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Our reference:
Your reference:
Date: Wednesday, 1 December 2021

To all Members of the Planning Committee

Dear Councillor

A Meeting of the Planning Committee will be held on Thursday, 9 December 2021 at 2.30 pm in the Council Chamber, Rushcliffe Arena, Rugby Road, West Bridgford to consider the following items of business.

This meeting will be accessible and open to the public via the live stream on YouTube and viewed via the link: <https://www.youtube.com/user/RushcliffeBC>
Please be aware that until the meeting starts the live stream video will not be showing on the home page. For this reason, please keep refreshing the home page until you see the video appear.

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 11 November 2021 (Pages 1 - 10)
4. Planning Applications (Pages 11 - 28)
The report of the Director – Development and Economic Growth.

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Monday, Tuesday and Thursday
8.30am - 5pm
Wednesday
9.30am - 5pm
Friday
8.30am - 4.30pm

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5. Item 5 Urgent Item - Additional Planning Application (Pages 29 - 30)

The Report of the Director of Development and Economic Growth is attached.

The Chairman has agreed to the addition of a late report. Members are advised that the late report was not referenced on the agenda as the information pertaining to it was not received until 26 November, the deadline to publish the agenda being 1 December. The Chairman has approved therefore in accordance with standing order 6a the item being considered based on urgency and special circumstances which are due to the late notice from the County Council, this position could not have been avoided.

Membership

Chairman: Councillor R Upton

Vice-Chairman: Councillor Mrs M Stockwood

Councillors: S Bailey, N Clarke, P Gowland, B Gray, L Healy, D Mason, F Purdue-Horan and C Thomas

Meeting Room Guidance

Fire Alarm Evacuation: in the event of an alarm sounding please evacuate the building using the nearest fire exit, normally through the Council Chamber. You should assemble at the far side of the plaza outside the main entrance to the building.

Toilets: are located to the rear of the building near the lift and stairs to the first floor.

Mobile Phones: For the benefit of others please ensure that your mobile phone is switched off whilst you are in the meeting.

Microphones: When you are invited to speak please press the button on your microphone, a red light will appear on the stem. Please ensure that you switch this off after you have spoken.

Recording at Meetings

The Openness of Local Government Bodies Regulations 2014 allows filming and recording by anyone attending a meeting. This is not within the Council's control.

Rushcliffe Borough Council is committed to being open and transparent in its decision making. As such, the Council will undertake audio recording of meetings which are open to the public, except where it is resolved that the public be excluded, as the information being discussed is confidential or otherwise exempt



MINUTES OF THE MEETING OF THE PLANNING COMMITTEE THURSDAY, 11 NOVEMBER 2021

Held at 2.30 pm in the Council Chamber, Rushcliffe Arena, Rugby Road, West Bridgford

PRESENT:

Councillors R Upton (Chairman), Mrs M Stockwood (Vice-Chairman), B Gray, L Healy, R Jones, D Mason, F Purdue-Horan, C Thomas, R Butler, J Murray and A Phillips

ALSO IN ATTENDANCE:

Councillors A Edyvean (remotely), L Way and S Robinson

OFFICERS IN ATTENDANCE:

A Ashcroft	Planning Services Consultant
E Dodd	Principal Area Planning Officer
P Taylor	Area Planning Officer
P Cook	Principal Planning Officer
R Sells	Solicitor
T Coop	Democratic Services Officer
L Webb	Democratic Services Officer

APOLOGIES:

Councillors S Bailey, N Clarke and P Gowland

15 Declarations of Interest

As Nottinghamshire County Councillor's and members of Nottinghamshire County Council's planning committee, Councillor R Upton, Councillor R Butler and Councillor F Purdue-Horan declared a non-pecuniary interest on application 21/00804/CTY and would not take part in the discussion and vote.

Councillor C Thomas declared an interest as Ward Councillor on application 21/00804/CTY.

16 Minutes of the Meeting held on

The minutes of the meeting held on 14 October 2021 were approved as a true record and signed by the Chairman.

17 Planning Applications

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

20/02670/FUL – Erection of 77 dwellings with landscaping, public open

space and associated infrastructure (revised scheme) – Land At Hillside Farm, Bunny Lane, Keyworth, Nottinghamshire.

Update

Additional representations were received after the agenda was published and were circulated to the Committee before the meeting.

In accordance with the Council's Public speaking Protocol for Planning Committee, Mr R Galij (Applicant), Ms M Butler (Objector) and Councillor A Edyvean (Ward Councillor) addressed the Committee.

Comments

Members of the Committee expressed their concerns in respect of the proximity of the development to the neighbouring farm and sewage treatment plant and the likely odour, noise, dust and flies which would emanate from them. Although mitigation measures to eliminate odour and noise were proposed, members of the Committee did not consider that these were adequate and that the amenity of the future residents of the development would be affected.

DECISION

PLANNING PERMISSION BE REFUSED FOR THE FOLLOWING REASONS

1. It has not been adequately demonstrated that there would be adequate mitigation for the odour/noise/dust and flies created by the neighbouring farm and sewage treatment plant. This would result in an unsatisfactory level of amenity for occupiers of the proposed new housing plots and would be contrary to Policy 4.4, part a) of the Rushcliffe Local Plan Part 2: Land and Planning Policies which states;

‘the amenity of residents should not be significantly affected by noise, odour or dust resulting from the activities of the neighbouring farm;’

As Nottinghamshire County Councillors for the following item, Councillor R Upton, Councillor, R Butler and Councillor F Purdue-Horan removed themselves from the meeting and did not take part in the following discussion.

21/02694/CTY – Erection of 120 Place Temporary School Learning Village Accommodation with a temporary lit access road and permanent lit access path. Associated areas of soft play, canopies, car parking and surface water balancing pond – Land North of Rempstone Road, East Leake, Nottinghamshire

Updates

Additional representations were received after the agenda had been published and were circulated to the Committee before the meeting.

In accordance with the Council's Public Speaking Protocol at Planning

Committee Councillor L Way (Ward Councillor) addressed the Committee.

Comments

Members requested a covering letter be sent to Nottinghamshire County Council outlining all of their concerns to be addressed.

DECISION

THE BOROUGH COUNCIL HAS NO OBJECTIONS TO THE PROPOSAL SUBJECT TO THE FOLLOWING CONDITIONS:

1. All structures, including their foundations and hard surfacing associated with the temporary school buildings hereby permitted must be removed from the land on or before 31 December 2023. However, the vehicular access along with any items/chattels including (but not limited to) the access gates, the vehicular access lighting shall not be removed until the playing fields associated with the permanent school, granted outline permission under application ref 8/21/01029/CTY, have been completed. Thereafter all the land associated with this permission shall be restored to its former condition within 3 months of the permanent school opening.
2. The development hereby permitted must not proceed above foundation level until details of the type, texture and colour of the materials to be used in the construction of the exterior of the structures hereby approved 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.
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 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, along with details for the restoration of any trees lost as a result of the proposal.
 - 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.

The landscape protection measures shall be retained for the duration of the construction period. No materials, machinery or vehicles are to be stored or temporary buildings erected within the perimeter of the fence, nor is any excavation work to be undertaken within the confines of the fence without the written approval of the Borough Council. No changes of ground level shall be made within the protected area without the written approval of the Borough Council.

5. 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.
6. a) Notwithstanding the Preliminary Risk Assessment from VIA East Midlands (Job No: CN2050801 dated November 2020) submitted with the application, the development (excluding any demolition) hereby permitted must not commence until 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 has been submitted to and approved in writing by the Local Planning Authority. The SI must be prepared by a suitably qualified 'competent person' (as defined in the National Planning Policy Framework February 2021) and must be in accordance with the Environment Agency's 'Land Contamination Risk Management' (LCRM).

b) Where the findings of the submitted SI identifies unacceptable risks to human health and/or the environment, the development (excluding any demolition) hereby permitted must not commence until a detailed Remediation Scheme (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.

c) 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.

7. 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.
8. The development hereby permitted shall not commence and no preparatory operations in connection with the development (including site clearance works, fens, 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 to at all times throughout the construction period for the development.

9. Prior to the construction of any of the temporary buildings being brought onto site, 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.
10. 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.

11. Details of all external lighting (including security lighting and floodlights) [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.
12. Before the uses commenced, the noise levels for the air source heat pump that is to be installed shall be submitted to and approved by the Borough Council. 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.
13. Within six months of the commencement of development details of a School Zone incorporating of-site highway works (pedestrian guardrail, markings, associated signage and other measures as appropriate) within the vicinity of the school vehicular and pedestrian entrance within the Persimmon Homes site and the roundabout crossings on Kirk Lea Road shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the School Zone shall be implemented in accordance with the approved details.
14. Prior to the approved school first being into use details of measures to prevent errant parking in the vehicle turning head of Sheepwash Way shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved measures shall be implemented in accordance with the approved details and retained in perpetuity.

Informatives

- The technical input of the Highway Authority, the Lead Local Flood Authority, Public Rights of Way Team 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 and around Sheepwash Way 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.

- Consideration should be given to a dedicated vehicular drop-off/pick-up zone outside of the school, including for buses/coaches.
- Consideration should be given to the provision of a dedicated gathering area for parents/guardians etc. so as not to block the public footpath/pavements/ cycle paths for other users at school start and end times.
- If works have not commenced by July 2023 an update ecological survey is required.
- A 15m buffer (Ecologically Sensitive Area) should be maintained from brook and wet ditch during works and post works.
- If trees (T-T8) are to be impacted by the development further Ecological Assessment must be undertaken.
- A reptile mitigation plan should be supplied and approved by the local planning authority, based on the recommendations of the consultant ecologist. This plan should be implemented throughout the development and post construction.
- A demonstrated biodiversity net gain should be provided where possible as recommended by CIRIA (2019) Biodiversity Net Gain – Principles and Guidance for UK construction and developments, with the means to implement in the long term, supported by Ecological and Landscape Management Plan.
- A ecological construction method statement incorporating reasonable avoidance measures (RAMs), should be agreed and implemented including the good practice points below and those supplied by the consultant ecologist (including pre commencement badger update survey and species of principle importance found on site during construction).
- The use of external lighting (during construction and post construction) should be appropriate to avoid adverse impacts on bat populations, see <https://www.bats.org.uk/news/2018/09/new-guidance-on-bats-and-lighting> for advice and a wildlife sensitive lighting scheme should be developed and implemented.
- Permanent artificial bat boxes/bricks and wild bird nests should be installed within/on buildings. Features to support hedgehogs should be provided, including hedgehog corridors.
- New wildlife habitats should be created where appropriate, including wildflower rich neutral grassland, hedgerows, trees and woodland, wetlands and ponds.
- Any existing hedgerows/trees should be retained and enhanced, any hedge/tree removed should be replaced. Any boundary habitats 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).
- Sustainable Urban Drainage schemes (SUDs) where required should be designed to provide ecological benefit.
- Good practice construction methods should be adopted including:
 - 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.

- Measures to ensure that the roof liners of any building do not pose a risk to roosting bats in the future should be taken
- No works, fires or storage of materials or vehicle movements should be carried out in or immediately adjacent to ecological mitigation areas or sensitive areas (including ditches)
- 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 commencement of works. If any nests are found work should not commence until a suitably qualified ecologist has been consulted.
- 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 animals 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, soil or rubble should be left overnight and if they are left then they should be dismantled by hand prior to removal. Night working should be avoided.
- 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 to be carried out within these zones.
- Pollution prevention measures should be adopted.
- It is recommended that consideration should be given to climate change impacts, energy efficiency, alternative energy generation, water efficiency, travel sustainability (including electric vehicle and cycle charging points and cycle storage), management of waste during and post construction and the use of recycled materials and sustainable building methods.

21/02496/TPO – Trees: T1 & T2 (sycamore) – Fell – 31 Edwalton Lodge Close, Edwalton, Nottinghamshire

Updates

In accordance with the Council's Public Speaking Protocol for Planning Committee, Councillor S Robinson (Ward Councillor) addressed the Committee.

Comments

Members of the Committee expressed concerns that no evidence had been provided either relating to the health of the trees or the impact of the trees on the property or neighbouring properties. Member's considered that the trees contributed to the amenity of the area and therefore to remove the trees would be harmful to this amenity.

DECISION

CONSENT BE REFUSED FOR THE FOLLOWING REASON(S):

1. It is considered that the applicant has failed to provide sufficient and adequate evidence to justify the removal of the 2 Sycamore trees and has also failed to provide a detailed survey on the health status of the tree quantify the risk and failed to look into alternative works that can be done and preserve the trees subject to this application, contrary to policy 37 of the Rushcliffe Borough Council Local Plan Part 2, guidance given in the “Tree Preservation. A guide to the Law and Good Practice”, the “National Planning Policy Guidance” and the objectives of the National Planning Policy Guidance (2021).
2. It is considered that the trees subject of the application, make a significant contribution to the amenity of the area and their removal would have detrimental impact on the amenity of the wider area, contrary to guidance given in the “Tree Preservation. A guide to the Law and Good Practice”, the “National Planning Policy Guidance” and the objectives of the National Planning Policy Guidance (2021).

The meeting closed at 5.23 pm.

CHAIRMAN



Planning Committee

11 November 2021

Planning Applications

Report of the Director – Development and Economic Growth

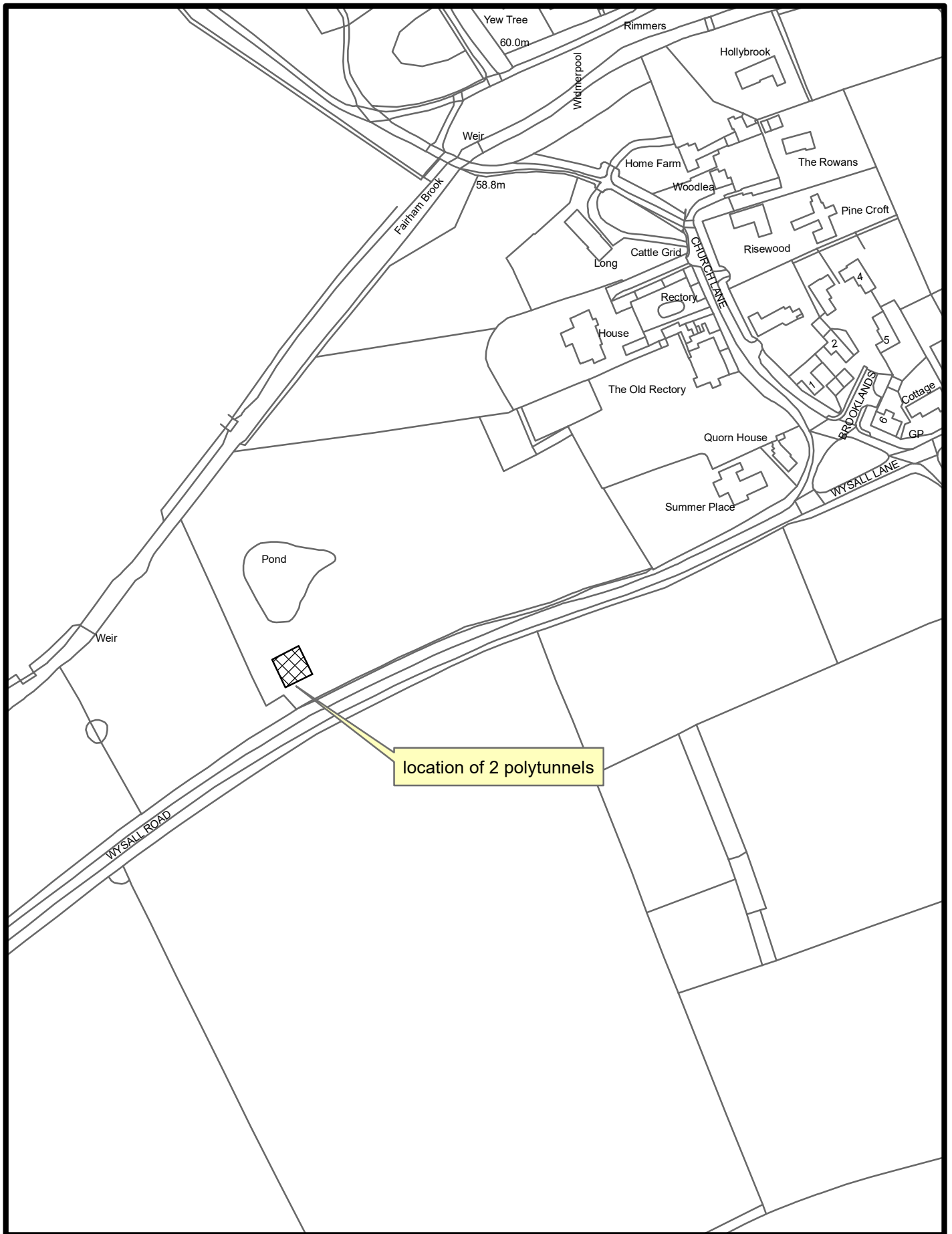
PLEASE NOTE:

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 Director – Development and Economic Growth, 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
21/01636/FUL	The Old Rectory, Church Lane, Widmerpool, Nottinghamshire, NG12 5PW	13 - 20
	Erection of 2 No. poly tunnels for the growing of flowers	
Ward	Keyworth and Wolds	
Recommendation	Grant planning permission subject to conditions	
21/02345/FUL	Chestnut Farm House, Chestnut Lane, Barton in Fabis Nottinghamshire, NG11 0AE	21 - 28
	Erection of new outbuilding with mezzanine level (Retrospective)	
Ward	Gotham	
Recommendation	Grant planning permission subject to conditions	



Application Number: 21/01636/FUL
The Old Rectory, Chapel Lane, Widmerpool



scale 1:2500

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21/01636/FUL

Applicant Cavell / Travis Cavell

Location The Old Rectory Church Lane Widmerpool Nottinghamshire NG12 5PW

Proposal Erection of 2 No. poly tunnels for the growing of flowers

Ward Keyworth And Wolds

THE SITE AND SURROUNDINGS

1. The application site comprises an area of paddock land to the west (rear) of The Old Rectory and falling outside of the domestic curtilage of this property. There is an enclosed area to the south east corner encompassing a previously approved tractor store (application 16/01679/FUL) and a glasshouse (application 21/01632/FUL) along with a series of raised flowerbeds. There is a polytunnel and store to the south west corner of the site. The store has approval recladding and the addition of a roof (application 21/01632/FUL). There is a gravel access track leading from Wysall Road, for which retrospective planning permission is now sought.
2. The host property at The Old Rectory is Grade II listed. The site is located on the edge of Widmerpool and comprises open countryside falling outside of the Green Belt.

DETAILS OF THE PROPOSAL

3. Planning permission is sought for the erection of 2 polytunnels. These would be located to the south west corner of the site, each measuring 10 by 3.5 metres with a maximum height of 3.4 metres

SITE HISTORY

4. 04/00051/FUL and 04/00144/LBC- (Demolish outbuilding); Erect conservatory and two glazed links; wall and railings to front boundary (total height 2.1 metres), alterations to the garage to form residential accommodation. Approved in 2005.
5. 16/01679/FUL- Erection of field stables and tractor store, constructed from Green Oak. Approved in 2016.
6. 16/03074/FUL- Construction of an indoor swimming pool (detached) on existing tennis court. Approved in 2017.
7. 21/01625/FUL- Proposed extension to existing pool house to create orangery for the growing of citrus trees, and retrospective retention of existing side extension to pool house. Approved in 2021.

8. 21/01634/FUL- Proposed extension to existing flat roof garage to overclad with horizontal oak cladding and form pitched roof with reclaimed roof tiles. Refused in 2021.
9. 21/01627/FUL- Retention of glass house and raised flower beds for the use of growing flowers (Retrospective). Approved in 2021.
10. 21/01632/FUL- Retention of the existing building (retrospective) and proposed extension of the building to create a flower workshop and store. Approved in 2021.

REPRESENTATIONS

Ward Councillor(s)

11. The Ward Councillor (Cllr Edyvean) objects on the basis that what has historically been a paddock or pasture land is now being developed for horticultural purposes which it is thought would require a change of use application. The proposal significantly changes the openness of the countryside whether they can be seen from the road or not. There is no issue with the creation of a business that could support rural employment in the future but it should be supported by a viable business plan, which should be used as a measure, without which any grant of planning permission should be temporary. If the business is not sustainable the land should be returned to open field.

Town/Parish Council

12. Widmerpool Parish Council objects. It is felt that the site is being over-developed and the anticipated use should be the subject of a change of use application as it comprises far more than changes to a property. The site has previously been used as paddock or pasture land, the planned use as a business site connected with horticultural activity would introduce a noticeable change to well accepted and appreciated views of the countryside.

Statutory and Other Consultees

13. The Highway Authority (Nottinghamshire County Council) does not object.

Local Residents and the General Public

14. No consultee comments received.

PLANNING POLICY

15. The Development Plan for Rushcliffe consists of The Rushcliffe Local Plan Part 1: Core Strategy (LPP1) and the Local Plan Part 2: Land and Planning Policies (LPP2). Other material considerations include the 2021 National Planning Policy Framework (NPPF), and the National Planning Practice Guidance (the Guidance).

Relevant National Planning Policies and Guidance

16. The relevant national policy considerations for this proposal are those contained within the NPPF and the proposal shall be considered within the context of a presumption in favour of sustainable development as a core principle of the NPPF. In accordance with paragraph 11c), development proposals that accord with an up-to-date development plan shall be approved without delay. The proposal falls to be considered under section 12 of the NPPF (Achieving well- designed places) and it should be ensured that the development satisfies the criteria outlined under paragraph 130. 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. In line with paragraph 134, permission should be refused for development that is not well designed, especially where it fails to reflect local design polices and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to development that meets criteria a) and/or b) listed under this paragraph.
17. The Old Rectory is Grade II listed. Paragraph 199 of the NPPF states that any harm arising to a designated should require clear and convincing justification. Where a development would lead to substantial harm to, or total loss of, a designated heritage asset, then permission should be refused unless it can be demonstrated that substantial public benefits can be achieved that outweigh the harm or loss, or that all of the criteria under paragraph 201 can be satisfied. Where a development would lead to less than substantial harm then under paragraph 202 this harm should be weighed against the public benefits of the scheme, including, where appropriate, securing its optimum viable use.

Relevant Local Planning Policies and Guidance

18. LPP1 Policy 1 reinforces the need for a positive and proactive approach to planning decision making that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. The proposal falls to be considered under LPP1 Policy 10 of (Design and Enhancing Local Identity). The development should make a positive contribution to the public realm and sense of place, and should have regard to the local context and reinforce local characteristics. Section 2 of this policy sets out the design and amenity criteria that development shall be assessed against. The proposal falls to be considered under Policy 11 (Historic Environment).
19. The proposal falls to be considered under Policy 1 (Development Requirements) of the LPP2 whereby development should not have an overbearing impact on neighbouring properties, nor lead to a loss of amenity. The scale, density, height, massing, design and layout of the proposal all need to be carefully considered, and should not lead to an over-intensive form of development. The proposal falls to be considered under Policy 28 of the LPP2 (Conserving and Enhancing Heritage Assets).
20. Paragraph 6.10 of the LPP2 states that Policy 22 (Development within the Countryside) applies to development outside of the physical edge of the listed settlements. Policy 22 (2) lists appropriate forms of development in the countryside. Development falling within one of these listed forms of

appropriate development will be permitted where the criteria listed under Policy 22 (3) are met.

APPRAISAL

21. The site falls within the open countryside outside of the residential curtilage of The Old Rectory. The application falls to be considered under Policy 22 of the LPP2. Part 2 of this policy lists appropriate forms of development in the countryside which includes:
 - e) The expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings;
 - f) Small-scale employment generating development, retail and farm diversification.
22. The proposed polytunnels would serve a cut flower business known as the Cut Flower Garden which is confirmed on Companies House as an active company incorporated on 25 May 2021. It is proposed that the business once fully operational would employ one full time and one part time position. There would be no retail activity carried out from the site or customers visiting the site. Hours of operation are proposed to be 0900- 1700 hours Monday to Friday.
23. It is considered that the proposed polytunnels would support small-scale employment generation. The nature of the business is considered appropriate to the rural location. It is thus considered with criterion f) above of Policy 22(2).
24. Development in compliance with Policy 22(2) falls to be considered under the criteria listed under part 3 of that policy. The main consideration is criterion a) in terms of whether the proposal would conserve/ enhance the character and appearance of the landscape, including its historic character and features such as habitats, views, settlement pattern, rivers, watercourses, field patterns, industrial heritage and local distinctiveness.
25. The polytunnels would be modest in scale and by their nature of a lightweight nature and readily removable from site once no longer required. The polytunnels would be screened from public view due to the dense tree/ hedge cover on the Wysall Road frontage. It is considered that the proposal would preserve the wider landscape character. It is considered that the application complies with Policy 22(3).
26. The polytunnels would not impact on residential amenity given the distance from neighbouring properties.
27. The host property is Grade II listed. The polytunnels would not be intervisible in views of the listed property and would not resulting in harm to the setting of the building. The proposal would therefore serve to preserve the setting of the listed building as a goal considered to be desirable within section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and the proposal is therefore considered positively in relation to the duty under that section of The 1990 Act.

- The Ward Member and Parish Council have raised concern that the proposal would constitute a change of use of the land. However the Town and County Planning Act 1990 defines agriculture as including
 - *“horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and “agricultural” shall be construed accordingly;*
 - As such there is no change of use of the land. It is considered that the development accords with the general national and local planning policies considered above and accordingly it is recommended that the application is approved.
28. The application was not the subject of pre-application discussions. The scheme however is considered acceptable and no discussions or negotiations with the applicant or agent were considered necessary, resulting in a recommendation to grant planning permission.

RECOMMENDATION

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

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 21-022-PL-107A Rev A (Location Plan as Proposed), 21-022-PL-108 (Site Plan as Proposed), and 21-022-PL-115 (Plans and Elevations as Proposed), received on 8 July 2021.

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

3. Should the horticultural business use cease then the polytunnels shall be removed including any areas of hardstanding and returned to its former condition within 1 month of the use ceasing.

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



Application Number: 21/02345/FUL
Chestnut Farmhouse, Chestnut Lane, Barton in Fabis



scale 1:2500

page 21

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Rushcliffe Borough Council - 100019419

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21/02345/FUL

Applicant Mr John Arthur Kent

Location Chestnut Farm House Chestnut Lane Barton In Fabis
Nottinghamshire NG11 0AE

Proposal Erection of new outbuilding with mezzanine level (Retrospective)

Ward Gotham

THE SITE AND SURROUNDINGS

1. The application relates to a brick outbuilding located on the northern edge of an area of a farmyard in use for storage and parking in relation to an arboricultural and grounds maintenance company. The main farmyard was previously occupied by an open-sided barn that has now been removed. The yard now comprises an open area of gravel/ hardstanding. There is outline planning consent for the residential development of the farmyard for up to five dwellings (approved under application 19/00412/OUT).
2. The site falls within the Green Belt and within Flood Zone 3.

DETAILS OF THE PROPOSAL

3. The application seeks retrospective planning permission for the erection of a brick outbuilding for the storage of machinery, equipment and materials associated with the arboricultural and grounds maintenance company. The building encompasses a mezzanine floor for dry storage. The building is constructed in red brick with a slate tile pitched roof measuring 4 metres to the eaves and 6.5 metres to the ridge. The ground floor features a pair of openings, a door and window. There is an integral staircase to serve the mezzanine floor which is served by roof lights. The building adjoins the eastern elevation of an existing brick barn which houses the company.

SITE HISTORY

4. 97/00427/OUT- Construct detached dwelling. Refused in 1997.
5. 16/02246/OUT- Demolition of existing buildings. Construction of a residential scheme of up to 10 dwellings. Refused in 2016.
6. 19/00412/OUT- Demolition of existing buildings and construction of a residential scheme of up to 5 dwellings (Outline planning permission with all matters reserved). Approved in 2019.

REPRESENTATIONS

Ward Councillor(s)

7. The Ward Councillor (Cllr R Walker) objects to the application on the basis that the replacement building is materially larger than the one it replaced both in terms of length and height, thus contravening Green Belt policy. The submitted photos do not support the assertion that the previous buildings dimensions were 15.5mx 5.5m nor that the overall footprint of the new building is slightly smaller than the demolished building. It is not understood how the creation of a mezzanine level is consistent with the existing storage use. The building is materially larger than the one it replaced due to the significant increase in height and a floor area over 200% greater than the previous building. It is inappropriate development in the Green Belt with a detrimental impact upon its openness and permanence.

Town/Parish Council

8. Barton In Fabis Parish Council object on the basis that the new building is materially larger than the previous building, and cannot be considered as an exception to inappropriate development under paragraph 149 of the NPPF and Policy 21(2) of the Rushcliffe Local Plan Part 2, and therefore contravenes these policies. Based on the photos in the planning statement, the new building is substantially longer than the previous building. The building is 200% larger in volume, 42% increase in floor area or a 280% increase across the two storeys. The applicant's claim that there are not applications on the site is incorrect, there is a permission for up to 5 dwellings under 19/00412/OUT. An over 50% increase in the height of the building would have a permanent and detrimental impact on the openness of the Green Belt.

Statutory and Other Consultees

9. The Highway Authority (Nottinghamshire County Council) does not object
10. The Environment Agency note that the site is in Flood Zone 3. They refer to Flood Risk Standing Advice for a 'lower risk' development proposal.
11. The Borough Council's Environmental Health Officer does not object on the basis that the new outbuilding replaces a previous building and would be used for the same purpose for storage associated with the arboriculture business.

Local Residents and the General Public

12. No neighbour objections received.
13. 3 neighbours support the application with the comments summarised as follows:
 - a. Materials are in keeping with the surrounding area/ rural area
 - b. visual improvement on the previous structure
 - c. Keeps equipment safe that is used by employees who are from Barton and surrounding areas.

PLANNING POLICY

14. The Development Plan for Rushcliffe consists of The Rushcliffe Local Plan Part 1: Core Strategy (LPP1) and the Local Plan Part 2: Land and Planning

Policies (LPP2). Other material considerations include the 2021 National Planning Policy Framework (NPPF), and the National Planning Practice Guidance (the Guidance).

Relevant National Planning Policies and Guidance

15. The relevant national policy considerations for this proposal are those contained within the NPPF and the proposal shall be considered within the context of a presumption in favour of sustainable development as a core principle of the NPPF. In accordance with paragraph 11c), development proposals that accord with an up-to-date development plan shall be approved without delay. The proposal falls to be considered under section 12 of the NPPF (Achieving well- designed places) and it should be ensured that the development satisfies the criteria outlined under paragraph 130. 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. In line with paragraph 134, permission should be refused for development that is not well designed, especially where it fails to reflect local design polices and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to development that meets criteria a) and/or b) listed under this paragraph.
16. The site falls within the Green Belt and therefore the proposal falls to be considered under section 13 of the NPPF (Protecting Green Belt Land) and should satisfy the 5 purposes of Green Belt outlined in paragraph 138 of the NPPF. Paragraph 147 sets out that development in the Green Belt should be regarded as inappropriate which is, by definition, harmful and should not be approved except in very special circumstances. Paragraph 148 states that when considering any planning application, substantial weight should be 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. Exceptions to inappropriate development are set out in paragraph 149 of the NPPF. Certain other forms of development listed under paragraph 150 are also not inappropriate, provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
17. The site falls within an area of flood risk. The proposal therefore falls to be considered under part 14 of the NPPF (Meeting the challenge of climate change, flooding and coastal change). Paragraph 159 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. Paragraph 167 states that, where appropriate, applications should be supported by a site- specific Flood Risk Assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that the criteria listed under this paragraph are met.

Relevant Local Planning Policies and Guidance

18. The LPP1 reinforces the need for a positive and proactive approach to planning decision making that reflects the presumption in favour of sustainable development contained in the NPPF. The proposal falls to be considered under Policy 10 of the LPP1 (Design and Enhancing Local Identity). Development should be assessed in terms of its treatment of the criteria listed under paragraph 2 of this policy.
19. The site falls within Flood Zone 3 and therefore the proposal falls to be considered under Policy 17 (Managing Flood Risk). Policy 18 (Surface Water Management) is of relevance.
20. The proposal falls to be considered under Policy 1 (Development Requirements) of the LPP2 which states that planning permission for new development, changes of use, conversions or extensions will be granted provided that, where relevant, the criteria listed under this policy are met. The site falls within the Green Belt. Policy 21 of the LPP2 states that applications for development in the Green Belt will be determined in accordance with the NPPF.

APPRAISAL

21. The application site falls within the Green Belt. Exceptions to inappropriate development are set out in paragraph 149 of the NPPF and this includes:
 - 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;
22. The brick outbuilding adjoins the eastern elevation of an existing brick barn, filling the space between this and a portal- framed barn to the east. The outbuilding replaced a smaller open- fronted barn, along with a small breezeblock building and a rudimentary metal and scaffold shelter that was temporary in appearance. In contrast to this, the outbuilding is a robust and substantial brick structure.
23. The outbuilding has a roof ridge approximately 2 metres greater in height than that of the previous barn structure. The eaves height is almost double that of the previous structure and the mezzanine floor provides more than double the floor space of the previous barn and ancillary structures. Taking into account the height, volume and floorspace of the outbuilding, it is considered that it is materially larger than the previous structures and thus would not meet the exception to inappropriate development under paragraph 149d) of the NPPF.
24. The consideration therefore is whether the building comprises limited infill within the village. The adjacent farmyard to the south has outline permission for up to 5 houses (planning reference 19/00412/OUT). The outline application included an indicative layout plan which showed dwellings positioned further east than the outbuilding subject to the current application. Whilst wholly indicative, the officer report for that application considered that a development based on the layout plan would constitute 'limited infill'.
25. The wider Chestnut Farm site borders residential properties to the north, south and west with open countryside to the east. The outbuilding does not project beyond the line of the eastern boundary of the residential properties

on New Road, nor does it extend beyond the rear boundary of the tennis court associated with 18 Chestnut Lane or The Old Stables to the north. It is thus not considered that the building extends the built-up area of the village.

26. The outbuilding is therefore considered to be limited infill within the fabric of the existing built area, falling under paragraph 149 e) as an exception inappropriate development in the Green Belt.
27. The outbuilding is sited between the existing brick barn and a portal framed barn to the east. It is not considered that the outbuilding harms the openness of the Green Belt or appears unduly prominent from outside of the settlement.
28. Whilst the outbuilding is a taller structure than the one it replaced, it is visually attractive compared to the previous structures and has also removed unsightly outdoor storage. Whilst the ridge projects above the adjoining brick barn, it does not appear prominent from Chestnut Lane. Views from New Road are limited to potential glimpses across Oliver's Yard. The facing brick and slate tile roof reflect the appearance of the existing brick barn. It is not considered that the outbuilding harms the character of the streetscene.
29. The rear elevation of the outbuilding is sited on the boundary with 18 Chestnut Lane to the north. The outbuilding abuts an adjacent tennis court. It is not considered that the retention of the outbuilding would result in an undue overbearing or overshadowing impact on the neighbouring dwelling or their rear garden space.
30. The site falls within a high flood risk area. However the building is in use for storage rather than habitable use and is therefore considered to comprise a 'low vulnerability' form of development. Should planning permission be granted, a condition is proposed requiring the use to be restricted to storage in connection with the arboriculture and landscaping business and not for residential occupation.
31. It is considered that the development accords with the general national and local planning policies considered above and accordingly it is recommended that the application is approved.
34. The application was not the subject of pre-application discussions. The scheme however is considered acceptable and no discussions or negotiations with the applicant or agent were considered necessary, resulting in a recommendation to grant planning permission

RECOMMENDATION

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

1. The development hereby approved shall be used solely for the storage of storage of machinery, equipment and materials in connection with the arboricultural and grounds maintenance company and it shall not be used for residential occupation or for any other purpose.

[It is not considered that the site possesses sufficient amenities or is

otherwise suitable to accommodate an additional independent dwelling and to comply with policy 1 of the Rushcliffe Borough Local Plan Part 2 - Land and Planning Policies].

21/02694/CTY

Applicant Nottinghamshire County Council Children's and Families

Location Land North of Rempstone Road, East Leake

Proposal Erection of 120 Place Temporary School Learning Village Accommodation with temporary lit access road and permanent lit access path. Associated areas of soft play, canopies, car parking and surface water balancing pond.

Ward Leake

This item does not have an agenda paper but relates to an item that Members commented on at the November 2021 planning committee.

LATE REPRESENTATIONS FOR COMMITTEE

1. **NATURE OF REPRESENTATION:** Revised Plans

RECEIVED FROM: Nottinghamshire County Council

SUMMARY OF MAIN POINTS:

The revision is described as "*Additional information and new plans (including site re-instatement plan) have been submitted which proposes a different layout for classroom buildings on the site and the provision of a widened path for pedestrians and cyclists next to the end of the Sheepwash Way turning head.*"

PLANNING OFFICERS COMMENTS:

None of the revisions proposed affect the recommendation that was fed back to the County Council last month.

Officers therefore advise that a response of "no additional comments" should be offered to the County Council in relation to the revised plans

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