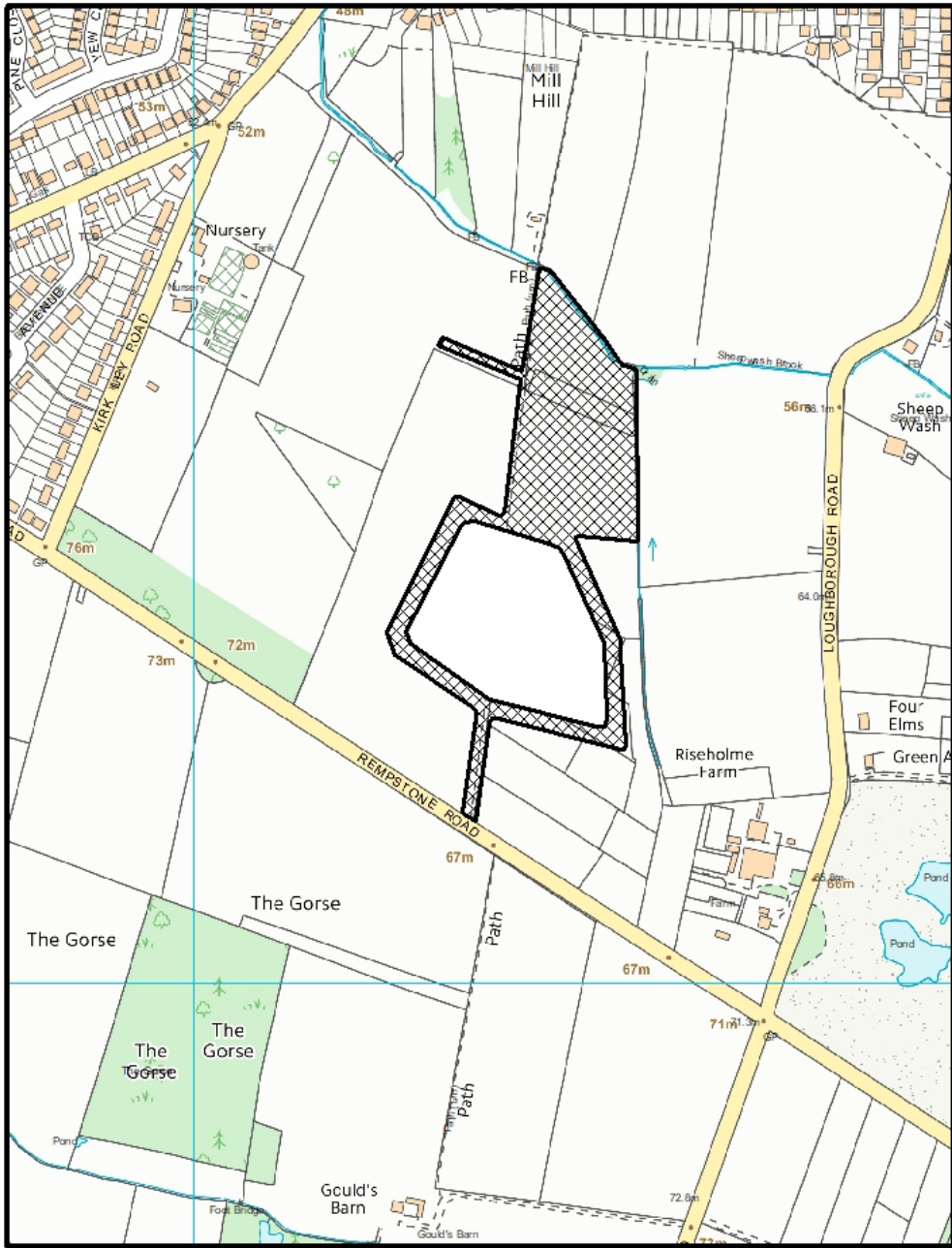
Please be advised that all applications approved on or after the 7th October 2019 may be subject to the Community Infrastructure Levy (CIL). The Borough Council considers that the approved development is not CIL chargeable, as the proposal represents minor

development, with a gross internal area of less than 100 square metres. Further information about CIL can be found on the Borough Council's website at <https://www.rushcliffe.gov.uk/planningandgrowth/cil/>

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

It is possible that the roofspace, and/or behind the soffit, fascia boards, etc. may be used by bats. You are reminded that bats, their roosts and access to roosts are protected and it is an offence under the Countryside and Wildlife Act 1981 to interfere with them. If evidence of bats is found, you should stop work and contact Natural England on 0300 060 3900 or by email at enquiries@naturalengland.org.uk.

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Application Number: 21/01029/CTY
Rempstone Road, East Leake



scale 1:5000

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Rushcliffe Borough Council - 100019419

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21/01029/CTY

Applicant Nottinghamshire County Council

Location Land North Of Rempstone Road East Leake Nottinghamshire

Proposal The erection of a Primary School for up to 2-forms of entry (in phases), plus 26 place nursery with associated car parking. Associated areas of soft play, hard play, grass playing field with landscaping works. Erection of 2m high security and lit 3m shared pedestrian and cycle path on route of Public Footpath, East Leake FP5. Bound surface and lit path and bridge between Sheepwash Way.

Ward Leake

THE SITE AND SURROUNDINGS

1. The site comprises two arable fields, separated by a belt of woodland, that are located to the south of existing residential development sites currently being built out by David Wilson Homes. Access is off Rempstone Road and the site is located towards the south-eastern edge of the village of East Leake. The site is also located to the east of the Persimmon housing development that is accessed off of Kirk Ley Road.
2. The site location plan provided with this application shows the extent of the development parcel relevant to the first two phases of the Persimmon development, however the site location plan does not detail the approved layout of the David Wilson Homes site to its immediate south and east. The site location plan details the proposed location for the vehicular connection (through the David Wilson Homes development) as well as pedestrian/cycle links through to the Persimmon development.

DETAILS OF THE PROPOSAL

3. This is a County Matter application where Rushcliffe Borough Council is a Consultee. The County Council is the determining authority for this proposal and, whilst considering the application they are also the applicant in this instance. The land is, however currently owned by private entities.
4. The proposal is for outline permission for the erection of a Primary School for up to 2-forms of entry (in phases), plus 26 place nursery with associated car parking. The application also proposes areas of soft play, hard play, grass playing field with landscaping works, the erection of 2m high security fencing and gates to perimeter and sprinkler tank along with the provision of bound surface and lit 3m shared pedestrian and cycle path on route of Public Footpath East Leake Footpath 5 (FP5). Finally, the description of works also mentions a bound surface and lit path and bridge between Sheepwash Way and Public Footpath East Leake FP5.
5. The application form on the County Council's website confirms that the outline application is only seeking approval for the access and the scale of

development at this time. Matters of appearance, landscaping and layout are therefore reserved for future consideration.

6. The school is intended to be built in two phases. The school building design is indicatively shown and the accompanying design and access statement advises it would initially be a one form entry footprint with the ability to expand to a two form entry size over two storeys. A single storey option would have too large a footprint on the site given its size and constraints. However, the exact architectural shape of the building and its detailed layout would be subject to a separate detailed application.
7. Pedestrian and vehicular access to the school would be from the new roads being constructed to serve the David Wilson Homes housing development, accessed off Rempstone Road. A separate pedestrian/cycle route from the Persimmon housing site connecting Sheepwash Way to Footpath 5 (which runs along the western boundary of the site) is also proposed as an alteration in width to the pedestrian access arrangements approved as part of the David Wilson Homes development.
8. The school building is indicated to be located towards the southern edge of the site with outside playgrounds/turfed sports pitches located to the northern edge of the site, although the Committee are reminded that layout is a reserved matter at this time.
9. As part of the development, it is proposed to regrade the land levels of the school site resulting in the levels of the school and car park being raised as the site currently slopes down from south to north towards the Sheepwash Brook. A site section detailing the proposed alterations has been included which indicatively show an embankment between the building and the existing woodland with sports pitches at a lower level.
10. The application description also makes reference to a 2m high security fence around the perimeter of the site along with a sprinkler tank (although details of layout and appearance are reserved at this time).
11. The school building itself is indicated to be located towards the southern edge of the site with car parking to the frontage facing towards the recently approved David Wilson Homes development that is currently under construction to the south of the site. The submission includes a section detailing that the building would be two storeys in height and approximately 12m high. Whilst details of the layout and appearance of the building are reserved for later consideration, the scale (maximum 12m high above the finished floor level) of development is a matter for consideration at this time.

SITE HISTORY

12. The site forms part of a wider area which has an extensive planning history, the most relevant of which is listed below:
13. Application reference 14/01927/VAR, the Persimmon Homes Scheme for the adjacent Persimmon Housing Development was approved at appeal in December 2015.

14. Application reference 16/01881/OUT for planning permission for the wider surrounding site including 235 dwellings, primary school, infrastructure, green space, associated surface water attenuation and landscaping was approved at appeal in November 2017.
15. Application reference 19/01770/REM - application for approval of access, appearance, landscaping, layout and scale of outline permission 16/01881/OUT for the erection of 235 dwellings - approved January 2020.
16. Application reference 20/02300/REM - application for approval of access, appearance, landscaping, layout and scale of outline permission 16/01881/OUT for the erection of 235 dwellings (partial re-plan of approved application ref 19/01770/REM) – approved December 2020.
17. Application reference 20/00888/FUL for the erection of an additional 51 dwellings with associated access, parking and landscaping (as an extension to application ref 20/02300/REM) has a committee resolution to approve as of the 21 February 2021, subject to the completion of the S106 agreement. The S106 agreement is currently being prepared but it is currently unsigned.
18. A Section 106 agreement for (planning reference 16/01881/OUT) was entered into in November 2017. Contained within that agreement was the requirement for the provision of school land.
19. The Section 106 agreement signed as part of the adjacent Persimmon Homes scheme (planning reference 14/01927/VAR) allowed for vehicular and pedestrian access to serve the school site. However, for robustness, the full traffic impacts associated with any new school were also assessed as though access is proposed to be achieved via the new Rempstone Road access junction (planning reference 16/01881/OUT). In any event, pedestrian/cycle access to the school (and the development as a whole) could be achieved via the Persimmon development.

REPRESENTATIONS

Ward Councillor(s)

20. One Ward Councillor (Cllr Shaw) has no objections but comments that they would prefer to see more car parking places for staff and a designated drop off zone for parents.
21. One Ward Councillor (Cllr Thomas) supports the proposal but comments that there are inaccuracies about the overall quantum of development approved on the adjoining site; that there is no space for parents to drop off children, and that safe provision should be made that would also benefit school coaches accessing the site. Cllr Thomas also comments that the lack of a gathering area for parents/guardians will create congestion on the foot and cycle paths around the school and that the parking provision for staff/visitors seems ungenerous to avoid parking conflicts in the surrounding development. Cllr Thomas also comments that disabled parking spaces and electric vehicle charging points should be provided in the staff car park; that yellow “zigzags” should be provided to the road outside the school and that there are concerns regarding speed of access from the school building to the playing fields in the event of an emergency.

22. One Ward Councillor (Cllr Way) supports the proposal commenting that it is hoped it can be completed within the timescale and ready for intake in 2022. Cllr Way does express concerns about traffic as it is inevitable that not everyone will walk to the school. She also expresses concerns that the phased development of the site would result in the far from ideal situation whereby future development takes place whilst the school is in use and reiterates comments about electric vehicle charging points whilst requesting solar panels be installed on the building's roof.

Town/Parish Council

23. East Leake Parish Council has no objections to make but does comment that there are concerns regarding the lack of parking for staff and suggest this could be increased to the boundaries within the site and that they would also like a pick up/drop off zone or layby included in the plans along with cycle racks and electric charging points.

Statutory and Other Consultees

24. Rushcliffe's Environmental Sustainability Officer noted that a Preliminary Ecological Assessment had been supplied, which recommends further ecological surveys are carried out. It is recommended the applicant should be advised to provide these further ecological surveys prior to determination. They also advise that it is not possible to demonstrate that the favourable conservation status of protected species would be maintained at this time.
25. Rushcliffe Borough Council's Environmental Health Officer does not object to the proposal subject to conditions being attached to any grant of permission.

Relevant National Planning Policies and Guidance

26. The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England. It carries a presumption in favour of sustainable development and makes clear that applications must be determined in accordance with the development plan unless material considerations indicate otherwise (Paragraph 11). Paragraph 12 states, "*Proposed development that accords with an up to date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.*" Paragraph 14 states that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the Policies in the NPPF taken as a whole.
27. Paragraph 17 sets out 12 core planning principles that it says should underpin plan making and decision taking. These include that planning should; be genuinely plan-led, proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs, to seek to secure high quality design and a good standard of amenity, support the transition to a low carbon future in a changing climate, taking full account of flood risk, contribute to conserving and enhancing the natural environment, promote mixed use developments and to actively manage patterns of growth.

28. The sections of the NPPF that have relevance to the determination of this application include; 4. Promoting sustainable transport; 6. Delivering a wide choice of high quality homes; 7. Requiring good design; 8. Promoting healthy communities; 10. Meeting the challenge of climate change, flooding and coastal change; and 11. Conserving and enhancing the natural environment.

Relevant Local Planning Policies and Guidance

29. The Rushcliffe Local Plan Part 1: Core Strategy (LPP1) was formally adopted in December 2014. It sets out the overarching spatial vision for the development of the Borough to 2028.

30. The following other policies in the LPP1 are relevant:

- Policy 1 - Presumption in Favour of Sustainable Development;
- Policy 2 - Climate Change;
- Policy 3 - Spatial Strategy;
- Policy 10 - Design and Enhancing Local Identity;
- Policy 12 - Local Services and Healthy Lifestyles;
- Policy 14 - Managing Travel Demand;
- Policy 15 - Transport Infrastructure Priorities;
- Policy 16 - Green Infrastructure, Landscape, Parks and Open Space;
- Policy 17 - Biodiversity;
- Policy 18 - Infrastructure; and
- Policy 19 - Developer Contributions

31. The Local Plan Part 2: Land and Planning Policies (LLP2) was adopted in October 2019 and the following policies in LPP2 are also considered material to the consideration of this application:

- Policy 1 Development Requirements
- Policy 18 Surface Water Management
- Policy 19 Development affecting Watercourses
- Policy 20 Managing Water Quality
- Policy 29 Development affecting Archaeological Sites
- Policy 37 Trees and Woodlands
- Policy 38 Non-designated Biodiversity Assets and the wider Ecological network
- Policy 39 Health Impacts of Development
- Policy 40 Pollution and Land Contamination
- Policy 43 Planning Obligations Threshold

APPRAISAL

Principle of Development

32. An extant outline planning permission exists for the erection of a school building through the grant of outline planning permission 16/01881/OUT - *Outline application for up to 235 dwellings, primary school, infrastructure, green space, associated surface water attenuation & landscaping*. As part of the two adjoining residential developments currently being constructed by Persimmon Homes and David Wilson Homes Section 106 agreements have

been entered into which relate to this land and the provision of the primary school.

33. The Section 106 agreement for the Persimmon development (application ref 14/01927/VAR) defined the “education contribution” as a financial sum for the first 175 dwellings from that development towards improvements at Brookside Primary School in the village, and a separate, larger amount for every dwelling over and above 176 dwellings towards the provision of “*The School*” which is defined separately in the S106 agreement along with definitions of “*The School Land*”, the “*School Land Purpose*” and the “*School Land Undertaking*”. The S106 also includes an entire schedule (the fifth schedule) which sets out the school land transfer provisions.
34. Similar to the above, the S106 agreement for the David Wilson Homes Development (application ref 16/01881/OUT) included financial contributions towards the provision of “...*primary education or primary education facilities in or within the vicinity of East Leake...*” It should also be noted that the description of development for application ref 16/01881/OUT also included reference to a primary school with the location shown indicatively on the plans within the submission.
35. For these reasons, although this is an independent outline planning application, the principle of a school facility in this location is considered to be already established, and therefore acceptable.

Design and impact upon neighbouring amenity

36. Policy 10 of the LPP1 requires that all new development should, amongst other things, make a positive contribution to the public realm and sense of place and should have regard to the local context and reinforce local characteristics. Specifically, with regard to design, the policy requires that development be assessed in terms of its massing, scale and proportion; and in terms of the proposed materials, architectural style and detailing. Policy 1 of the LPP2 broadly echoes policy 10.
37. Chapter 12 of the Framework is concerned with achieving well-designed places. Specifically, it requires that development should function well and add to the overall quality of the area, not just in the short term but over the lifetime of the development. Development should also be visually attractive as a result of good architecture, layout and landscaping, and should be sympathetic to local character and history and maintain a strong sense of place. Importantly, permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
38. The submission does require the ‘scale’ of development to be considered. The submission states that “*It is anticipated that the building scale will not exceed two storeys and an approximate maximum of 12m in height. Floor area for the building would be subject to detail design but approximate floor area for the 1 form entry proposal would be 1285m² Gross Internal Area which would be extended by approximately 950m² for the 2 form entry proposal.*” In the context of its surrounds, alongside an approved development the overall heights and footprint of the building is considered to be acceptable subject to a future consideration and assessment of its impact on the amenities of neighbouring

residential properties (as part of an assessment of the relevant Reserved Matters application).

39. The Ward Councillors and the Parish Council's comments regarding design aspects of the submission are noted, however Councillors are advised that the design, or more accurately the 'layout' and 'appearance' of the proposed school, are not matters for consideration at this time. The Borough Council are only a consultee on this application and therefore the determining authority (Nottinghamshire County Council) would need to seek the technical expertise of the relevant consultees prior to determining the application.
40. Any details submitted making reference to the layout or appearance of the building, or indeed any details lacking from this submission cannot be considered at this time and would be subject to any subsequent Reserved Matters submission(s) should either this outline permission be granted or the approved, extant outline permission implemented.

Highway Safety and Parking

41. The proposed site is intended to be served by a vehicular access off Rempstone Road that would also serve the 286 dwellings approved recently and currently under construction by David Wilson Homes. A separate non-vehicular access is proposed via a connecting footpath/cycle link between Sheepwash Way in the neighbouring Persimmon development to the west and Footpath 5 which is located on a north-south axis alongside the western boundary of the application site. The vehicular access arrangements were assessed under application references 16/01880/OUT, 20/02300/REM and 20/00888/FUL and it is understood that they have now gained Section 38 technical approval from the Highway Authority (Nottinghamshire County Council).
42. A pedestrian link between Sheepwash Way and Footpath 5 was also a condition of the grant of permission for application ref 16/01880/OUT that was granted on appeal. Details of the proposed link have recently been discharged (i.e. details have been submitted and agreed to be acceptable) under application ref 20/00887/DISCON in June 2020. This application proposes to alter the width (increasing it to 3m in width for a combined cycle/footway) and surface of the approved 'link'. The principle of the 'link' is therefore already established and accepted in this location.
43. The County Council are responsible for both the highway network at a local level as the Highway Authority as well as the footpath network through their Rights of Way Team. As the determining authority the County Council will therefore have to consider the impacts on the traffic generation and as a result of the proposed footpath improvements in the determination of the application.
44. The Ward Councillors and Parish Council comments/concerns regarding the levels of parking provision, cycle storage, electric vehicle charging points, pick up/drop off points are all noted, however, they do not form part of the submission and are not matters for consideration as part of this application.
45. The adopted Rushcliffe Local Plan Part 1: Core Strategy advocates the reduction in car dependency and promotes the use of sustainable transport modes as a primary method of transport. The proposed improvements to the

pedestrian and cycle links to and from the school are therefore welcomed and whilst there are no details of the proposed other sustainable transport elements commented on by the Ward Councillors and Parish Council, the details as provided are considered to strike a fair balance to complying with the policy based on the details to be considered at this time.

Flood Risk and Contamination

46. Rushcliffe Borough Council notes the submission of a Flood Risk Assessment and Drainage Strategy to accompany the proposed development. The northern edge of the site is located within flood zoned 2 and 3 although the majority of the site is located within flood zone 1. The layout of the development is not a matter for consideration at this time however the submission does make reference to the built development being located towards the southern parts of the site, i.e. within flood zone 1.
47. The technical guidance to the NPPF states that developments of a more vulnerable category such as the proposed educational use are appropriate within flood zone 1, without the application of the Sequential Test. As part of the site is shown within flood zone 3, the site would need to be covered by the Sequential Test, though with the parts of the development classed as more vulnerable being proposed are indicated to be located within flood zone 1 only, the proposed development site can be seen as sequentially preferable. The recommendations contained within the Flood Risk Assessment and Drainage Strategy are also noted and officers advise that they should be implemented.
48. As part of a major development site, consultation with the Lead Local Flood Authority has taken place with respect to the residential development that already benefits from planning permission. Nottinghamshire County Council are themselves the Lead Local Flood Authority and, therefore, officers advise that their views and advice in respect of the proposed Sustainable Drainage Systems should be sought.
49. The site is currently an arable field and whilst the Borough Council's Environmental Health Officer does not object to the proposal, they do request that a number of conditions are attached to any grant of permission. Those requested conditions include a requirement that a written report of the findings of an exploratory Site Investigation (SI) with either a generic and/or detailed quantitative risk assessment of those findings be submitted prior to any works commencing on site. This is despite the inclusion of the preliminary risk assessment submitted with the application.
50. Other conditions requested by the Environmental Health Officer relate to testing for any stone or soils imported to the site; the submission of a construction management plan (CMP); a method statement to be submitted if any foundations are to be pile driven, controls on the hours of construction and deliveries to the site, details of any lighting to be installed on site and the noise levels for the proposed air source heat pump.

Ecology

51. The application has been accompanied by Preliminary Ecological Assessment Report (PEAR) which notes the site is dominated by poor semi-improved grassland, with plantation woodland, a copse of trees, scattered and dense

scrub, tall ruderal vegetation, hedgerows and an eutrophic stream (Sheepwash Brook). The report concludes that there is the potential for protected species or habitats to be present on site and impacted by the proposal and, therefore, recommends that further surveys for great crested newts, bats, reptiles and badgers be undertaken and that a suitably qualified ecologist is present to check for nesting birds depending on the detailed layout of the development and the time of works and development is undertaken.

Archaeology

52. The submission correctly states that an archaeological desktop survey was previously provided as part of the discharge of conditions for Planning Application Reference 19/02832/DISCON in in 2019 as conditioned on permission reference 16/01880/OUT. This written scheme of investigation indicated an assessment and trench to the South of the site approximately where the school building is proposed to be located. The Borough Council are a consultee on this application and therefore the determining authority (Nottinghamshire County Council) would need to seek the technical expertise of the relevant consultees prior to determining the application.

Conclusion

53. The principle of a 2 form entry school in this location is already established, acceptable and required in order to serve the needs of the wider residential development(s). Nevertheless, the County Council have submitted a separate stand alone outline application with only the 'access' and 'scale' of development to be considered at this time. Details of the 'appearance', 'layout' and 'landscaping' are reserved for future consideration.
54. The scale (two storeys and up to 12m high with a circa *1285m² Gross Internal Area extended by approximately 950m² for the 2 form entry*) and access (vehicular via the approved Rempstone Road housing development with additional pedestrian cycle access via a link between Sheepwash Way and Footpath 5) are considered to be acceptable. However, the recommendations as set out in the ecology report along with the technical input of the Highway Authority, the Lead Local Flood Authority and Archaeological Team are recommended to be sought and consideration be given to the environmental credentials of the building through the use of solar panels, grey water harvesting, EV charging points etc.
55. The Borough Council also advises the County Council to consider the implications of the Traffic Regulation Orders in the event that such controls are not secured through the democratic process. Further consideration should be given to the impact of the construction of the development upon the biodiversity habitat of the surrounding area as well as an ecological enhancement scheme being secured as part of the development.

RECOMMENDATION

It is RECOMMENDED that the County Council be informed that the Borough Council does not object to the proposal subject to the following condition(s) (along with any other conditions that the County Council consider appropriate):

1. The development hereby permitted must not proceed above the damp proof course level until details of the type, texture and colour of the materials to be used in the construction of the exterior of the development have been submitted to and approved in writing by the Local Planning Authority. The development must only be constructed in accordance with the approved materials.
2. The development hereby permitted may not be begun unless:
 - (a) a Biodiversity Gain Plan (BGP) has been submitted to the Local Planning Authority County Council, and:
 - (b) the County Council has approved the BGP.

The development shall be carried out in accordance with the approved BGP

3. The development hereby approved shall not commence until the recommendations listed in the Preliminary Ecological Assessment Report (PEAR) have been undertaken and the relevant reports containing any mitigation measures have been submitted to the Local Planning Authority. Thereafter the development shall be carried out in accordance with the recommendations contained within the details and retained as such for the lifetime of the development.
4. The development hereby permitted shall not commence until details of both the existing and proposed land levels across the site and relative to adjoining land, together with the finished floor levels of the proposed building(s), have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development hereby permitted must be carried out and completed in accordance with the approved details.
5. The development hereby permitted shall not be occupied or first brought into use until a Landscaping Scheme (LS), has been submitted to and approved in writing by the Local Planning Authority.

The LS must provide details of all hard and soft landscaping features to be used and include the following:

- An accurate survey of all existing trees and other natural features showing those to be retained and those to be removed;
- Detailed plans showing the location of all new trees and shrubs to be planted, including the number and/or spacing of shrubs in each shrub bed or hedgerow.
- A schedule of the new trees and shrubs (using their botanical/latin names) to be planted including their size at planting (height or spread for shrubs, height or trunk girth for trees);
- Plans showing the proposed finished land levels/contours of landscaped areas;
- Details of all proposed hard surfaces areas, retaining structures, steps, means of enclosure, surface finishes and any other hard landscaping features;
- Details of the protection measures to be used of any existing landscape features to be retained.

The approved LS must be carried out and completed in accordance with the approved details no later than during the first planting season (October – March) following either the substantial completion of the development hereby permitted or it being first brought into use, whichever is sooner.

If, within a period of 5 years of from the date of planting, any tree or shrub planted as part of the approved LS is removed, uprooted, destroyed, dies or become diseased or damaged then another tree or shrub of the same species and size as that originally planted must be planted in the same place during the next planting season following its removal.

Once provided all hard landscaping works shall thereafter be permanently retained throughout the lifetime of the development.

6. The development hereby permitted must not commence and no preparatory operations in connection with the development hereby permitted (including demolition, site clearance works, fires, soil moving, temporary access construction and/or widening, or any operations involving the use of motorised vehicles or construction machinery) shall take place on the site until a detailed Arboricultural Method Statement (AMS) prepared in accordance with BS5837:2012 'Trees in relation to design, demolition and construction – Recommendations', has been submitted to and approved in writing by the Local Planning Authority and all protective fencing has been erected as required by the AMS. The AMS must include full details of the following:
 - a) The timing and phasing of any arboricultural works in relation to the approved development;
 - b) Detailed tree felling and pruning specification in accordance with BS3998:2010 Recommendations for Tree Works;
 - c) Details of a Tree Protection Scheme in accordance with BS5837:2012 which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site which are to be retained or which are the subject of any Tree Preservation Order;
 - d) Details of any construction works required within the root protection area as defined by BS5837:2012 or otherwise protected in the Tree Protection Scheme;
 - e) Details of the location of any underground services and methods of installation which make provision for protection and the long-term retention of the trees on the site. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, no services shall be dug or laid into the ground other than in accordance with the approved details;
 - f) Details of any changes in ground level, including existing and proposed spot levels, required within the root protection area as defined by BS5837:2012 or otherwise protected in the approved Tree Protection Scheme;
 - g) Details of the arrangements for the implementation, supervision and monitoring of works required to comply with the AMS.
7. If during the course of carrying out the development hereby permitted any unexpected contamination is found that has not been previously identified, it must be reported to the Local Planning Authority within (48 hours). All development on the site must cease immediately and must not recommence until a written scheme for the investigation and risk assessment of the

unexpected contamination has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme must be prepared by a suitably qualified 'competent person' (as defined in the National Planning Policy Framework February 2019) and must be in accordance with the Environment Agency's 'Land Contamination Risk Management' (LCRM).

a) Where remediation of the contamination is necessary no further development shall commence on the site until a Remediation Strategy (RS) has been submitted to and approved in writing by the Local Planning Authority. The submitted RS must include:

- full details of how the contamination on the site is to be remediated and include (where appropriate) details of any options appraisal undertaken;
- the proposed remediation objectives and criteria; and,
- a verification plan.

The RS must demonstrate that as a minimum the site after remediation will not be capable of being classified as contaminated land under Part 2A of the Environmental Protection Act 1990.

b) The development hereby permitted must not be occupied or first brought into use until the site has been remediated in accordance with the approved RS and a written Verification Report (VR) confirming that all measures outlined in the approved RS have been successfully carried out and completed has been submitted to and agreed in writing by the Local Planning Authority. The VR must include, where appropriate the results of any validation testing and copies of any necessary waste management documentation.

8. Any topsoil (natural or manufactured), or subsoil that is to be imported onto the site must be assessed for chemical or other potential contaminants in accordance with a written scheme of investigation which shall be submitted to and approved in writing by the local planning authority prior to the material being brought onto the site. Only material that has been tested in accordance with the approved investigation scheme shall be imported onto the site.

9. The development hereby permitted shall not commence and no preparatory operations in connection with the development (including site clearance works, fires, soil moving, temporary access construction and / or widening, or any operations involving the use of motorised vehicles or construction machinery) shall take place on the site until a site specific Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The CMP must include details outlining:

- appropriate provision for the parking of vehicles within the site belonging to construction operatives and/or visitors;
- areas for loading and unloading plant and materials;
- the location and appearance of any site compound/material storage areas, including heights of any cabins to be sited and details of any external lighting;
- measures to control the emission of dust and dirt during construction;
- measures for the storage/recycling/disposal of waste resulting from the construction works;
- any hoarding to be erected;

- Details of the construction hours; and
- Details of delivery hours to the site

The approved CMP must be adhered at all times throughout the construction period for the development.

10. Prior to the construction of any building on the site proceeding above damp proof course level, a scheme for the provision of Electric Vehicle Charging Points (EVCP's) must be submitted to and approved in writing by the Local Planning Authority. The submitted scheme must include details of the type, number and location of the proposed EVCP apparatus. The school building(s) shall not be brought into use until the EVCP's have been installed in accordance with the approved scheme. Thereafter EVCP's must be permanently retained in accordance with the approved scheme throughout the lifetime of the development.
11. Any aggregate (other than virgin quarry stone) that is to be imported onto the site must be assessed for chemical or other potential contaminants in accordance with a written scheme of investigation which shall be submitted to and approved in writing by the local planning authority prior to the material being bought onto the site. Only material that has been tested in accordance with the approved investigation scheme shall be imported onto the site.
12. If pile driven foundations are to be used for the construction of the development, a method statement detailing techniques for the control of noise, dust and vibration from piling works, and the protection of neighbouring dwellings, shall be submitted and approved by the Local Planning Authority prior to the development commencing. The method statement shall have regard to the guidance given in:
 - BS 5228-1:2009+A1: 2014 - Code of practice for noise and vibration control on construction and open sites. Noise
 - The control of dust and emissions from construction and demolition. Best Practice Guidance; Greater London Authority, November 2006.

Thereafter the works shall be carried out in accordance with the approved method statement.

14. If any external lighting (including security lighting and floodlights) is to be installed, the details of such [together with a lux plot of the estimated illuminance] shall be submitted to and approved in writing by the Local Planning Authority prior to its installation. All lighting will need to conform to the Institute of Lighting Engineers document 'Guidance Note 01/20 Guidance note for the reduction of obtrusive light'. Thereafter the approved lighting shall be installed in accordance with the approved details and be retained as such for the lifetime of the development.
15. Before the use is commenced, the noise levels for the air source heat pump that is to be installed shall be submitted to and approved in writing by the Local Planning Authority. If this information is inconclusive or not complete then the applicant will be required to undertake a full noise assessment in accordance with BS 4142: 2014+A1: 2019 Methods for rating and assessing industrial and commercial sound. This report will need to make it clear that the

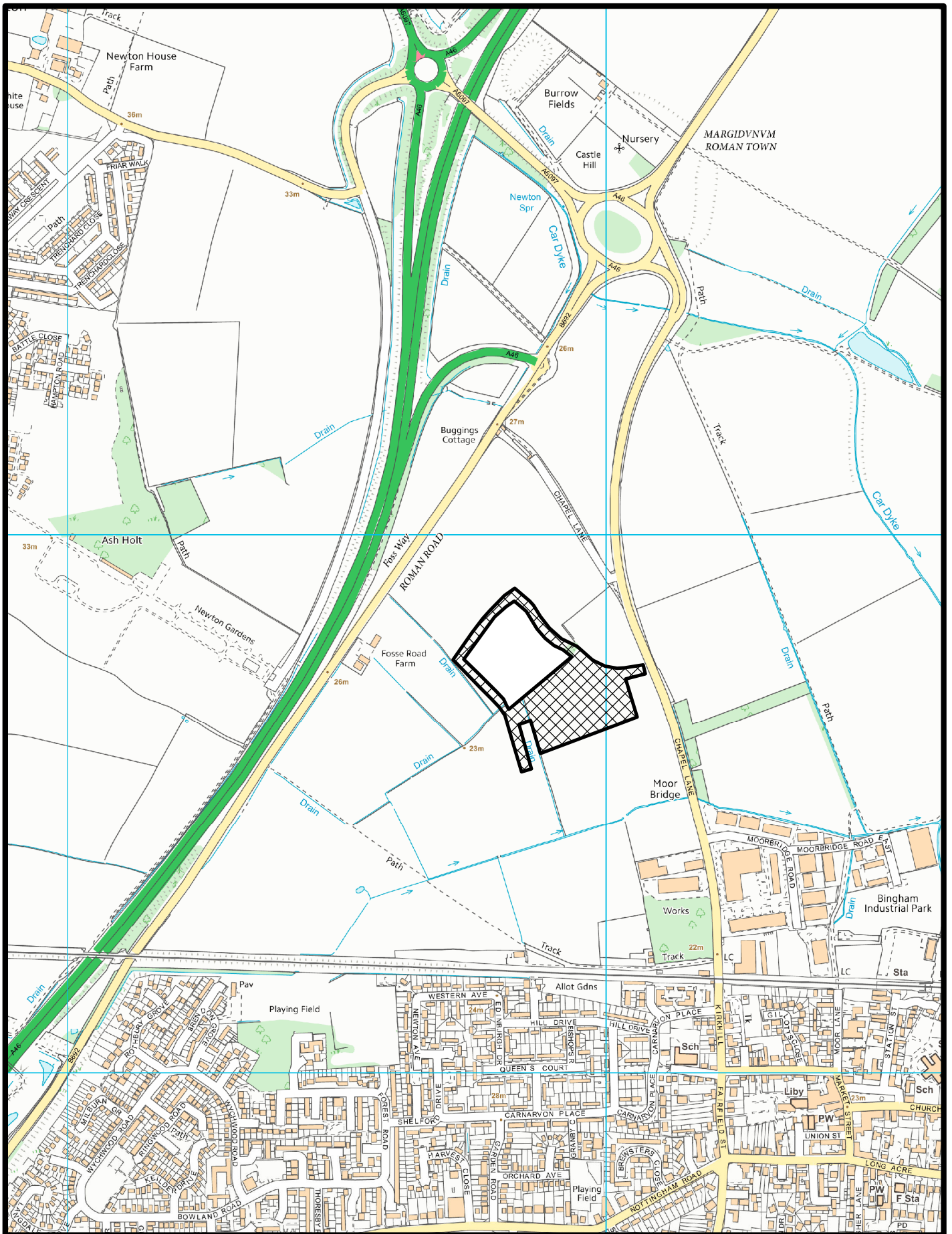
plant/equipment is capable of operating without causing a noise impact on neighbouring properties. Thereafter the air source heat pump shall be installed operated and maintained in accordance with the approved details for the lifetime of the development.

Informatives

The technical input of the Highway Authority, the Lead Local Flood Authority and Archaeological Team are recommended to be sought and consideration be given to the environmental credentials of the building through the use of solar panels, grey water harvesting, EV charging points etc.

The Borough Council also advises the County Council to consider the implications of the Traffic Regulation Orders in the event that such controls are not secured through the democratic process.

Further consideration should be given to the impact of the construction of the development upon the biodiversity habitat of the surrounding area as well as an ecological enhancement scheme being secured as part of the development.



Application Number: 21/01046/CTY
Bingham SUE Primary School, Land off Widnall Drive, Bingham



scale 1:10,000

page 77

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Rushcliffe Borough Council - 100019419

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21/01046/CTY

Applicant Nottingham County Council Children And Families

Location Land Off Widnall Drive Bingham Nottinghamshire NG13 7AE

Proposal Construction of new 315 (1.5FE) place primary school with 26 place nursery over two phases (1st phase 1FE 210 place with 26 place Nursery) associated playing fields, car parking (including lighting columns 4m high), lit service areas and sprinkler tank, hard surfaced outdoor play and footpaths. Associated landscaping and covered areas to nursery/reception classes, sun canopies, fenced sprinkler tank and bin store, 2.4m high security fencing and gates to boundary, including lit path between Widnall Drive and Dunsmore Avenue, associated highway works and safe pedestrian movement.

Ward Bingham West

THE SITE AND SURROUNDINGS

1. The site comprises a 1.5ha parcel of unmanaged arable land bound by a newly constructed residential housing development to the north. To the east, south and west the site is bound by arable land, all of which will be part of the development of the area with 1,050 new dwellings, around 15ha of employment land and supporting infrastructure approved as part of the Bingham Sustainable Urban Extension (SUE). The topography gently falls from West to East, and is largely level. The site falls entirely within Floodzone 1.
2. The site location plan provided with this application shows the extent of the development parcel relevant to the first two phases of the approved residential development.

DETAILS OF THE PROPOSAL

3. This is a County Matter application where Rushcliffe Borough Council is a Consultee. The County Council is the determining authority for this proposal and, whilst considering the application they are also the applicant in this instance.
4. The proposal is for full planning permission for the erection of a new single storey school to be completed over two phases. Phase one initially allows for a new, 210 place (single form entry (1FE)) Primary School (with associated facilities and playing fields) with a 26 place nursery (total 236 pupils). Phase two would increase the school to a 1.5 form entry (1.5FE), 315 place primary school with an additional 26 place nursery (total 341 pupils). This application is for both phases.
5. The County Council's requirement is to provide a single storey primary school (to be run by an Academy Trust) with certain communal areas such as the Studio and Main Hall oversized to 1.5FE in readiness for the Phase 2 future

expansion to minimise future disruption. The Phase 1 (1FE) gross internal floor area (GIA) would be 1405m², the future Phase 2 (1.5FE) would see an increased GIA to 1770m². The Staff Numbers have been estimated at 21 staff for the 1FE increasing to 28 for the 1.5FE however, the final staffing would be decided by the Academy Trust.

6. The school building would have a linear footprint sited along a WSW and ENE orientation, located towards the northern edge of the irregular shaped site with sports pitches (both hard surfaced and turfed) to its south. The main school reception/entrance would be accessed from the WNW opposite the main pedestrian entrance. Children would access the school via the tarmac playground into their respective classrooms rather than via the main entrance and there is a separate Nursery/Reception entrance and secure play area proposed.
7. The building would be sited approximately 25m from the site boundary to the west and 53m to the south boundary. Phase 2 would see the school expand from 236 to 341 places through the provision of a single storey extension as a continuation of the proposed built form at the eastern end of the proposed building. The proposed phase 2 accommodation would provide three further classrooms, meeting rooms, a group room, toilets and storage. The hall and kitchen would face the car park to the west of the building with classrooms located in the North/South orientation. Twenty one car parking spaces (including two disability spaces) are proposed together with a separate delivery service area which would also lead to a sprinkler tank screened with a 3.5m timber fence and 2m high timber fence for the bin store. The proposed car park includes additional spaces required for the phase 2 development. The cycle shelter would accommodate forty cycles, thirty five for students and five for staff and visitors.
8. The proposed building would be single storey with the Main Hall ridge height being slightly higher than the rest of the school at 5,980mm from ground level and the main school 4,500mm generally from ground level. The plan is long and linear which would lend itself to be easily extendable for Phase 2.
9. Pedestrian and vehicular access to the school would be from the new roads being constructed to serve the surrounding residential development with the main vehicular access proposed off Widnall Drive.
10. A simple palette of materials is proposed to reflect and compliment the character of the local housing area. The predominant proposed material is brickwork, whilst rendered areas would break up the elevation and correspond to the year groups to provide contrast to the outdoor spaces. All external window frames, louvres and doors are proposed to be made of aluminium with a polyester powder coated finish in Anthracite Grey.

SITE HISTORY

11. The site has an extensive planning history, the most relevant of which is listed below.
12. Application 10/01962/OUT for 1,050 Residential Dwellings (C3); 15.6 hectares of employment development (B1, B2 and B8); local centre comprising up to 300m² of retail floor space (A1); primary school (D1); and community centre

(D2); a 1.6 hectare mixed use site (B1, B2, B8 and car parking); allotments and open space (including play areas and community park); flood management and drainage works; transport and access works; and ancillary works was approved subject to a S106 agreement in December 2013.

13. Application 17/01170/VAR, which sought to vary a number of the conditions attached to permission ref 10/01962/OUT was approved subject to a S106 agreement in December 2017.
14. Application 17/02106/REM for the first phase of 317 Residential Dwellings was approved in February 2018.
15. Application 18/01468/REM for the remaining 733 Residential dwellings across the development was approved in February 2019.
16. Application 20/03212/REM for the re-plan of 254 dwellings was approved in March 2021.
17. Application 21/00232/REM for the re-plan of 172 dwellings is currently pending consideration at the time of writing this report.
18. A Section 106 agreement (deed of variation) for (planning reference 17/01170/VAR) was entered into in August 2017. Contained within that agreement was the requirement for the primary school contribution scheme as well as a link back to the 2010 S106 agreement which required the provision of the Primary School Land.

REPRESENTATIONS

Ward Councillor(s) and Parish Council

19. One Ward Councillor (Cllr J Stockwood) comments that they are “aware there is an issue of local concern that any bus service changes to support the school should not be to the detriment of the existing service to Bingham West.”
20. One Ward Councillor for the adjoining Ward of Bingham East (Cllr Williams) has no objections to the proposal.
21. Bingham Town Council has no objections to make but has requested their concerns regarding the flood risk levels for neighbouring properties be considered.

Statutory and Other Consultees

22. Rushcliffe’s Environmental Sustainability Officer noted that a Preliminary Ecological Assessment had been supplied, but requested further information be made available for consideration.

Relevant National Planning Policies and Guidance

23. The National Planning Policy Framework (NPPF) sets out the Government’s planning policies for England. It carries a presumption in favour of sustainable development and makes clear that applications must be determined in accordance with the development plan unless material considerations indicate

otherwise (Paragraph 11). Paragraph 12 states, *“Proposed development that accords with an up to date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.”* Paragraph 14 states that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the Policies in the NPPF taken as a whole.

24. Paragraph 17 sets out 12 core planning principles that it says should underpin plan making and decision taking. These include that planning should; be genuinely plan-led, proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs, to seek to secure high quality design and a good standard of amenity, support the transition to a low carbon future in a changing climate, taking full account of flood risk, contribute to conserving and enhancing the natural environment, promote mixed use developments and to actively manage patterns of growth.
25. The sections of the NPPF that have relevance to the determination of this application include; 4. Promoting sustainable transport; 6. Delivering a wide choice of high quality homes; 7. Requiring good design; 8. Promoting healthy communities; 10. Meeting the challenge of climate change, flooding and coastal change; and 11. Conserving and enhancing the natural environment.

Relevant Local Planning Policies and Guidance

26. The Rushcliffe Local Plan Part 1: Core Strategy (LPP1) was formally adopted in December 2014. It sets out the overarching spatial vision for the development of the Borough to 2028.
27. The site forms part of a wider area allocated under policy 21 of the LPP1 as a strategic site for housing of around 1,000 dwellings and an appropriate mix of B1, B2 and B8 employment development, a neighbourhood centre and other community facilities as appropriate. The policy requires the provision of an on site primary school.
28. The following policies in the LPP1 are relevant:
 - Policy 1 - Presumption in Favour of Sustainable Development;
 - Policy 2 - Climate Change;
 - Policy 3 - Spatial Strategy;
 - Policy 10 - Design and Enhancing Local Identity;
 - Policy 12 - Local Services and Healthy Lifestyles;
 - Policy 14 - Managing Travel Demand;
 - Policy 15 - Transport Infrastructure Priorities;
 - Policy 16 - Green Infrastructure, Landscape, Parks and Open Space;
 - Policy 17 - Biodiversity;
 - Policy 18 - Infrastructure; and
 - Policy 19 - Developer Contributions
29. The Local Plan Part 2: Land and Planning Policies (LLP2) was adopted in October 2019 and the following policies in LPP2 are also considered material to the consideration of this application:

- Policy 1 - Development Requirements
- Policy 18 - Surface Water Management
- Policy 19 - Development affecting Watercourses
- Policy 20 - Managing Water Quality
- Policy 29 - Development affecting Archaeological Sites
- Policy 37 - Trees and Woodlands
- Policy 38 - Non-designated Biodiversity Assets and the wider Ecological network
- Policy 39 - Health Impacts of Development
- Policy 40 - Pollution and Land Contamination
- Policy 43 - Planning Obligations Threshold

APPRAISAL

Principle of Development

30. An extant planning permission exists for the erection of a school building through the grant of outline planning permission 10/01962/OUT for 1,050 Residential Dwellings (C3); 15.6 hectares of employment development (B1, B2 and B8); local centre comprising up to 300m² of retail floor space (A1); primary school (D1); and community centre (D2); a 1.6 hectare mixed use site (B1, B2, B8 and car parking); allotments and open space (including play areas and community park); flood management and drainage works; transport and access works; and ancillary works. That permission was varied under application 17/01170/VAR and the S73 application remains extant. As part of the residential development currently being constructed by both Barratt Homes and David Wilson Homes a Section 106 agreement has been entered into which relates to this land and the provision of the primary school and the primary school land.
31. For this reason, although the current application is an independent full planning application, the principle of a school facility in this location is considered to be already established, and therefore acceptable.

Design and impact upon neighbouring amenity

32. Policy 10 of the LPP1 requires that all new development should, amongst other things, make a positive contribution to the public realm and sense of place and should have regard to the local context and reinforce local characteristics. Specifically, with regard to design, the policy requires that development be assessed in terms of its massing, scale and proportion; and in terms the proposed materials, architectural style and detailing. Policy 1 of the LPP2 broadly echoes policy 10.
33. Chapter 12 of the Framework is concerned with achieving well-designed places. Specifically, it requires that development should function well and add to the overall quality of the area, not just in the short term but over the lifetime of the development. Development should also be visually attractive as a result of good architecture, layout and landscaping, and should be sympathetic to local character and history, and maintain a strong sense of place. Importantly, permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area

and the way it functions.

34. The submission, on which the Borough Council has been consulted, is an application seeking full planning permission and therefore all details have been provided. The submission clarifies that the building is proposed along the northern edge of the irregular shaped development site with sports pitches to the south. The proposed building would comprise a single storey linear form, circa 6m high at its tallest point (the hall) with the majority of the remaining structure circa 4.5m high above ground level. In the context of its surrounds, alongside an approved residential development, the overall heights and footprint of the proposed school building are considered to be acceptable in terms of separation distance and visual impact on the character of the street scene. However, the location of the proposed sports pitches is in close proximity to the approved residential dwellings located along the southern boundary of the site. Officer note that it appears that some flood lighting may be proposed around the two sports pitches in the south-eastern part of the site and therefore the impact on the amenity of adjoin residents in the darker evenings/winter months could be impacted. It is therefore suggested that a lighting assessment be conditioned to assess the impacts on the adjoining residents.
35. Officers also have concerns about the potential for ball strike on the amenity of the adjoining residents, especially if the sports pitches are to be used outside of school hours by local community groups. It is noted that relatively short stretches of acoustic fencing are proposed along the southern boundary of the proposed hard surfaced play area and 3m high weldmesh fencing is proposed along part of the southern boundary of one of the turfed sports pitches. Officers also note that whilst an acoustic assessment has been submitted, it does not seem to cover the noise from the use of the outside play/sports pitches and the potential impact on neighbouring residents. It is therefore not understood why only part of the southern boundary is proposed to have an acoustic fence installed along it. It is therefore recommended that a **ball strike analysis and noise impact assessment for all the outside play/sports pitches on the southern side of the building** be undertaken prior to the school being brought into use to ensure that appropriately sized fencing is erected to protect the amenity of the adjoining residents.

Highway Safety and Parking

36. The proposed site is intended to be served by a vehicular access off Widnall Road, approved and recently constructed as part of the neighbouring residential development. A separate non-vehicular access is proposed via a connecting footpath/cycle link across the northern frontage of the site that connects Widnall Road to Dunsmore Avenue. The road layouts were assessed under application references 17/02106/VAR and 18/01468/REM, however the access arrangements into the site were not considered at that time as the exact location(s) and layout were not known.
37. The Committee are reminded that the Borough Council is a consultee on this proposal and that the County Council are responsible for both the highway network at a local level as the Highway Authority, as well as the footpath network through their Rights of Way Team. As the determining authority the County Council will therefore have to consider the impacts on the traffic generation and as a result of the proposed footpath improvements in the

determination of the application.

38. The adopted LPP1 advocates the reduction in car dependency and promotes the use of sustainable transport modes as a primary method of transport. The proposed parking and cycle provision are considered to strike a fair balance between providing sufficient on-site parking for enough staff and visitors, whilst encouraging the use of cycles and bus service provision which will operate as the housing development progresses into later phases.

Flood Risk, Drainage and Contamination

39. It is noted that the application site is located entirely within flood zone 1 and therefore does not require a Flood Risk Assessment.
40. The technical guidance to the NPPF states that developments of a more vulnerable category such as the proposed educational use are appropriate within flood zone 1, without the application of the Sequential Test. The lack of objection from the Environment Agency is also noted as part of the submission documents.
41. As part of a major development site, consultation with the Lead Local Flood Authority has taken place with respect to the residential development that already benefits from planning permission. Nottinghamshire County Council are themselves the Lead Local Flood Authority and therefore it is advised that the views and advice of the relevant team in respect of the proposed Sustainable Drainage Systems should be sought.
42. The site is currently an arable field and, therefore, it is not anticipated that the land would be contaminated due to previous land uses and as a result of details submitted as part of the wider development in respect of land contamination.

Ecology

43. The application has been accompanied by Preliminary Ecological Assessment Report (PEAR) which notes the site comprises unmanaged arable land and tall ruderal vegetation and that a wet ditch and a band of plantation woodland lies adjacent to the site boundary. The PEAR also notes that there is limited connectivity to the wider landscape due to the presence of Chapel Lane to the east and the A46 to the west of the site and the surrounding residential development. However, some connectivity is provided with wet ditches/drains running adjacent to the site and into the wider landscape. The report concludes that there is the potential for protected species or habitats to be present on site and impacted by the proposed development and, therefore, recommends that further surveys for amphibians may be required, along with other recommendations to minimise impacts on protected species/adopting a precautionary approach.
44. It is noted that the Borough Council's Environmental Sustainability Officer has not been able to provide a final response as they were waiting on additional matters to be clarified by the applicants. Nevertheless, any comments received will be reported to the Committee through the late representations procedure. Regardless of this, officers suggest that the recommendations within the PEAR should be conditional to the grant of any planning permission.

Archaeology

45. The design and access statement advises that the County Archaeologist recommends that archaeological monitoring of all ground activities of all groundworks during construction excavations be undertaken. The Borough Council are a consultee on this application and therefore the determining authority (Nottinghamshire County Council) would need to seek the technical expertise of the relevant consultees prior to determining the application with respect to any suitably worded condition(s).

Conclusion

46. The principle of a one and a half form entry school in this location is established, acceptable and required in order to serve the needs of the wider residential development. Outline permission already exists as part of the wider redevelopment of the land to the north of Bingham. Nevertheless, the County Council have submitted a separate standalone full application for consideration.
47. The design of the proposed building is considered to be acceptable and not to impact on the character and appearance of the area in the context of the wider residential development.
48. However, the recommendations as set out in the ecology report along with the technical input of the Highway Authority, the Lead Local Flood Authority and Archaeological Team are recommended to be sought and consideration be given to the environmental credentials of the building through the use of solar panels, grey water harvesting, EV charging points etc. Conditions requiring a ball-strike assessment and a noise impact assessment from the sports/play areas on the properties along the southern boundary (amongst others) are also suggested.
49. The Borough Council also advises the County Council to consider the implications of the Traffic Regulation Orders in the event that such controls are not secured through the democratic process. Further consideration should be given to the impact of the construction of the development upon the biodiversity habitat of the surrounding area as well as an ecological enhancement scheme being secured as part of the development.

RECOMMENDATION

It is RECOMMENDED that the County Council be informed that the Borough Council does not object to the proposal subject to the following condition(s) (along with any other conditions that the County Council consider appropriate):

1. The development hereby permitted must not proceed above the damp proof course level until details of the type, texture and colour of the materials to be used in the construction of the exterior of the development have been submitted to and approved in writing by the Local Planning Authority. The development must only be constructed in accordance with the approved materials.

2. The development hereby permitted may not be begun unless—
 - (a) a Biodiversity Gain Plan (BGP) has been submitted to the Local Planning Authority, and:
 - (b) the Local Planning Authority has approved the BGP.

The development shall be carried out in accordance with the approved BGP.

3. The development hereby approved shall not commence until the recommendations listed in the Preliminary Ecological Assessment Report (PEAR) have been undertaken and the relevant reports containing any mitigation measures have been submitted to the Local Planning Authority. Thereafter the development shall be carried out in accordance with the recommendations contained within the details and retained as such for the lifetime of the development.
4. The development hereby permitted must not commence until details of both the existing and proposed land levels across the site and relative to adjoining land, together with the finished floor levels of the proposed building(s), have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development hereby permitted must be carried out and completed in accordance with the approved details.
5. The development hereby permitted must not be occupied or first brought into use until a Landscaping Scheme (LS), has been submitted to and approved in writing by the Local Planning Authority.

The LS must provide details of all hard and soft landscaping features to be used and include the following:

- An accurate survey of all existing trees and other natural features showing those to be retained and those to be removed;
- Detailed plans showing the location of all new trees and shrubs to be planted, including the number and/or spacing of shrubs in each shrub bed or hedgerow.
- A schedule of the new trees and shrubs (using their botanical/Latin names) to be planted including their size at planting (height or spread for shrubs, height or trunk girth for trees);
- Plans showing the proposed finished land levels/contours of landscaped areas;
- Details of all proposed hard surfaces areas, retaining structures, steps, means of enclosure, surface finishes and any other hard landscaping features;
- Details of the protection measures to be used of any existing landscape features to be retained.

The approved LS must be carried out and completed in accordance with the approved details no later than during the first planting season (October – March) following either the substantial completion of the development hereby permitted or it being first brought into use, whichever is sooner.

If, within a period of 5 years from the date of planting, any tree or shrub planted as part of the approved LS is removed, uprooted, destroyed, dies or become

diseased or damaged then another tree or shrub of the same species and size as that originally planted must be planted in the same place during the next planting season following its removal.

Once provided all hard landscaping works shall thereafter be permanently retained throughout the lifetime of the development.

6. The development hereby permitted must not commence and no preparatory operations in connection with the development hereby permitted (including demolition, site clearance works, fires, soil moving, temporary access construction and/or widening, or any operations involving the use of motorised vehicles or construction machinery) shall take place on the site until a detailed Arboricultural Method Statement (AMS) prepared in accordance with BS5837:2012 'Trees in relation to design, demolition and construction – Recommendations', has been submitted to and approved in writing by the Local Planning Authority and all protective fencing has been erected as required by the AMS.

The AMS must include full details of the following:

- a) The timing and phasing of any arboricultural works in relation to the approved development;
 - b) Detailed tree felling and pruning specification in accordance with BS3998:2010 Recommendations for Tree Works;
 - c) Details of a Tree Protection Scheme in accordance with BS5837:2012 which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site which are to be retained or which are the subject of any Tree Preservation Order;
 - d) Details of any construction works required within the root protection area as defined by BS5837:2012 or otherwise protected in the Tree Protection Scheme;
 - e) Details of the location of any underground services and methods of installation which make provision for protection and the long-term retention of the trees on the site. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, no services shall be dug or laid into the ground other than in accordance with the approved details;
 - f) Details of any changes in ground level, including existing and proposed spot levels, required within the root protection area as defined by BS5837:2012 or otherwise protected in the approved Tree Protection Scheme;
 - g) Details of the arrangements for the implementation, supervision and monitoring of works required to comply with the AMS.
7. If during the course of carrying out the development hereby permitted any unexpected contamination is found that has not been previously identified, it must be reported to the Local Planning Authority within (48 hours). All development on the site must cease immediately and must not recommence until a written scheme for the investigation and risk assessment of the unexpected contamination has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme must be prepared by a suitably qualified 'competent person' (as defined in the National Planning Policy Framework February 2019) and must be in accordance with the Environment Agency's 'Land Contamination Risk Management' (LCRM).

- a) Where remediation of the contamination is necessary no further development shall commence on the site until a Remediation Strategy (RS) has been submitted to and approved in writing by the Local Planning Authority. The submitted RS must include:
- full details of how the contamination on the site is to be remediated and include (where appropriate) details of any options appraisal undertaken;
 - the proposed remediation objectives and criteria; and,
 - a verification plan.
- The RS must demonstrate that as a minimum the site after remediation will not be capable of being classified as contaminated land under Part 2A of the Environmental Protection Act 1990.
- b) The development hereby permitted must not be occupied or first brought into use until the site has been remediated in accordance with the approved RS and a written Verification Report (VR) confirming that all measures outlined in the approved RS have been successfully carried out and completed has been submitted to and agreed in writing by the Local Planning Authority. The VR must include, where appropriate the results of any validation testing and copies of any necessary waste management documentation.
8. Any topsoil (natural or manufactured), or subsoil that is to be imported onto the site must be assessed for chemical or other potential contaminants in accordance with a written scheme of investigation which shall be submitted to and approved in writing by the local planning authority prior to the material being brought onto the site. Only material that has been tested in accordance with the approved investigation scheme shall be imported onto the site.
9. The development hereby permitted must not commence and no preparatory operations in connection with the development (including demolition, site clearance works, fences, soil moving, temporary access construction and/or widening, or any operations involving the use of motorised vehicles or construction machinery) shall take place on the site until a site specific Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The CMP must include details outlining:
- appropriate provision for the parking of vehicles within the site belonging to construction operatives and/or visitors;
 - areas for loading and unloading plant and materials;
 - the location and appearance of any site compound/material storage areas, including heights of any cabins to be sited and details of any external lighting;
 - measures to control the emission of dust and dirt during construction;
 - measures for the storage/recycling/disposal of waste resulting from the construction works;
 - any hoarding to be erected

The approved CMP must be adhered to at all times throughout the construction period for the development.

10. Prior to the construction of any building on the site proceeding above damp proof course level, a scheme for the provision of Electric Vehicle Charging Points (EVCP's) must be submitted to and approved in writing by the Local Planning Authority. The submitted scheme must include details of the type, number and location of the proposed EVCP apparatus. The school building(s) shall not be brought into use until the EVCP's have been installed in accordance with the approved scheme. Thereafter EVCP's must be permanently retained in accordance with the approved scheme throughout the lifetime of the development.
11. Prior to the school first being brought into use an assessment of potential ball strike from all the outside playing areas/sports pitches on any neighbouring building shall be submitted to and be approved in writing by the Local Planning Authority. The assessment shall detail the potential for risk and propose any mitigation measures required to ensure that there will be no significant adverse impact arising from ball-strikes affecting the adjoining properties. Thereafter the school development and any proposed mitigation measures shall be constructed in accordance with the approved details and maintained as such for the lifetime of the development.
12. Prior to the installation of any security lighting/floodlighting for any of the outdoor playing areas/sports pitches details of the lighting, including a timetable for implementation, shall be submitted to and approved in writing by the Local Planning Authority, together with a lux plot of the estimated illuminance. The lighting scheme shall be designed to reduce effects upon sensitive species; upon sensitive habitats to be retained or created on the site and on the amenity of adjoining occupiers. Thereafter the lighting/floodlighting shall be installed only in accordance with the approved details and maintained as such for the lifetime of the development.

Informatives

The technical input of the Highway Authority, the Lead Local Flood Authority and Archaeological Team are recommended to be sought and consideration be given to the environmental credentials of the building through the use of solar panels, grey water harvesting, EV charging points etc.

The Borough Council also advises the County Council to consider the implications of the Traffic Regulation Orders in the event that such controls are not secured through the democratic process.

Further consideration should be given to the impact of the construction of the development upon the biodiversity habitat of the surrounding area as well as an ecological enhancement scheme being secured as part of the development.