

When telephoning, please ask for: Tracey Coop
Direct dial 0115 914 8511
Email democraticservices@rushcliffe.gov.uk

Our reference:
Your reference:
Date: Wednesday, 5 October 2022

To all Members of the Planning Committee

Dear Councillor

A Meeting of the Planning Committee will be held on Thursday, 13 October 2022 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



Gemma Dennis
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 (Pages 1 - 8)
4. Planning Applications (Pages 9 - 70)
The report of the Director – Development and Economic Growth
5. Planning Appeals (Pages 71 - 72)
The report of the Director – Development and Economic Growth

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Membership

Chairman: Councillor R Butler

Vice-Chairman: Councillor Mrs M Stockwood

Councillors: B Bansal, S Bailey, N Clarke, L Healy, D Mason, F Purdue-Horan, V Price, C Thomas and J Walker

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, 8 SEPTEMBER 2022**

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

PRESENT:

Councillors R Butler (Chairman), S Bailey, L Healy, D Mason, V Price,
J Walker, R Adair, J Murray, L Way and R Upton

OFFICERS IN ATTENDANCE:

A Ashcroft	Planning Services Consultant
P Cook	Principal Planning Officer
M Hilton	Area Planning Officer
M Dunne	Principal Planning Area Officer
G Dennis	Borough Solicitor
E Richardson	Democratic Services Officer

APOLOGIES:

Councillors Mrs M Stockwood, B Bansal, N Clarke, F Purdue-Horan and
C Thomas

12 Declarations of Interest

Councillor S Bailey declared a non-pecuniary interest in item 2201426FUL and would remove herself from the discussion and vote for this item.

13 Minutes of the Meeting held on 28 July 2022

The minutes of the meeting held on 28 July 2022 were approved as a true record and were signed by the Chairman.

14 Minutes of the Meeting held on 11 August 2022

The minutes of the meeting held on 11 August 2022 were approved as a true record and were signed by the Chairman.

15 Planning Applications

The Committee considered the written report of the Executive Manager - Communities relating to the following applications, which had been circulated previously.

21/03205/REM - Application for matters reserved under application ref 19/00412/OUT for approval of access, appearance, landscaping and layout and scale for demolition of existing buildings and construction of a residential scheme for 3 dwellings - Chestnut Farm Chestnut Lane Barton In Fabis 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 J Foot (on behalf of the Applicant) Mr B Hunt (Objector) and Councillor R Walker (Ward Councillor) addressed the Committee.

Comments

Members of the Committee expressed their concerns in respect of the overbearing nature of the housing development, including the height of ridge, windows and patios and how this would compromise the privacy of neighbouring property. Members also expressed concern that the design of housing development was not in keeping with the character of the rural village in which it was set and that it would have a negative affect on local amenity. Additionally, Members noted that the housing development was based in the greenbelt.

DECISION

PLANNING PERMISSION BE REFUSED FOR THE FOLLOWING REASONS:

1. The scale of the dwellings, elevated ground floor levels, raised window heights and raised rear terraces of the proposal would result in a harmful and unacceptable impact on the amenities of neighbouring properties. As such, the proposal would be contrary to criterion 4 of Policy 1 (Development Requirements) of the Local Plan Part 2: Land and Planning Policies
2. The massing scale and proportion of the proposal would be inconsistent within its location in the village. As such the proposal would be contrary to the provisions of Policy 10(2b; 2f) (Design and Enhancing Local Identify) of the Rushcliffe Local Plan Part 1: Core Strategy and at odds with Paragraph 134 of the National Planning Policy Framework which advocates the refusal of proposals which do not reflect local design policies.

22/00854/FUL - Erection of single storey dwelling including associated landscaping, parking and access works - Land To The Corner Of Ashley Road And Church Drive, Keyworth Nottingham Nottinghamshire NG12 5FJ.

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 N Radcliffe (Objector) and Councillor A Edyvean (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: 0260-1-01-00 (Location and Block Plan), received on 4 May 2022; 0260-3-08-00 Rev C (Site Plan), and 0260-3-11-00 Rev F (GA Floor Plans), received on 27 June 2022; and 0260-3-21-00 (GA Elevations), received on 8 July 2022.

[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 development hereby permitted shall not progress beyond Damp Proof Course until details of the facing and roofing materials to be used on all external elevations have been submitted to and approved in writing by the Borough Council and the development shall only be undertaken in accordance with the materials so approved.

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

4. The dwelling hereby permitted shall not be occupied until the driveway parking space has been provided in accordance with drawing 0260-3-08-00 Rev C (Site Plan) and fronted with a suitably constructed dropped kerb access in accordance with Highway Authority specifications. The driveway shall be surfaced in a bound material with provision to prevent the unregulated discharge of surface water onto the public highway. The bound material and the provision to prevent the discharge of surface water to the public highway shall be retained for the lifetime 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].

5. With the exception of the section of hedge to be removed to for the new vehicular access, the boundary hedge on the Ashley Road and Church

Drive frontages shall be retained in accordance with drawing 0260-3-08-00 Rev C (Site Plan) for the lifetime of the development. Any part of the retained hedge dying, being severely damaged, becoming seriously diseased, or otherwise removed, shall be replaced with hedge plants of such size and species, details of which shall be submitted to and approved in writing by the Borough Council, within one year of the date of any such loss being brought to the attention of the Borough Council.

[To ensure a satisfactory appearance of development and to comply with policy 16 (Green Infrastructure, Landscape, Parks and Open Space) of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 1 (Development Requirements) of the Local Plan Part 2: Land and Planning Policies].

6. Prior to the development progressing beyond damp proof course level, details of ecological enhancements shall be submitted to and approved in writing by the Local Planning Authority. The approved ecological enhancements shall be implemented prior to the development being brought into use and shall thereafter be retained for the lifetime 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 Rushcliffe Local Plan Part 1: Core Strategy].

7. Notwithstanding the details contained in the application form, the development shall not progress beyond damp proof course level until a surface water drainage scheme showing compliance with the drainage hierarchy has been submitted to and approved in writing by the Borough Council. The development shall only be carried out in accordance with the approved surface water drainage scheme, which shall thereafter be maintained throughout the life of the development.

[This is pre-commencement to ensure the proper drainage of the site and to accord with the aims of Policy 2 (Climate Change) of the Local Plan Part 1 Rushcliffe Core Strategy, and Policy 18 (Surface Water Management) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

8. The dwellings hereby permitted shall be designed to meet the higher 'Optional Technical Housing Standard' for water consumption of no more than 110 litres per person per day.

[To promote a reduction in water consumption and to comply with criteria 3 of Policy 12 (Housing Standards) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

9. The development hereby permitted shall not proceed above foundation level until a scheme for the provision of an electric vehicle charging point has been submitted to and approved by the Borough Council. The scheme shall provide details of the provision of electric vehicle charging

point to serve the dwelling. Thereafter, unless it has been demonstrated that the provision of an electric vehicle charging point is not technically feasible, the use shall not commence until such time as the site has been serviced with the appropriate electric vehicle charging infrastructure, in accordance with the agreed scheme and the apparatus shall be retained for the lifetime of the development.

[To promote sustainable modes of transport and to comply with policy 41 (Air Quality) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

10. Notwithstanding the provisions of Schedule 2, Part 1 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any Order revoking or re-enacting that Order with or without modification) there shall be no enlargement or alteration of the proposed dwellings without the prior written approval of the Borough Council.

[The development is of a nature whereby future development of this type should be closely controlled and to comply with Policy 1 (Development Requirements) of the Local Plan Part 2: Land and Planning Policies].

11. Notwithstanding the provisions of Schedule 2, Part 1 Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) no sheds, buildings or structures shall be erected on the site without the prior written approval of the Borough Council.

[The development is of a nature whereby future development of this type should be closely controlled and to comply with Policy 1 (Development Requirements) of the Local Plan Part 2: Land and Planning Policies].

22/00774/FUL - Construction of two-storey front extension, first floor side extension, first floor rear extensions, single storey rear extension and application of render to all elevations - 18 Mountsorrel Drive, West Bridgford, Nottingham, Nottinghamshire, NG2 6JL

Update

Additional representations were received after the agenda was published and were circulated to the Committee before the meeting. The Council's Solicitor read out representation from Cllr P Gowland. In accordance with the Council's Public Speaking Protocol for Planning Committee, Dr Chauhan (Applicant) 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 strictly in accordance with the following approved drawings/ information:
 - Block Plan (Ref. 22-2358-1, dated 24/01/22) – received 17/06/2022;
 - Proposed Plans [Elevations and Floor Plans] (Ref. 22-2358-2, dated 24/01/2022) – received 25/05/2022.

[For the avoidance of doubt having regard to policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy and policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies]

3. The external materials to be used in the development hereby permitted shall be in strict accordance with those specified in the application. For the avoidance of doubt, this includes the information provided in the Application Form; 'Proposed Plans [Elevations and Floor Plans] (Ref. 22-2358-2)' and E-mail from agent dated 23/05/2022.

[To ensure the appearance of the development is satisfactory and to comply with Policies 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].

22/01426/FUL - Construction of Bat Barn - Former Islamic Institute Inholms Gardens Flintham Nottinghamshire NG23 5LQ

Update

There were no late representations or speakers for this item.

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 shall be undertaken in accordance with the following approved plans G_1183 REV A and G_1183_02 REV A, Tree Protection Plan and the structural and design recommendations as set out in section 5 and appendix G of the Elite Ecology Report.

[For the avoidance of any doubt and to ensure an acceptable development in accordance with Policy 1 of the Local Plan Part 2: Land and Planning Policies].

3. The development hereby permitted must not commence until the approved Tree Protection Measures have been erected and they shall thereafter be retained whilst construction works are taking place.

[To ensure the adequate protection of the existing trees on the site during the construction of the development having regard to Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014); Policies 37 (Trees and Woodlands) and 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Chapter 15 (Conserving and Enhancing the Natural Environment) of the National Planning Policy Framework (February 2019).]

16 **Planning Appeals**

The Chairman noted the Planning Appeal Decisions report which had been circulated with the papers.

The meeting closed at 4:52pm

CHAIRMAN

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Planning Committee

Thursday, 13 October 2022

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
22/00108/TORDER	8 Lamcote Gardens, Radcliffe on Trent, Nottinghamshire	13 - 18
	TO Radcliffe on Trent No.1 Tre Preservation Order 2022	
Ward	Radcliffe on Trent	
Recommendation	No.1 Tree Preservation Order 2022 be confirmed without modification	
22/00243/FUL	Land North of Cotgrave Road, Owthorpe, Cotgrave, Nottinghamshire, NG12 3GE	19 - 46
	Erection of 4 Poultry Sheds and associated Infrastructure, 8 no. feed bins, 2 no. feed blending rooms, gate house, generator, plant room, water tank, Dirty Water Tank and Gas Tanks. Creation of new access road, car parking and concrete apron as well as new attenuation pond.	
Ward	Cotgrave	
Recommendation	Grant planning permission subject to conditions	
22/01105/FUL	The Smithy, 45 Church Street, Ruddington, Nottinghamshire	47 - 64
	Erection of 1 no.2 Storey Detached Dwelling (resubmission of Ref No. 22/00571/FUL)	
Ward	Ruddington	
Recommendation	Grant planning permission subject to conditions	

Application	Address	Page
<u>22/01639/FUL</u>	Rushcliffe Oaks, Mail Road, Stragglethorpe, Nottinghamshire, NG12 2PY	65 - 70
	Installation of freestanding Solar Photovoltaic Generation system and associated works	
Ward	Cotgrave	
Recommendation	Grant planning permission subject to conditions	

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 Rushcliffe Borough Council	Property Services Rushcliffe Borough Council Rushcliffe Arena Rugby Road West Bridgford Nottingham NG2 7YG Tel. 0115 981 9911 Fax. 0115 914 8452	Project Radcliffe on Trent No.1 Tree Preservation Order 2022	Date July 22	Project officer TP	
		Drawing title 8 Lamcote Gardens, Radcliffe on Trent page 13	Scale 1:1000	Drawn TP	Checked
Reference 665.9					

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22/00108/TORDER

Objector Ms Jayne Storey

Location 8 Lamcote Gardens, Radcliffe on Trent

Objection To Radcliffe on Trent No.1 Tree Preservation Order 2022

Ward Radcliffe on Trent

THE SITE AND SURROUNDINGS

1. A single tree is protected at 8 Lamcote Gardens, a residential cul-de-sac constructed between the 1950's and 1960's comprising 17 detached properties and bungalows. 8 Lamcote Gardens is one of the bigger plots on the road as a large proportion of its garden is located to the side of the property.

DETAILS OF THE TREE PRESERVATION ORDER

2. The TPO was made on the 14th July 2022. Under the Town and Country Planning (Tree Preservation) (England) Regulations 2012 the Order takes effect provisionally and needs to be confirmed within 6 months of the date it was made. The Council has a duty to consider all objections and any representations made before deciding to confirm the Order.
3. The Tree Preservation Order (TPO) protects a single Birch tree in the side garden of the property.

SITE HISTORY

4. At the time of making the TPO, the site was subject to a planning application to construct a new detached dwelling within the part of the garden located to the side of the property, planning reference: 22/00078/FUL. This was subsequently refused for the following reasons:
 - The intrusive visual impact of the proposal to the street scene.
 - An intrusive impact on an adjacent property.
 - The loss of the Silver Birch tree.
5. Prior to making the TPO, a member of the public had highlighted the value of the trees on this site to the Council. Whilst the trees were being assessed an Oak tree in the southwest corner of the garden was felled, this resulted in further enquiries from the public about the possibility of a TPO being made.
6. Given that there are few roadside trees at Lamcote Gardens and that the tree is visible from the road it was considered that it had sufficient public amenity value to warrant protection and that's its removal would be detrimental to the

street scene. Given the felling of the Oak and the on-going planning application it was considered that there was a risk that the Birch could also be removed.

REPRESENTATIONS

Local Residents and the General Public

7. The owner of the property has objected to the TPO for the following reasons and has arranged for the tree to be surveyed by an arboriculturist who has undertaken a tree survey in accordance with BS5837.
 - a) It is our understanding the TPO decision is likely to have been made on a basis of concerns raised by neighbours about a considered threat to the tree following a recent planning application.
 - b) The tree was assessed to be of only moderate quality in the tree survey. It has not been made clear by Rushcliffe Borough Council how the amenity value merited a TPO.
 - c) We consider that the current height, multi-stemmed structure and close proximity of the tree to 8 Lamcote Gardens, the surrounding properties and nearby parked vehicles, presents concern if the tree or sections of it were to fall during high winds or as a result of other adverse weather conditions.
 - d) An existing telegraph pole to the Southwest corner of the site links the network to the dwellings along Lamcote Gardens. The connections to the properties along this street could be severely disrupted should the tree or sections of fall during high winds.
 - e) When in leaf and due to its height, the tree creates shadowing of the rear garden of 8 Lamcote Gardens, impacting on the enjoyment of this space.
 - f) The owner would have accepted a planning condition requiring replacement tree and any future application would look to contribute to the amenity of the local area.
8. The objection letter is supported by a BS5837 Tree Survey. This gives the tree a moderate 'B' classification and notes the tree is early mature with good physiological and structural condition with an estimate life expectancy of 20 years or more.

APPRAISAL

9. The Birch is still a young tree; judging from site visits, past aerial photos and Google street view images, the tree is around 20 years old. It is a multi-stemmed specimen, 8m tall and was presumably chosen and planted as this will make the most of its attractive white bark. Birch can become tall trees but have a light canopy which allows dappled sunlight and are generally considered to be a suitable garden tree.
10. A member of the public drew the Council's attention to the Birch and did request a TPO be made. The Council often gets such requests. On this occasion it was hoped that the trees would have been retained during the planning process, but the felling of the Oak tree in the corner of the garden gave the impression that further tree removal was a risk, hence the TPO.
11. To justify protection, trees need to offer some public amenity. Amenity is not defined in law, but Government advice is that 'Orders should be used to protect selected trees and woodlands if their removal would have a significant negative

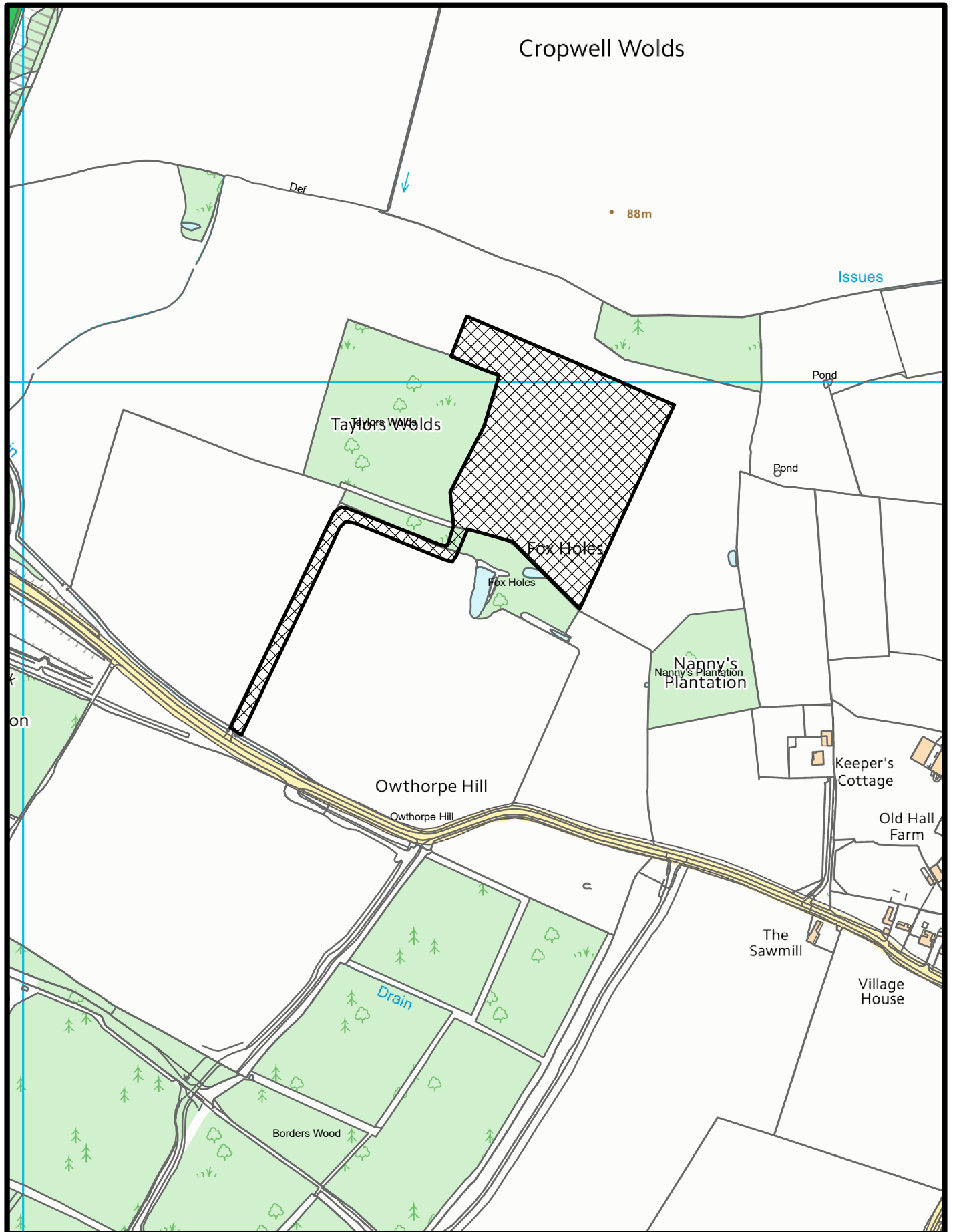
impact on the local environment and its enjoyment by the public' and that 'trees, or at least part of them, should normally be visible from a public place, such as a road or footpath, or accessible by the public.' The Birch is one of the few trees on the roadside frontage of Lamcote Gardens and whilst it is still young it is visible from the road and contributes to its appearance. The Council has a point-based assessment to help inform whether or not it is appropriate to protect trees. A copy is enclosed at the end of the report. This considers the aesthetic quality, condition, impact if removed, the proximity and effect on buildings and subtracts points if trees are likely to cause injury or damage. The assessment shows that the tree meets the Council's criteria to warrant protection.

12. The Birch is located centrally within the part of the garden located to the side of the house. The shadow cast by the tree will move throughout the day and whilst it may block light to parts of the garden as certain times of the day this is not unreasonable.
13. The Birch will increase in size, but the Council does not consider that it will pose a foreseeable risk of damage to any of the adjoining properties or services for many decades to come. It could be said that when the tree is fully mature it will be within falling distance of properties and phone lines, but this doesn't automatically make it a danger and the owner would need to monitor its health and condition as it matures. This would be prudent management for any tree and the TPO would allow applications to be made to prune or fell the tree if there were good reasons to justify the work.
14. The tree survey accompanying the objection does not identify as any structural concerns that would prevent the Order being confirmed. The tree has been given a BS5837 classification of 'B', which is for moderate trees. The other classifications are 'A', for trees of high quality; 'C', for trees of low quality and 'U', for trees which in current context have a lifespan less than 10 years. It would be entirely appropriate for the Council to protect a 'B' classification tree.

RECOMMENDATION

- 15 It is **RECOMMENDED** that the Radcliffe on Trent No.1 Tree Preservation Order 2022 be confirmed without modification.

CONSERVATION AREA TREE NOTIFICATIONS AND TPO CONSULTATIONS TREE EVALUATION SHEET			
Location of Tree	8 Lamcote Garden, Radcliffe on Trent		
Species	Silver Birch		
1. Aesthetic Quality		3. Condition	
Excellent	4	Excellent	4
Good	3	Good	3
Fair	2	Fair	2
Poor	1	Poor	1
Unightly	0	Dying/Dead	0
2. Impact on public amenity if removed		4. Proximity and effect on buildings	
Very severe adverse impact.	4	Able to grow to full mature extent.	4
Severe adverse impact.	3	Able to grow to reasonable maturity without significant impact on properties	3
Moderate impact (or only visible from a limited no of properties).	2	Spread will eventually affect properties with nuisance impact – shade, debris, soil depletion etc.	2
Little impact or no change.	1	Will eventually affect buildings with structural implications.	1
Improvement (or not visible to public).	0	Buildings already affected.	0
Total Score	12-0= 12	Maximum possible total	16
A tree with a score of 11 or above will be considered for a TPO although a score of 0 or 1 in any category will negate this.			
HEALTH AND SAFETY			
This scoring system does not take into account damage or injury which could be caused if a tree located close to buildings, gardens, roads, or places of public access should fall or shed branches. Regardless of the tree's condition or type this possibility must be considered. An assessment should be made of the damage which could be caused, scoring as follows :			
	Damage to property or physical injury highly unlikely		0
	Limited structural damage possible but unlikely to cause injury		1
	Moderate risk of damage or injury		2
	Significant risk of damage or injury		3
This assessment is inevitably subjective but we must err on the side of caution. A tree scoring 2 or 3 should not be subject to a TPO. A score of 1 should be subtracted from the final total of 1 to 4 above and could be the deciding factor in borderline cases.			
Wildlife			
In some locations where ecological considerations are particularly important a non-native or ornamental species may not be regarded as appropriate for protection when a locally native species of tree would be. This will be a matter for consideration in each case.			



Application Number: 22/00243/FUL
Land north of Cotgrave Road, Owthorpe, Nottingham



scale 1:5,500

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22/00243/FUL

Applicant Mr Richard Barlow

Location Land North of Cotgrave Road, Owthorpe, Cotgrave NG12 3GE

Proposal Erection of 4 Poultry Sheds and associated Infrastructure, 8 no. feed bins, 2 no. feed blending rooms, gate house, generator, plant room, water tank, Dirty Water Tank and Gas Tanks. Creation of new access road, car parking and concrete apron as well as new attenuation pond.

Ward Neville And Langar

Full details of the application can be found [here](#).

SITE DESCRIPTION & PROPOSAL

- 1 The site represents an area of agricultural land within the countryside currently used for the farming of crops covering an area of some 4.5 hectares. The site lies some 1.2km from the settlement of Cotgrave, and 500m from the settlement of Owthorpe, with single residential dwelling known as "Keepers Cottage" located some 319m from the site. At least 2 residential properties are also located some 630m to the north-west of the site, known as Cropwell Wolds Farm and Prospect House.
- 2 The site is partly contained by established woodlands directly to the south and west, whilst further woodlands lie at a greater distance to the north and south east. The land is flat for the site area, however land slopes steeply down an escarpment further to the east. Long distance views of the site are available largely from the east and north west. A Public Right of Way runs to the south of the site, which the access road would cross.
- 3 The site lies within the designated Green Belt.

PROPOSAL

- 4 The proposal relates to the erection of a poultry farm and associated infrastructure on land off Cotgrave Road, Owthorpe. The proposed buildings are purpose-built poultry units, and the use of the site will be for the rearing of broiler chickens from day old chicks to finished table weight. The 4 No. poultry buildings each have a capacity of 47,500 birds, with the total capacity of the site extending to 190,000 birds. The description of the whole development is as follows:

- a) Poultry Houses 4 No. poultry buildings, each measuring 110m x 20.42m with an eaves height of 3.3m and a ridge height of 6.114m. Each poultry house includes a control room and door canopy attached to the west elevation, measuring 12.51m x 4m. These buildings will be used for the rearing of day-old broiler chicks through to finished table weight.
- b) Feed Blending Rooms 2 No. feed blending rooms measuring 4m x 4m and to be used for blending of whole grain wheat produced in the farm into poultry feed.
- c) Feed Bins The development includes 8 No. feed bins which are circular with a diameter of 3.5m and a height of 8.6m. These bins will be used for the sealed storage of poultry feed.
- d) Concrete Apron A 2153 sq m concrete apron for access and loading will be provided adjacent to the poultry units on the western side. This is to be used for access and vehicle turning purposes.
- e) Dirty Water Tank 1 No. SSAFO certified underground dirty water tank. This tank will be used to provide sealed containment for wash out water
- f) Gate House Gate House measuring 9.03m x 7m with an eaves height of 2.591m and a ridge height of 3.215m. To provide office and staff facilities.
- g) Plant Room Plant Room measuring 7.275m x 3.190m with an eaves height of 2.591m and a ridge height of 3.018m. To provide for water and electricity supplies
- h) Generator Backup generator on a 5m x 3m concrete base. To provide a backup power supply in the event of mains failure.
- i) Water Tank 1 No. Circular water tank with a diameter of 4.672m and a height of 3.6m. To provide the required 24 hours drinking water storage for the birds.
- j) Car Park Car Parking Area for 3 cars.
- k) Gas Tanks 5 No. bulk gas tanks. These tanks will provide a fuel source for heating the poultry houses.

- | | |
|---------------------|--|
| l) Attenuation Pond | Attenuation Pond for Sustainable Drainage Provision for the development. |
| m) Access Road | Access road to link the development to Cotgrave Road (Public Highway). |

ENVIRONMENTAL

- 5 The Environmental Impact Assessment (EIA) Regulations require that any development which is listed in Schedule 1 be subject to EIA. The proposed development falls within the definition of Section 17 of Schedule 1, 'Installations for the intensive rearing of poultry or pigs' as it exceeds the threshold of 85,000 broilers as defined in Section 17 part (a). EIA is mandatory under Schedule 1 of the 2017 EIA regulations and therefore one has been provided.

RELEVANT SITE HISTORY

6. None.

Copies of all representations can be found [here](#).

REPRESENTATIONS

Ward Councillor(s)

7. One ward Councillor (Cllr Combella) Objects: Whilst supporting the principle of local food production I feel there is a place for everything. The hillside overlooking the village of Owthorpe 320 metres from the nearest residence is very definitely not the place for the following reasons:
- a) Impact on the environment
 - b) Impact on residential amenity
 - c) Impact on health
8. The viewpoints assessed in the application are very carefully chosen and not representative. Please reassess.
9. The siting of the "factory unit" for production of chicken will be in a very prominent position the hill/escarpment overlooking the Vale of Belvoir, with views across to Belvoir Castle, and the very near neighbouring village of Owthorpe with its Grade I listed church of St. Margaret.
10. A similar unit was given permission in 2017 not a mile away; however this was sited on the West side of the escarpment, thus protecting the neighbouring village of Cropwell Bishop from the noise and odour which would be carried on the wind. In addition, it has direct access to the A46 preventing the extra burden of traffic through the village.

11. The current application could equally be sited on the West side of the escarpment, adjacent to the A46 with similar benefits and helping protect the residents and village of Owthorpe.
9. Object for the following reasons:
 - a) It is contrary to Policy 1 of the Local Plan Part 2 and adversely affects the amenity of the Owthorpe village and is not in keeping with its surroundings. Despite being an agricultural building, it is a 'factory unit' in other name, no different to that on an industrial estate.
 - b) Noise - will be carried on the wind. We all noticed a drop in noise due to limited traffic and flight reduction over the last 2 years. Noise will be carried on the wind – noise from the operation above the village of Owthorpe impacting the residents.
 - c) Odour – will also be carried on the wind down into the village with health implications
 - d) Dust particles – will be carried on the wind, again with health implications. We are told this is an acceptable distance to mitigate impact upon Owthorpe, 320 metres away, however we are all aware we get sand blown from the Sahara – a great deal further away.
 - e) Light pollution – emanating from security lights and night time operations will illuminate the night sky in this very dark rural area, impacting not only residents of Owthorpe but nocturnal wildlife.
 - f) Economic & environmental benefits – the extra employment is extremely limited – local food production is mentioned, but as already said, better sited of the unit could still bring these benefits.
 - g) The appeal decision is a complete red herring. An agricultural building of this nature is not inadmissible in the green belt; however it still needs strong justification and this appeal cannot be used as an argument. All applications should be judged on their own merits or lack of them.

Adjacent ward Councillor

10. (Cllr Butler): Objects on the following grounds:
 - a) Although Owthorpe is a rural and farming village, the farms are long established small traditional family farms and are not mass poultry. This proposal is on a large commercial industrial scale.
 - b) The design and size of the sheds is completely out of proportion and appearance to all the homes and existing farm premises in the village. Completely out of keeping.
 - c) Visual appearance and impact on the amenity of residential properties will be immense and unacceptable due the lie of the land and will give the impression of expanding the village out into open countryside. I think this is contrary to Policy 1 of Local Plan Part 2.
 - d) You cannot get much more "rural and traditional" here. One of the benefits of this is the lack of artificial light pollution. Nearby by is a long established and respected observatory. I agree with their objections that light from the buildings, grounds and security lights will have major impact on the serious work being carried out by the observatory.

- e) Owthorpe is steeped in history and it and the surrounding area has history of key archaeological finds. A few hundred yards away are the unique historical fishponds" which suggest to me that there could be other items of history at risk.
- f) The unique feel, tradition and ambience of this area will be lost if this application is allowed.

11. (Cllr G Moore) Supports the application.

Local Members of Parliament

- 12. Jo Churchill MP: No Objection_Recommends that measures include the use of scrubbers to reduce ammonia emissions from poultry housing. The use of chemical or acid air scrubbers to remove ammonia emissions from the exhaust air of mechanically vented poultry and pig housing is currently recognised as a Best Available Techniques (BAT).
- 13. Ruth Edwards MP: Objection Supports the principle of businesses and farm diversification to enhance rural areas, but has some significant concerns around this particular application:
 - a) Impact on the nearby observatory
 - b) If granted would request a call in by the Secretary of State and consider challenging the decision through a Judicial Review.
 - c) Impact on ecology, not enough work done on mitigating the impact or Bio diversity net gain.
 - d) Adverse impact of this massive development in the countryside and on the village of Owthorpe.
 - e) No robust evidence given to demonstrate that harmful noise impact will be managed and mitigated against.
 - f) Concerns regarding traffic and vehicular movements, light pollution and impact on rights of way raised by the Ramblers and residents.
- 14. Finally, the National Planning Policy Framework (2021) set out that 'Sustainable Development' should be welcomed and therefore, by implication, unsustainable development should be resisted. The number, range and depth of objections to the current application show that it is wholly unacceptable in its current form and this application should be rejected.

Borough Council

- 15. Ecology and Sustainability Officer: No Objection and comments that an in date Preliminary Ecological Assessment report has been supplied which appear to have been carried out according to good practice

16. The findings can be summarised as follows:
- a) No significant predicted impacts (including ammonia deposition) were identified for Borders Wood Local Wildlife Site (LWS). Ammonia deposits on the adjacent Taylor's Wold and Fox Holes are likely, however the woodland was assessed as providing negligible potential to support roosting bats or other protected or priority species and contains common plant species. Ponds in close proximity to the site have not been assessed for ammonia impacts, however no protected species have been identified.
 - b) The site provides opportunities for roosting and foraging wild birds (including Song Thrush and Kestrel), invertebrates; amphibians, potentially including Great Crested Newts (however none were identified by eDNA sampling, but previous records exist for GCN within 50m of the site; this was not identified by the consultant ecologists); reptiles; commuting and foraging Bats particularly along the woodland edge; and terrestrial mammals (including Badger, previous records exist onsite, not identified by the consultant ecologists).
 - c) No priority habitats were identified on site. The construction is proposed to take place over the land primarily identified as arable grassland, therefore impacts are not predicted. The development provides opportunities for ecological enhancement. The favourable conservation status of Protected Species is unlikely to be impacted by this development.
17. Recommends conditions requiring the following:
- a) If works have not commenced by June 2023 an update ecological survey is required and every subsequent 2 years if works have not commenced.
 - b) Pre commencement surveys are required for Badgers.
 - c) A biodiversity net gain (BNG) assessment, with a demonstrated gain should be provided as recommended by CIRIA (2019) Biodiversity Net Gain – Principles and Guidance for UK construction and developments, with the gains implemented and maintained in the long term and agreed by the local planning authority, this should be supported with a Landscape and Ecological Management Plan (LEMP).

Nottinghamshire County Council

18. Archaeology Officer: No Objection subject to condition
19. NCC Highways: No Objection and are satisfied the access can meet their requirements subject to upgrading the access and hard surfacing for a distance of 15m of the access road from the rear of the highway boundary and that it be suitably drained to prevent surface water discharging onto the highway.
20. NCC Flood Risk (Lead Local Flood Authority (LLFA)): No Objection
21. NCC Rights of Way: Objection considering that the amendments made to the proposal in respect of public rights of way (PoW) do not address their concerns and comments are summarised as follows:

- a) the additional proposed bund and tree planting to create a screened aspect from Cropwell Bishop Footpath 13 is welcomed however, there is no landscaping to mitigate acknowledged points of most visual impact from Owthorpe FP10
- b) There remains a lack of submitted recognition and due consideration of Owthorpe FP 10 where it crosses the site; No details how FP 10 where it intersects over the site would be treated and maintained to acceptable terms.
- c) Operational hours between 7.00 and 21.00 will co-inside with when the rights of way will be used. The audible impact may have a detrimental effect on the quiet solitude and rural feel of the RoW network.
- d) No evidence has been provided to demonstrate that consideration has been given to how the proposed development access route will impact on the RoW and the safety of its users. Particularly regarding the additional activity during the construction phase. Footpath surfaces should be maintained during and after the construction phase of the development.

22. Additional Comments:

- a) The safety of the public using the path should be observed at all times. A Temporary Closure of the Footpath may be granted to facilitate public safety during the construction phase subject to certain conditions;
- b) There should be no obstruction or disturbance to the surface of the footpath without prior authorisation from the Rights of Way team.
- c) Details of Surface Treatment and Maintenance where the footpath crosses the site which should be designed appropriately for ongoing public safety and use along setting out the responsibilities for maintenance and repair.

Town and Parish Council

Cotgrave Parish Council – No Objection

Other Statutory Consultees

- 23. Environmental Agency: No Objection
- 24. Historic England: No Objection
- 25. Natural England: No Objection
- 26. Highways England: No Objection
- 27. NCC Wildlife Trust:

We believe that the ecological are inadequate as it does not provide the detail needed for such an application to fully meet planning authority requirements in respect of biodiversity policy and implications for protected species in this instance. An Ecological Impact Assessment (EclA) should be submitted prior to the determination of the application. Likely impacts to be assessed should include (but not limited to) noise, vibration, dust, artificial lighting, disease risk and compaction (root protection zones).

28. Although the proposed application site is situated within an arable field (currently sown with a cereal crop), it sits aside Priority Habitats (as outlined under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006) designated as local Priority Habitats and are therefore subject to Habitat Action Plans (HAPs) in Nottinghamshire.
29. It is considered that the studies undertaken fail to recognise the full potential of the woodland habitat for bats, the potential for ground nesting birds on the site, the presence of Brown Hare despite the habitats on site being consistent with their ecological requirements and known distribution. It is therefore essential that measures are taken to mitigate any impacts to the woodland (including the woodland edge habitat), especially from light spill and dust. We recommend that a buffer zone (trees and scrub) is planted along the eastern edge of the woodland to help remediate any impacts. Brown Hares are listed as section 41 species of principal importance under the NERC Act (2006) and are a priority species under the UK Post-2010 Biodiversity Framework. An impact assessment should therefore be undertaken to determine any risks to the species from the proposed development.
30. Reptiles: We are satisfied with the ecologist's conclusion in relation to reptiles and support the requirements to implement precautionary working measurements. These should be secured within the LEMP.
31. Trees/ Hedgerows: All trees (scattered or within woodland) and hedgerows should be retained, and root protection zones implemented in line with BS 5837:2012 'Trees in relation to design, demolition and construction'.
32. The proposal does not demonstrate an appropriate level of Biodiversity Net Gain
33. All planting should be of purely native variety, exotic ornamentals (as advised in the ecology report) are not appropriate within an arable landscape.
34. In order to ensure that this application is determined having regard to all relevant material considerations, the necessary impact assessment and desktop study (biological records request) must be undertaken prior to a decision being made.
35. Ramblers Association: Objection - The proposal as it stands does not appear to significantly impact on views from Owthorpe FP10. However, there will be some impact concerning:
 - a) Noise pollution
 - b) Air pollution
 - c) The new access road.

There is currently a problem with the cross-field path: It has not been maintained / reinstated and is not used. Additionally, were it to be used, there is the problem that there is no gap in the hedge to move from one field to the next. Which means that the correct line cannot currently be followed. At the moment the field edge is used as shown by the red dashed line. This clearly overlaps with the planned access road. This situation needs clarification and, if necessary, in order to avoid having cross-field paths, making a slight diversion to the official line of the right of way.

Neighbour representations

Comments can be found [here](#)

36. 402 neighbour representations were received objecting to the proposal summarised as:

a) Principle

- i. Detrimental impact upon the village and setting of Owthorpe.
- ii. Loss of view to open countryside
- iii. The proposed development is more akin to an industrial operation, not a traditional farm. The level of activity and scale of the operation is out of keeping with the character of the area
- iv. Having that many chickens will be harmful to their welfare
- v. Unsuitable and unsustainable location on a hillside setting
- vi. Harmful to living conditions and amenities of local residents and upon the village
- vii. The principle of agricultural buildings is not disputed, however, the height, bulk and mass of the buildings are out of keeping with the surrounding area
- viii. The transportation of birds has not been adequately addressed
- ix. The social, economic and environment benefits are unjustified
- x. The application is flawed
- xi. We do not need another chicken farm
- xii. Harmful to heritage
- xiii. Loss of trees
- xiv. Increased flooding
- xv. National climate crisis

b) Landscape

- i. Harmful to the intrinsic landscape character, open countryside and inappropriate development in the Green Belt
- ii. Development would be highly visible from the east.
- iii. The proposed landscaping bund is insufficient to screen the proposed development
- iv. The landscape viewpoints are insufficient and unjustified

c) Lighting

- i. Proposed lighting scheme is not appropriate for the area. Even low lighting will give off a huge amount of visible light

- ii. There will be extensive all-night lighting on three nights per flock cycle, and regularly lighting in operation on other occasions.
- d) Environmental Health
- i. Ammonia emissions and other pollutants and health concerns, particularly in relation to the cumulative impacts by reason of there being 6 poultry farms within a 3-5 mile radius. Ammonia is a key air pollutant that can have significant effects on both human health and the environment
 - ii. Impact on residents' quality of life due to heat / moisture / dust / odour / noise / light pollution / litter
 - iii. Risk of vermin and diseases
 - iv. Risk of pollution in waterways
- e) Highways
- i. Increase in HGV traffic movement to and from the site could cause harm to the country roads and rural character of the area
 - ii. Development would be visually intrusive from footpaths and public roads
 - iii. Increased traffic movement during the evenings would pose a greater risk to highway safety
- f) Ecology
- i. Does not demonstrate a biodiversity net gain.
 - ii. Harmful to ecology / wildlife / biodiversity
- g) Flooding
- Pollution in local waterways and rivers
- h) General
- i. Detrimental impact upon the Observatory through heat haze and dust which would degrade the unique observing situation
 - ii. The dark sky would be compromised
 - iii. The observatory was specifically located due to its uninterrupted skyline
 - iv. Increase in carbon emissions
 - v. Animal cruelty
 - vi. The increased employment should be offset by the loss of tourism and hospitality
 - vii. Cllrs and the public have been misinformed by the supporting statements submitted with the application
 - viii Lack of consultation with the residents
 - ii. Impact on public health
37. One letter of support was received which can be summarised as:
With the current legislation in place to protect the welfare of the animals and the type of sheds, I support the proposal.

APPRAISAL

The Development Plan

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

Policies in the Local Plan Part 1: Core Strategy can be found [here](#)

39. The following policies of the Rushcliffe Local Plan Part 1: Core Strategy are considered to be relevant to the current proposal:

- Policy 1: Presumption in Favour of Sustainable Development
- Policy 2: Climate change
- Policy 5: Employment Provision and Economic Development
- Policy 10: Design and Enhancing Local Identity
- Policy 11: Historic Environment
- Policy 16: Green Infrastructure, Landscape, Parks and Open Spaces
- Policy 17: Biodiversity

Policies in the Local Plan Part 2: Land and Planning Policies, can be found [here](#).

40. The following policies of the Rushcliffe Local Plan Part 2: Land and Planning Policies are considered to be relevant to the current proposal:

- Policy 1: Development Requirements
- Policy 14: Environmental Protection
- Policy 18: Surface Water Management
- Policy 21: Green Belt
- Policy 28: Conserving and Enhancing Heritage Assets
- Policy 29: Development affecting Archaeological Sites
- Policy 34: Green Infrastructure and Open Space Assets
- Policy 38: Non-Designated Biodiversity Assets and Wider Ecological Network
- Policy 40: Pollution and Land Contamination
- Policy 41: Air Quality

41. It is considered the above policies are in compliance with the general thrust of the NPPF below.

A copy of the National Planning Policy Framework (NPPF) 2021 can be found [here](#)
A copy of the Planning Practice Guidance can be found [here](#)

National Planning Policy Framework (NPPF) 2021

42. The National Planning Policy Framework (NPPF) includes a presumption in favour of sustainable development. Local Planning Authorities should approach decision making in a positive way to foster the delivery of sustainable development and look for solutions rather than problems, seeking to approve applications where possible. In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development. Development proposals that accord with the development plan should be determined without delay. Where the development plan is absent, silent or relevant policies are out of date, 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 Framework taken as a whole.
43. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to sustainable development: economic, social and environmental. The environmental role refers to 'contributing to protecting and enhancing our natural, built and historic environment.'
44. Chapter 3: Supporting a Prosperous Rural Economy
This section states that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should promote the development and diversification of agricultural and other land-based rural businesses.
45. Chapter 9: Protecting Green Belt Land
This section states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, and that the essential characteristics of Green Belts are their openness and their permanence. 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.

PLANNING CONSIDERATIONS

Principle of Development

46. The NPPF promotes sustainable economic growth. Paragraph 84 specifically indicates that planning policies and decisions should support the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings.

47. Paragraph 84 of the NPPF sets out 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.
48. In accordance with the above policy and advice, your officers are satisfied that the application proposes sustainable growth by way of the development of well-designed new buildings suited to their location in the countryside.
49. A series of objections have been made to the intensive nature of this form of agricultural enterprise. Although not supported by some members of the public and councillors, such poultry houses are not an uncommon form of development in the countryside and come under a licencing regime controlled by the Environmental Agency. The application has been informed by the Environmental Impact Assessment and associated documents, which are discussed below.

Environmental Permit

50. An Environmental Permit application has been submitted to the Environment Agency. The Permit application includes a borehole and an incinerator which do not form part of the planning application. The Ward Councillor has quite rightly queried these additions. Nevertheless it should be noted that the borehole constitutes permitted development and therefore does not require planning permission. Furthermore, the applicant acknowledges that the incinerator does not form part of this application and therefore this element is not for consideration as part of this planning application. In applying for an Environmental Permit, the applicant has sought to cover all eventualities so as to prevent the need for further permits. Once the facility is functioning should the applicant wish to construct an incinerator, a separate planning application will be made. That application will be considered on its individual merits.

Green Belt

51. Paragraph 137 of the NPPF 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. Therefore, it must be considered whether the proposal would have any significant adverse effect on the Green Belt in this location.

52. The first issue to consider is whether the proposal is an appropriate form of development in the Green Belt and, if it is not, whether there are very special circumstances to justify inappropriate development.
53. Paragraph 147 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
54. Paragraph 148 of the NPPF states 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, is clearly outweighed by other considerations”. This national policy advice is reinforced within policy 21 of the LPP2, which states that applications for development within the Green Belt should be determined in line with the NPPF.
55. In terms of whether the proposal would represent appropriate development in the Green Belt, paragraph 149 of the NPPF states that a local authority should regard the construction of new buildings as inappropriate in the Green Belt except for, amongst other uses, buildings for agriculture. The proposal is for agricultural purposes and is therefore deemed ‘not inappropriate’ development in the Green Belt. It is not therefore necessary to consider whether any special circumstance exist to justify the proposal and harm to the Green Belt.
56. In view of the above, it is considered that the proposal would not result in a significant interruption to the Green Belt in this location. Modern agricultural buildings are often of an industrial nature and can form prominent features in the landscape. Such buildings are increasingly required in connection with modern intensive farming methods, particularly for livestock, and are increasingly common features in the open countryside. As such the principle of the development is acceptable.

Landscape and Public Views

57. Policy 34 of the Local Plan Part 2 supports development proposals that protect, enhance, or widens their green infrastructure importance providing it does not adversely affect their primary function. In this case, the site currently forms part of a field in agricultural use which is defined by hedgerows with intermittent tree field boundaries and several pockets of woodland. The site sits in the context of existing buildings in agricultural use within an undulating landform, with a more undulating landform to the east where it falls with a generally east facing slope. Due to the nature of the existing local area, the proposed scheme would not be out of character with its surroundings when considered as part of the wider landscape.

58. The applicants have amended the plans through the addition of a landscaped soil bund adjacent to the northern elevation of the proposed development. The soil bund will be created using the spoil excavated during the construction process and will be maintained at a height of 2 metres above the finished floor level of the building. The soil bund will also be landscaped through tree planting of native species, and will thus in time, produce a complete screen of the development from the views available from the north.
59. With additional mitigation measures such as native tree and hedgerow planting to the site boundaries; management and maintenance of existing surrounding hedgerow and trees; and the use of materials for the external envelope of the buildings; it is not considered the proposal would be unduly harmful to the appearance of the site and its surroundings. In addition, the site plan has been amended to show 10% of the tree species to be 1.8m - 2.4m standards for the provision for some mature trees.. Overall, it is not considered that the proposal would have a detrimental impact upon the open nature of the open countryside.
60. The application is supported by a Landscape and Visual Impact assessment. The field survey was carried out during November 2021, and all viewpoints were chosen from publicly accessible vantage points. A total of six viewpoints were selected to represent a variety of receptors in the surrounding area. An additional viewpoint from the Public Footpath adjacent to the observatory, around 1km north of the site was added. Particular attention was paid to the potential views of receptors of high sensitivity, e.g. users of Public Rights of Way. None of the viewpoints were considered to have a significant impact and mitigation measures were suggested to aid the scheme integrate successfully into the existing environs.

Layout and Design

61. Policy 10 of the Core Strategy and Policy 1 of the LPP2 require consideration of the impact of the development of the design and appearance of the area, with reference to reinforcing valued local characteristics, the potential impact on important views and vistas, including of townscape, landscape, and other individual landmarks, and the potential to create new views, conserving, enhancing and restoring landscape character. The scale, density, height, massing, design, layout and materials of the proposed development all feed into these considerations, along with fundamentals of landscape and biodiversity enhancement.
62. The site access is located 700m to the west of Owthorpe Village, and 400m east of the A46 junction with Cotgrave Road. The site will be accessed via the existing field access to Cotgrave Road, with an access track to link the development. The access point to Cotgrave Road is to be upgraded to Nottinghamshire County Council highways specification.

63. The application is supported by a Design and Access Statement, that sets out the proposed development and its various elements. The form of development proposed is designed to the function of the buildings and associated structures and is typical of this type of development.
64. The poultry buildings – comprise of steel portal frame construction. The walls are precast concrete to 450mm with polyester coated profile sheeting above in olive green. The roof covering will be polyester coated profile sheeting in olive green. Roof mounted ventilation chimneys will be black plastic. The ancillary buildings, including the feed blending rooms, gate house and plant room will be constructed from a steel frame with profile sheet cladding for the walls and roof to match the poultry buildings. Furthermore, the feed bins will be plastic and coloured olive green in keeping with the overall design character. Thus, the layout in terms of form and function will not detrimentally impact upon with the surrounding character.

Highway Safety and Traffic Management

65. The application is supported by a Transport Statement which sets out the impact of the proposed development on the surrounding area. The statement concludes that the impact of the development is not considered to be severe. Furthermore, no objections were raised by the Highway Authority and it considers that the proposed development to have no adverse impact on highway safety.
66. With regards to traffic management the applicant is in agreement that a condition should be imposed with regards to HGV traffic routing in the form of a HGV Management Plan Condition, and a Construction Traffic Management Plan Condition. Therefore, all HGV traffic associated with the construction and operation of this development will enter and exit the site from the A46. There is no operational requirement for any HGV traffic associated with the construction or operation of the site to travel through Owthorpe village. In addition, a no left turn sign will be incorporated at the site exit.

Public Right of Way (PROW)

67. The NCC PROW has raised concerns over the fact that the development site plans submitted do not recognise the existence of Owthorpe Footpath 10 or its crossing of the site over the proposed development access route. However, the landscape and visual impact has considered potential views of receptors of high sensitivity for users of the Public Rights of Way. None of the viewpoints were considered to have a significant impact and mitigation measures were suggested to aid the scheme integrate successfully into the existing environs.
68. The applicant has advised that they are agreeable to reinstate the line of the footpath to the route identified on the definitive map. The footpath crosses arable land and thus the maintenance involves keeping the route mown and free from obstruction.

Impact on Neighbouring Residents

69. In addition to requiring good design, Policy 10 of the LPP1 also requires that new development be assessed in terms of its impacts on neighbouring amenity. This approach is echoed in the criteria for assessing development set out in policy 1 of the LPP2.
70. The proposed poultry unit development requires good transport links to the main road network for HGV traffic, and also requires a degree of separation from neighbouring residential uses to ensure that there is no adverse impact on the amenity of neighbours. The application site is located in close proximity to the Cotgrave Road junction with the A46, providing good transport links. The site also benefits from existing landscape screening in the form of mature woodlands and is relatively remote from residential neighbours.
71. The application site was considered to be the most appropriate location for the development. The Council's Environmental Health Officer has not objected to the proposed development and therefore, whilst it is acknowledged that there has been a high level of local interest in the application with a significant level of local objection, your officers consider that the proposed development would not give rise to an adverse impact upon the amenities of any neighbouring residential properties.

Environmental Impacts

72. The EIA Regulations require that any development which is listed in Schedule 1 be subject to EIA. The proposed development falls within the definition of Section 17 of Schedule 1, 'Installations for the intensive rearing of poultry or pigs' as it exceeds the threshold of 85,000 broilers as defined in Section 17 part (a). The proposed development falls within Schedule 1, article 17(A) of the Regulations, Installations for the intensive rearing of poultry with more than 85,000 places for broilers or 60,000 places for hens. The development therefore is EIA development, where an Environment Impact Assessment is required and has been duly submitted.
73. The site will be subject to an Environmental Permit which is assessed separately by the Environment Agency.

Noise

74. Policy 40 of LPP2 assess development and identifies potential nuisance issues arising from the nature of the proposal such as noise. The application is supported by a noise impact assessment (annexed to the environmental statement). The proposed development will result in a permanent effect, as the noise impacts of the development arise from the operation of plant and transport throughout the lifespan of the development. The noise impacts are assessed as low. The effect will be localised and will not impact on environmental and other features to their detriment when relating to existing uses. Restrictions on the

hours of use for deliveries and collections are proposed as a condition to minimise the amount of disturbance to nearby residents.

Odour

75. In terms of atmospheric emissions from the proposed poultry installation, the proposal is to utilise a high velocity ridge mounted ventilation system. This type of ventilation system is deemed to be best available technology for the dispersal of odour and other atmospheric emissions. Odour emission rates for the nearest residential properties as a result of the proposal have been assessed. The odour impacts of the development relate to its operation for the design life of the project, and therefore represent a permanent effect.
76. The submitted environmental statement concludes the odour exposure to all nearby residences surrounding the site of the proposed poultry unit, would be well below the Environment Agency's benchmark for moderately offensive odours. In addition, the air quality impacts are assessed as low. The effect will be localised and will not impact on environmental and other features to their detriment when relating to existing uses and nearby residents. The site is to be permitted and odour will come within the remit of the permit. In this context the Environmental Agency has not objected to the application. As such the information submitted in the Environmental Statement is adequate and the application accords with policy 40 of LPP2.

Manure

77. The release of ammonia is a well-known by-product of poultry farming. The proposed development has been assessed for ammonia and nitrogen deposition impacts on off-site biodiversity including SAC's, SSSI's, Ancient Woodlands and Local Wildlife Sites. The proposed development has been assessed as acceptable in term of aerial emission impacts to sites of biodiversity importance. The ammonia dispersion modelling report concludes that the process contribution from the proposed poultry unit to annual mean ammonia concentrations would be well below the Environment Agency's lower threshold percentage of the relevant Critical Level and/or Load at all non-statutory and statutory wildlife sites considered. Therefore, ammonia emissions from ranging areas have been assessed and the environmental Report concludes that cumulative ammonia concentrations and nitrogen deposition rates arising from the proposed development/operation will have no significant environmental impact upon outlying habitat land.

Refuse and Waste Collection

78. The application is supported by the Environmental Assessment that includes a Dirty Water Tank Specification, Odour Impact Assessment, Ammonia Impact Assessment.

79. The manure removal process from the poultry buildings would be undertaken with a mechanical loader. All manure would be loaded from the sheds into trailers which would be sheeted and transported off site for disposal via biomass power stations.
80. Following the removal of the manure, the buildings would be washed with high pressure hoses. The inside of the proposed buildings would be drained into sealed underground dirty water containment tanks. All washout water from the site would be contained within the dirty water system. At the end of each cleanout period, the tank would be emptied by vacuum tanker for appropriate disposal. The dirty water management system is an absolute requirement for the Environmental Permit and ensures that the proposal does not have the potential for contaminated runoff.
81. Clean roof water and yard water will be discharged to the proposed Sustainable Drainage System which is in the form of an attenuation pond with restricted discharge to the drainage ditch system.
82. The Environmental Agency offered no objection and provided a recommendation with regards to hierarchy of drainage options. Therefore, it is considered that adequate detail has been given to determine this application with a condition of this nature. As such the information submitted in the Environmental Statement is adequate and the application accords with policy 18 of LPP2.

Drainage and Flood Risk

83. The application site comprises an existing arable field. The site is noted on the Environment Agency flood maps as Flood Zone 1 (outside of the flood plain). The built development is not at risk of flooding. In accordance with paragraph 167 of the NPPF, drainage in the form of attenuation has been designed into the scheme through the provision of a soakaways. The use of this type of system prevents surges during high rainfall and mitigates surface water run-off from the development so as not to adversely impact on environmental and other features to their detriment when relating to existing uses.
84. The surface water management design proposes a sustainable drainage system which will limit the total site runoff from the proposed development to a greenfield runoff rate. Attenuation is proposed in the form of an attenuation pond for clean roof water. The use of this type of system prevents surges during high rainfall and provides benefits in terms of downstream flooding consequences. The design of the sustainable drainage system includes design provisions for climate change within the designed system. Foul and surface water drainage on the site will be separated to prevent discharge of dirty water from the site. The separate drainage systems are a requirement for the Environmental Permit.

85. No objection was received from the Lead Local Flood Agency and the environmental statement concluded that the flood risk and drainage impacts are assessed as low and there will be an effect, however this will be localised and will not impact on environmental and other features to their detriment when relating to existing uses. On this basis the application is therefore in accordance with policy 17 of LPP2.

Heritage and Archaeology Considerations

86. Your officers are satisfied that the proposal does not cause any harm to heritage assets Historic England has no objection, and the County archaeology officer has no objection subject to the use of an appropriate condition . As such the proposed development is considered to be in accordance with policy 28 of LPP2 and 29 of LPP2.

Ecology and Biodiversity

87. Core Strategy Policy EN1 and Policy 38 of the LPP2 requires development to contribute towards the conservation, enhancement or restoration of biodiversity and ecological networks throughout the landscape. The NPPF (Section 15) advises that the planning system should conserve and enhance the natural and local environment by; minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
88. Policy 17 'Biodiversity' of the Local Plan Part 1: Core Strategy, sets out the biodiversity of Rushcliffe will be increased over the plan period by seeking to ensure that new development provides new biodiversity features and improves existing biodiversity features wherever appropriate.
89. A preliminary Ecological Appraisal has been submitted to support the application and the Ecological and Sustainability Officer offers no objection. No priority habitats were identified on site and the construction proposed to take place over the land primarily identified as arable grassland, therefore impacts are not predicted as the site's habitats which will be affected by works are common and widespread and are considered to be of low intrinsic biodiversity value. The site is not of sufficient ecological value to warrant whole-scale protection from development.
90. The development provides opportunities for ecological enhancement. The favourable conservation status of Protected Species is unlikely to be impacted by this development. The report sets out measures that can be delivered via conditions.

Lighting and Operation Hours

91. The development does not require 24-hour external lighting. However, some external lighting will be required in the form of directional flood lighting above the catching doors when birds are being caught for removal to the processor. This lighting will be required for 3 nights per flock and approximately 7.6 flocks will be removed per annum. Thus, outside of the catching periods, 24-hour lighting is not required. Motion sensor trigger lighting will be provided for any staff needing to visit the site during hours of darkness. Therefore, no significant impact and the report sets out measures that can be delivered via conditions. On this basis your officers are satisfied that the proposal accords with policy 40 of LPP2.
92. In response to concerns relating to the impact upon the Observatory, the applicant has agreed plant evergreen large trees to assist in screening the operational area of the poultry unit from the observatory. The applicant has also agreed to install an astronomy-friendly lighting scheme which will be professionally designed by lighting consultants. These details will be secured by condition. On this basis your officers are satisfied that the proposed accords with policy 40 of LPP2.

PLANNING BALANCE

93. Section 36 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material considerations indicate otherwise.
94. Your officers consider that the proposed development would accord with national and local planning policies for this form of development. In addition your officers consider that the proposal would not materially harm the character or appearance of the area or amenity of nearby residents and would not impact upon road and pedestrian safety. It has also been designed to provide mature landscaping in order to mitigate and minimise its visual impact in the wider landscape . The details submitted illustrates that the resultant environment impacts would be mitigated, and flood risk, noise, water and air quality matters have been properly and fully taken in to account.
95. Taking into consideration these factors, the proposal is considered to comply with relevant policies of the Local Plan, and with national planning policy as set out in the National Planning Policy Framework2021.

CONCLUSION

96. There are no significant factors in this case that indicate against the proposal and outweigh the factors in favour of the proposal and the policies referred to above. Furthermore, the proposal is considered a sustainable form of agricultural development in the countryside which will have benefits to the wider rural

economy through the supply and process chain. The application is recommended for approval subject to conditions.

RECOMMENDATION

Grant Planning Permission subject to the conditions set out below:

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

Reason: as required by Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

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

- Location Plan REV-A3 Drawing No. IP/TB/01A March 2022
- Site Plan REV B-A1 Drawing No. IP/TB/02B April 2022
- Elevations and Plan View Drawing No. IP/TB/03 May 2021
- Ancillary Structures Drawing No. IP/TB/04 May 2021
- Existing Site Levels Drawing No. IP/TB/05 April 2022
- Proposed Site Levels Drawing No. IP/TB/06 April 2022
- Traffic Routing Plan

Reason: For the avoidance of doubt and to in the interests of proper planning. For the avoidance of doubt; and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy.

3. A detailed scheme of construction management and method statement to minimise disturbance during the construction process through noise, dust, vibration and smoke shall be submitted to and approved in writing by the Local Planning Authority before the development commences and the construction process shall be carried out in accordance with the scheme so approved.

Reason: In the interests of the amenity of local residents. The issue is integral to the development and therefore full details need to be finished prior to the commencement of works.

4. All HGV's shall access and depart the farm using the A46 as per the routing plan. In addition, no HGV vehicles will turn left out of the site in the direction of Owthorpe Village. Signage should be located at the site entrance/egress indicating 'No left turn for HGVs'.

Reason: In the interest of the amenity of local residents of Owthorpe Village in accordance with Policy 10 of the LPP1.

5. With the exception of live bird transport, there shall be no HGV movements associated with the operation of the development outside of the hours of 07.00 – 21.00.

Reason: In the interest of the amenity of local residents of Owthorpe Village in accordance with Policy 10 of the LPP1.

6. The development shall not be brought into use until the access junction has been upgraded to Nottinghamshire Highway design standard to serve the development.

Reason: In the interests of highway safety.

7. The development shall not be brought into use until the access junction has been upgraded to Nottinghamshire Highway design standard to serve the development. Works on the public highway are subject to the approval of the Highway Authority. For the upgrade of the access junction to the satisfaction of the Highway Authority, the applicant is required to contact Via (in partnership with Nottinghamshire County Council) on 0300 500 8080 or at Licences@viaem.co.uk to arrange for these works to be carried out.

Reason: In the interests of highway safety.

8. No development shall take place until the applicants, or their agents or successors in title, have secured the implementation of a programme for investigation and mitigation by strip, map and sample to be carried out during construction or excavation work on the site, by a professional archaeologist or archaeological organisation.

The details of such a scheme of investigation shall be submitted to and approved in writing by the Borough Council also prior to the commencement of development on the site.

Reason: In the interest of heritage conservation in accordance with policy 28 and 29 of LPP2.

9. Prior to the installation of any external lighting on the site, the applicants shall submit a scheme of astronomy friendly lighting for approval by the Local Planning Authority. The lighting shall be installed as approved and maintained for the lifetime of the development.

Reason: In the interests of the amenities of the area and local residents and to minimise light pollution in accordance with Policy 40 of LPP2.

10. Prior to the first use of the development a Biodiversity Lighting Strategy shall be submitted to and approved by the Local Planning Authority. The Strategy shall demonstrate how scheme and lighting proposals will be designed to minimise and mitigate impacts upon wildlife, such as bats. No lighting other

than that approved within the scheme shall be installed without the prior written approval of the local planning authority.

Reason: To ensure that the provision of lighting is incorporated to protect existing wildlife in accordance with Policy 40 of LPP2.

11. Notwithstanding the details in the Environmental Report submitted with the application, the development hereby permitted must not be commenced 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.
A biodiversity net gain (BNG) assessment, with a demonstrated gain should be provided as recommended by CIRIA (2019) Biodiversity Net Gain – Principles and Guidance for UK construction and developments, with the gains implemented and maintained in the long term and agreed by the local planning authority, this should be supported with a Landscape and Ecological Management Plan (LEMP).

Reason: 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.

12. This permission does not entitle the applicant to obstruct in any footpath or right of way which crosses the land to which this application relates Prior to the commencement of any works on site, including the construction of any access road, details of safety measure to protect users of the public footpath crossing the access road, which shall include details of surfacing and fencing shall be submitted to and approved in writing by the Local Planning Authority. Any approved details shall be implemented prior to the unit being brought into use and thereafter maintained for the life of the development. If it is intended to divert or stop up the footpath, the appropriate legal steps must be taken before development commences. Please contact the Public Rights of Way Officer for advice on the procedures. (Tel 0115 9148215)

Reason: In the interests of pedestrian safety and to minimise disruption to users of the public footway and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies.

13. Notwithstanding the soft landscaping shown on the submitted drawing(s) Site Plan REV B-A1 (Drawing No. IP/TB/02B dated April 2022) 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 Landscaping Scheme must provide details of all hard and soft landscaping features to be used and include the following:

- a) An accurate survey of all existing trees and other natural features showing those to be retained and those to be removed;
- b) 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.
- c) 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)
- d) Plans showing the proposed finished land levels/contours of landscaped areas;
- e) Details of all proposed hard surfaces areas, retaining structures, steps, means of enclosure, surface finishes and any other hard landscaping features;
- f) 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.

Reason: To ensure the development creates a visually attractive environment and to safeguard against significant adverse effects on the landscape character of the area having regard to Policy 10 (Design and Enhancing Local 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 (Achieving Well-designed Places) of the National Planning Policy Framework (2021).

NOTES FOR APPLICANT

NCC Highway

Works on the public highway are subject to the approval of the Highway Authority. For the upgrade of the access junction to the satisfaction of the Highway Authority, the applicant is required to contact Via (in partnership with Nottinghamshire County Council) on 0300 500 8080 or at Licences@viaem.co.uk to arrange for these works to be carried out.

Environmental Agency

Construction Phase Advice

Appropriate sediment control measures should be utilised during the construction phase to ensure that sediment is not able to enter any nearby watercourses. If any dewatering of excavations is required during the construction phase an Environmental Permit may be required.

The applicant is advised If works have not commenced by June 2023 an update ecological survey is required and every subsequent 2 years if works have not commenced.

Any landscaping proposals would need to consider and take account of the wider visual impact of the development and how that can be mitigated against.

There are records of Badgers and Brown Hares within the vicinity of the site therefore, before works commence the applicant should undertake a survey to see if there is any evidence of those species on or using the site that is subject to this application. This is necessary as badgers are a protected species and the Brown Hares is in rapid decline and protected by the Wildlife and Countryside Act 1981 in close season. If these are found to be present then mitigation measures will be required. For more information about how to conduct the survey and appropriate mitigation measures applicants are advised to contact Nottinghamshire Wildlife Trust on 0115 958 8242. any amendments to the ecological report and the LEMP should take account of this.

In the interests of amenity, all construction works, including deliveries, shall be restricted to the following times, to cause the minimum amount of disturbance to neighbouring residents: Monday – Friday 0700 – 1900 hours Saturday 0800 – 1700 hours Sunday/Bank Holidays No work activity which should be set out in the Construction method statement.



Application Number: 22/01105/FUL
The Smithy, 45 Church Street, Ruddington, Nottingham



scale 1:1000

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22/01105/FUL

Applicant

Mr D Offord

Location

The Smithy, 45 Church Street, Ruddington

Proposal

Erection of 1 No. 2 Storey Detached Dwelling (resubmission of Ref No 22/00571/FUL)

Ward

Ruddington

Full details can be found [here](#)

THE SITE AND SURROUNDINGS

1. The application relates to a plot adjacent a detached three-bedroom dwelling house in the centre of Ruddington Village, which has recently been refurbished. A detached single-storey garage sits to the north side of the plot set back behind a modern low boundary wall with railing above.
2. To the rear (east) of the property is the Grade II listed Former Framework Knitters Workshop, Now Occupied by Alfred Cook (Machinists) Limited and newly constructed 2 storey properties (with accommodation within the roof space) on Parkyns Street no.s 17,19, 21 and 23. West of the proposal site at the end of Chapel Street is the Grade II listed Framework Knitters Cottages and the Grade II listed Former Framework Knitters Workshop and Attached Outbuildings (east and west block) which are all now part of the Museum Complex. The surrounding area can be classified as a mixture of commercial and residential properties and the site lies within the development limit for Ruddington and its Conservation Area.

DETAILS OF THE PROPOSAL

3. The application seeks permission for the erection of two-storey, 2-bedroomed, detached dwelling on the land between No.45 Church Street and No.39 Church Street. The dwelling would be faced in a mix of render and cladding having a maximum width of 6.5m and a depth of 8.5m. The maximum height would be 7.65m, dropping to 6.5m nearest the proposed southern elevation, with an eaves height of 5m throughout. The dwelling is designed to have a pitched roof and would have an overall floor area of 85.3 sqm. A parking space is proposed to the front with access off Church Street. A rear garden of 52sq.m would be provided having an overall depth of 7.05m
4. Amended plans were received during the course of the application reducing the size of the property by omitting an area annotated as a walk-in wardrobe at first floor. A Transport Assessment was submitted along with a Shadow Analysis Study.

SITE HISTORY

5. 21/02969/FUL - Construction of front porch, external alterations to fenestration, doors and application of render (Retrospective)(permitted)
6. 20/01602/FUL - Erection of 1 no. dwelling. The application was withdrawn in July 2020.
7. 22/00571/FUL - Erection of 1 No. new 2 storey detached dwelling. The application was withdrawn in May 2022 due to concerns regarding the parking provision and the level of amenity space provided as part of the development.
8. The current application was submitted with a Transport Assessment, in order to seek to provide justification for the level of parking provision proposed. The current application also reduced the level of accommodation at first floor from 3 bedrooms to a 2 bedroomed dwelling. The current application also increased the level of amenity space at the rear of the dwelling from 45sqm to 52sqm.

REPRESENTATIONS

Full consultee comments and representations can be found [here](#)

Ward Member

9. One ward Councillor (Cllr M. Gaunt) has objected to the application due to the development being over intensive for the space. There is not enough outdoor amenity space and lack of parking provision for the dwelling.

Borough Council

10. Conservation Officer -. Has commented that the proposal would not harm the special interest of the nearby Listed Building by virtue of distance and the lack of intervisibility between the properties. The officer also concludes that the proposal would not harm the character and appearance of the Conservation Area. It would preserve and enhance the appearance of the property and therefore the Conservation Area subject to conditions regarding the roof tile and permeable parking materials.

Nottinghamshire County Council

11. Highways: Have reviewed additional information with regard to parking provision (Letter from Bancroft Consulting dated 13 July 2022). The officer notes that the proposal is for a 2- bedroom dwelling with one off-street parking space and advises that "whilst the parking standards within the Nottinghamshire Highway Design Guide require a minimum of 2 parking spaces for 2-bedroom dwellings, the provision of only one space in this location is not considered to result in a highway safety concern. It is acknowledged that the site is located in a sustainable location, with a range of day-to-day destinations accessible without the use of a car. The site is also well served by public transport. Sufficient on-street parking controls are also present in the surrounding area to ensure any overspill parking does not present a highway safety concern. It is noted that on-street parking already occurs on Church Street in the vicinity of the site, and any impact the development may have on on-street parking will not result in a

significant change to the current situation. The impact on the amenity of adjacent residents/businesses is a matter for the LPA to consider”.

Parish Council

12. Ruddington Parish Council has objected to the application as it is over intensive, lack of outdoor amenity space and lack of parking provision.

Statutory and Other Consultees

13. None

Local Residents and the General Public

Full details of the comments can be viewed [here](#).

14. Objections have been received from No.39 Church Street which are summarised as follows:
 - a) Will cause overbearing
 - b) Loss of light/ right to light
 - c) Will exacerbate current parking issues
 - d) Overlooking via first floor window and loss of privacy
 - e) Overshadowing analysis provided

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) and the Ruddington Neighbourhood Plan. Other material considerations include the National Planning Policy Framework (NPPF) (2021), the National Planning Practice Guidance (the Guidance), and the Rushcliffe Residential Design Guide (2009).

Relevant National Planning Policies and Guidance

16. The following sections in the National Planning Policy Framework (NPPF) are of relevance:
 - Section 2 - Achieving sustainable development
 - Section 12 - Achieving Well Design Places
 - Section 16 - Conserving and enhancing the historic environment

A copy of the National Planning Policy Framework 2021 can be found [here](#)

A copy of the Planning Practice Guidance can be found [here](#)

Relevant Local Planning Policies and Guidance

17. The following policies within LPP1 are of relevance:
 - Policy 1 - Presumption in Favour of Sustainable Development
 - Policy 2 - Climate Change
 - Policy 3 - Spatial Strategy

- Policy 8 - Housing Size, Mix and Choice
- Policy 10 - Design and enhancing local identity
- Policy 11 - Historic Environment
- Policy 17 – Biodiversity

A copy of The Rushcliffe Local Plan Part 1: Core Strategy (LPP1) can be found [here](#)

18. The following policies of LPP2 are of relevance:

- Policy 1 - Development Requirements
- Policy 11 - Housing Development on Unallocated sites within Settlements
- Policy 12 - Housing Standards
- Policy 28 - Conserving and enhancing heritage assets
- Policy 38 - Non-Designated Biodiversity Assets and the Wider Ecological Network

A copy of The Local Plan Part 2: Land and Planning Policies (LLP2) can be found [here](#)

19. The following policies from Ruddington Neighbourhood Plan (2021) are of relevance:

- Part 1: Character Assessment, Character Area 1: The Village Centre
- Part 2: Design Code A1, A2, A3, A4, D1, D2, E2, G1

A copy of The Ruddington Neighbourhood Plan (2021) can be found [here](#)

20. The Rushcliffe Residential Design Guide sets out guidance as to local character and materials, height, scale and massing, achieving privacy and guides for amenity space. It states that "Infill development should respect the existing massing, building form and heights of buildings within their immediate locality". It also provides guidance on garden sizes for new dwellings.

A copy of the Rushcliffe Residential Design Guide can be found [here](#)

21. Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, are also relevant.

APPRAISAL

22. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Framework does not change the statutory status of the development plan as the starting point for decision making. 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.

23. The main planning issues relevant to this application are:

- a) Principal of the development
- b) Impact on the character of the area
- c) Impact on the conservation area/ heritage assets

- d) Impact on residential amenities
- e) Impact on highway safety
- f) Sustainability

Principle of the development

24. The site is located within the village of Ruddington, which is one of the settlements identified in Policy 3 (Spatial Strategy) of Local Plan Part 1, as being suitable for housing growth. The site is located within an established residential area, and the principle of developing the site for housing is acceptable, subject to a number of planning considerations, which are detailed below.

Impact on the character of the area

25. Policy 10 (Design and enhancing local identity) of the Core Strategy states that all new development should be designed to make a positive contribution to the public realm and sense of place, create an attractive, safe, inclusive and healthy environment, reinforce valued local characteristics, be adaptable to meet demands and the effects of climate change, and reflect the need to reduce the dominance of motor vehicles. Development must also be designed in a way that conserves locally and nationally important heritage assets and preserves or enhances their settings.
26. Chapter 12 of the NPPF concerns 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.
27. Officers note that the existing development along church Street is defined by a mix of commercial and residential dwellings, with a mixture of detached, semi-detached and terraced properties with a varying architectural style. The dwelling to the immediate south of the site has recently been updated and render is a common feature along Church Street. The proposed dwelling has been set back from the building to the north, No, 39 and would be set slightly forward of the building to the south, No. 45.
28. The dwelling is of a modern design with render proposed as the facing materials and grey tiles to the roof, which would appear similar to the neighbouring property, No.45. The overall design and appearance of the dwelling is considered to be sympathetic to the character of the area.
29. In terms of the proposed private amenity space for the plot, the application relates to a 2 bedroomed property. Revisions have been sought to reduce the level of accommodation at second floor level to ensure the accommodation reflects that of a 2 bedroomed property. The Rushcliffe Residential Design Guide 2009 states that 1 to 2 bedroomed properties should have a private amenity space of 55sqm. The proposed site plan indicates that the rear garden area would have an area of approx. 52 sqm. Whilst this is marginally below the parameters set out in the design guide, other properties along Church Street have similar sized gardens and the garden size reflects the character/ nature of

the area. As such, officers consider that the level of amenity space to be adequate for a 2 bedroomed property given its location.

30. As such, it is considered that the proposed development would be compliant with Chapter 12 (Achieving well-designed places) of the National Planning Policy Framework), Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies as it would not cause undue harm to the character of the area.

Impact on the conservation area/ heritage assets

31. Conservation Areas are defined under s.69 of the P(LBCA) Act 1990 as being areas of "special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance". There is a need to consider whether the proposal would meet the statutory duty to preserve or enhance the character or appearance of the Conservation Area. In assessing proposals, the P(LBCA) Act requires that decision makers consider character and appearance separately and that proposals need to satisfy both aspects (to preserve or enhance) to be acceptable. Under the statutory duty, considerable weight is given to the presumption in favour of the desirability of the preservation of heritage assets (imposed by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
32. The proposal site within the historic core of Ruddington is nearby to several identified positive buildings of special architectural or historic character according to the Townscape Appraisal. The same plan identifies a significant wall. Therefore, the impact of the proposal on the special interest of the Listed Buildings and Conservation Area must be given consideration.
33. The single-storey detached garage that is present on site is considered to be of no special architectural or historic interest and is considered to be a neutral feature in the Conservation Area. No concerns have been raised by the Conservation Officer regarding its removal. The new dwelling would be highly visible from the public realm. The Conservation Officer considers the proposed layout, form (including height, scale and mass) and design to be appropriate and the materials not to be harmful. A low boundary wall would be present to the front boundary. The materials are high quality and attractive and reference those used within the Conservation Area.
34. As such, the proposal is considered to comply with Rushcliffe LPP2 Policy 1 Paragraph 4, the RNP Parts 1 and 2 and the Rushcliffe Design Guide Section C2 and the Council's statutory duty under s.72 the Planning (Listed Buildings and Conservation Areas) Act, as the proposal's visual appearance and design has no significant negative impacts on the character and appearance of the conservation area and will preserve the character, a goal considered to be desirable within section 72 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(s) of The 1990 Act. In addition, the Conservation Officer has advised that the proposal would not harm the special interests of nearby listed buildings something that is desirable under s 66 of the same Act.

Impact on residential amenities

35. Concerns have been raised regarding the potential overshadowing of the proposed development on number 39. The proposed dwelling is located to the south of No.39 Church Street, so there is potential for overshadowing to this neighbour. However, the private amenity space for No.39 is enclosed by a dwelling and a number of single storey outbuildings, and the only private amenity space is located to the north-east of the main dwelling. It is considered that the private amenity space would already receive limited sunlight due to it being enclosed by outbuildings and a neighbouring apartment block to the east.
36. The proposed application dwelling would be positioned 1m from No.39 Church Street at its closest point. The furthest section of the northern side elevation of the proposed dwelling would have a ridge height of 7.65m and the dwelling would run parallel with a single storey outbuilding which forms the boundary treatment of No.39.
37. The overshadowing analysis provided by the neighbour at No. 39 Church Street has been noted. However, there is no evidence to suggest the credibility of the analysis is sound and, as such, the analysis has very little weight. The Shadow Analysis Study by KOR Architects, submitted in support of the application, demonstrates that the proposed dwelling would limited impacts in terms of overshadowing, due to the garden area of No.39 being east facing and being enclosed by the dwelling to the west (No.39) and a number of outbuildings to the south and east.
38. Officers consider that whilst there is potential for overshadowing impacts to occur to No.39, these impacts would be limited due to the garden area already receiving limited sunlight and due to the separation distance of the dwelling from the neighboring boundary.
39. In terms of overbearing impacts, the bulk of the proposed dwelling would be positioned to the west of the site, which is in line with the neighboring properties at No. 39 and No.45. Officers consider that the scale of the dwelling is moderate for the plot size and replicates similar dwellings along Church Street. The ridge height would be 7.65m which drops down to 5m at the eaves. Officers consider this to be a modest height for a dwelling, and due to the separation distance from the northern boundary, it is not considered that the proposed dwelling would cause significant overbearing impacts to No.39.
40. There is a window proposed on the northern side elevation of the dwelling, which has the potential to cause overlooking to the private amenity space of No. 39. As the proposed window would serve a non-habitable bathroom, it is considered appropriate to condition that the proposed window should be obscurely glazed and permanently fixed shut for the lifetime of the development, to mitigate potential overlooking impacts.
41. No windows are proposed facing No 45 and as the dwelling is proposed to be in line with the rear elevation of this property it is not considered to result in adverse impacts on the host property.
42. To the rear of the site are newly constructed dwellings 17-23 Parkyns Street. The boundary between the site and these properties comprises a wall. These

dwellings have been designed with Oriel windows at first floor which face towards the application site which serve bedrooms. They also have rooflights within the roof which serve a bedroom and ensuite. The distance between the proposed property and No.23 would be around 10m and around 13m to the oriel window. It is considered that the resulting relationship is acceptable.

43. Therefore, taking the above information into account, officers are of the view that the proposed development would not have a significant detrimental impact upon the residential amenity of the adjoining properties.

Impact on highway safety

44. Paragraph 108 of the NPPF seeks to ensure that a safe and suitable access to the site can be achieved for all users; and any significant impact from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
45. Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
46. Policy 1 (2) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) notes that all development must provide suitable means of access can be provided to the development without detriment to the amenity of adjacent properties or highway safety and the provision of parking is in accordance with advice provided by the Highways Authority, while policy 11 (g) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) states appropriate provision for access and parking is made.
47. Nottinghamshire County Council Highways Department have been consulted and have raised no objection to the proposed development and have referred to the Standing Advice Document. The NCC Highway Design Guide states that for two-three bedroom dwellings, they must be able to provide 2 parking spaces per unit. The proposal includes provision for one off street car parking space and a cycle store.
48. The applicant submitted a Transport Assessment to provide justification for the reduced level of parking provision (Letter from Bancroft Consulting dated 13 July 2022). NCC Highways were consulted on the Transport Assessment and have raised no objections to the proposal. Officers note that whilst the parking standards within the Nottinghamshire Highway Design Guide require a minimum of 2 parking spaces for 2-bedroom dwellings, the provision of only one space in this location is not considered to result in a highway safety concern.
49. Officers acknowledge that the site is located in a sustainable location, with a range of day-to-day destinations accessible without the use of a car. The site is also well served by public transport. Sufficient on-street parking controls are also present in the surrounding area to ensure any overspill parking does not present a highway safety concern. It is noted that on-street parking already occurs on Church Street in the vicinity of the site, and any impact the development may have on on-street parking will not result in a significant change to the current situation.

50. Officers consider it necessary to impose a condition on any planning permission granted in order to retain the car parking space for the lifetime of the development, in order to mitigate potential concerns in terms of impacts to the highway.
51. Therefore, taking the above information into account, officers consider that the proposed development would comply with Policy 1 and 11 of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).

Sustainability

52. In order to promote sustainable development and construction, conditions are proposed which would require the dwellings to be constructed so as to limit the water consumption of each property to no more than 110 litres per person per day and require the installation of electric vehicle charging points.

Conclusion

53. The proposal would be visually acceptable and would not cause undue harm to the character of the area or the conservation area. On balance, officers consider that the proposal would not cause significant impacts to highway safety and would not cause undue harm to neighboring properties. Accordingly, the proposed development is considered to conform with the objectives of Policies of the LPP1, LPP2, The Neighbourhood Plan, sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF and the Residential Design Guide.
54. Negotiations have taken place during the consideration of the application to address adverse impacts identified by officers/to address concerns/objections raised in letters of representation submitted in connection with the proposal. Amendments have been made to the proposal, addressing the identified adverse impacts, thereby resulting in a more acceptable scheme.

RECOMMENDATION

55. 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:
 - PL05A – Proposed Street Scene (received: 05 September 2022)
 - PL04A – Proposed Elevations (received: 05 September 2022)
 - PL03A - Proposed Floor Plans (received: 05 September 2022)
 - PL02 – Proposed Site Plan (received: 05 August 2022)
 - PL01 – Site Location Plan (received: 08 June 2022)

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

3. The off-street car parking space and cycle store, as shown on the approved site layout plan referred to under condition 2 of this planning permission, shall be retained for off-street car parking and cycle storage and kept free from all other obstructions, for the life of the development.

[To ensure that adequate off-street car parking is secured for the life of the development, in the interests of highway safety and to comply Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land & Planning Policies].

4. The bathroom window, located in the first floor of the northern side 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, those window(s) must be retained to this specification throughout the lifetime of the development.

[To preserve the amenities of neighbouring properties, having regard to Policy 10 (Design and Enhancing Local Identify) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).]

5. Notwithstanding the provisions of Schedule 2, Part 1, Classes B and C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) there shall be no additional windows (including roof lights and dormer windows) inserted within any part of the roof of the dwellings hereby approved, other than as shown on the approved plans referred to in condition 2 of this permission, nor any alterations to any part of the roof of the dwellings hereby approved.

[In order to protect the living conditions of surrounding occupiers from any unacceptable levels of overlooking and/or loss of privacy, and to comply with Policy 10 (Design and Enhancing Local Identity) of the Local Plan Part 1: Rushcliffe Core Strategy and Policy 1 (Development Requirements) of the Local Plan Part 2: Land and Planning Policies].

6. Notwithstanding the provisions of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 and Class AA of the Town and Country Planning (General Permitted Development) (England)(Amendment) (No.2) Order 2020 (or any Order revoking or re-enacting that Order with or without modification) no

enlargement or any other alteration, including the insertion of windows/doors in the northern side elevation, shall be carried out to the dwelling(s) hereby permitted without express planning permission from the Local Planning Authority.

[To ensure that adequate amenity space for the dwelling is retained in the interest of future occupiers, to protect the amenities of neighboring properties and to comply Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land & Planning Policies].

7. Notwithstanding the provisions Schedule 2 Part 1 Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and/or re-enacting that Order) no outbuildings or other structures shall be erected within the curtilage of the dwelling(s) hereby permitted without express planning permission from the Local Planning Authority.

[To ensure that adequate amenity space for the dwelling is retained in the interest of future occupiers and to comply Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land & Planning Policies].

8. The residential dwellings hereby permitted shall be designed to meet the higher 'Optional Technical Housing Standard' for water consumption of no more than 110 litres per person per day.

[To promote a reduction in water consumption and to comply with criteria 3 of Policy 12 (Housing Standards) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

9. The development hereby permitted must not be occupied or first brought into use until details of the bicycle parking/storage area within the site have been submitted to and approved in writing by the Local Planning Authority. The development must not be occupied or first brought into use until the bicycle parking/storage areas have been provided in accordance with the approved details. Thereafter the bicycle parking/storage areas must be retained on the site in accordance with the approved details and must be kept available for the parking of bicycles at all times.

[To ensure there is adequate provision for the secure and undercover parking/storage of bicycles within the site to encourage the use of bicycles as an alternative to using motor vehicles having regard to Policy 14 (Managing Travel Demand) of the Rushcliffe Local Plan Part 1: Core Strategy (2014).]

10. The construction of the dwelling hereby permitted must not proceed above damp proof course level until a scheme for the provision of Electric Vehicle Charging Point(s) (EVCP) has been 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 dwelling hereby permitted must not be first occupied until the EVCP has been installed in accordance with the approved details. Thereafter an EVCP

must be permanently retained on the site in accordance with the approved scheme throughout the lifetime of the development.

[To promote sustainable transport measures that will help lead to a reduction in carbon emissions within the Borough and help contribute towards a reduction in general air quality having regard to Policy 2 (Climate Change) of the Local Plan Part 1: Core Strategy (2014) and Policy 41 (Air Quality) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Paragraph 110 of the National Planning Policy Framework (July 2021).]

11. The development hereby permitted must not be occupied or first brought into use until details of the boundary treatments for the site have been submitted to and approved in writing by the Local Planning Authority.

[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)].

12. 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.

[To ensure the appearance of the development is satisfactory having regard to policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy and the Rushcliffe Local Plan Part 2: Land and Planning Policies]

13. The development hereby permitted must not proceed above the damp proof course level until details of the materials to be used in the construction of the hard surface areas (driveway/parking area) have been submitted to and approved in writing by the Local Planning Authority. The hard surface areas must only be constructed in accordance with the approved materials.

[To ensure the appearance of the development is satisfactory and to ensure that it is of permeable construction 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)].

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). 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.

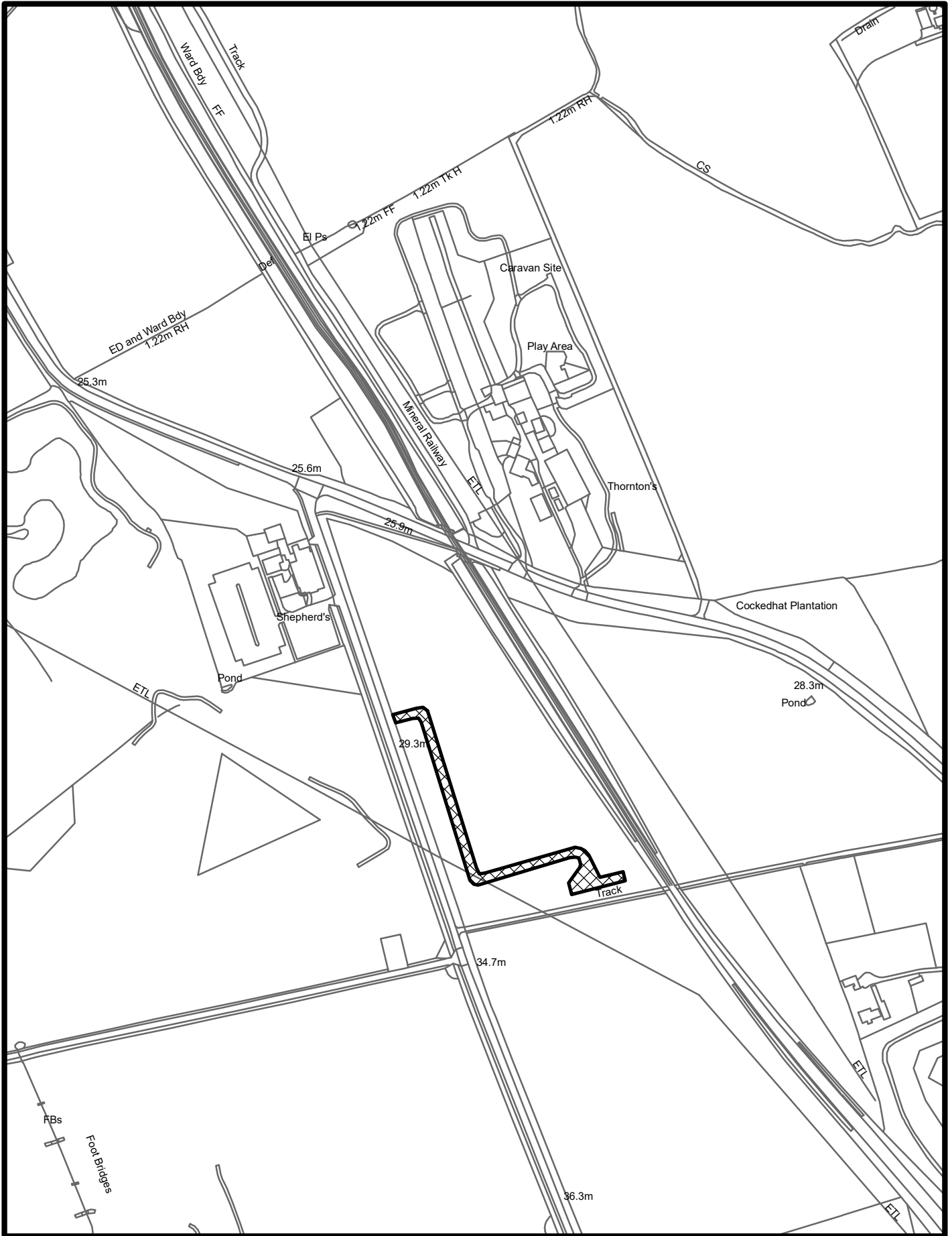
Condition 8 requires the new dwelling to meet the higher 'Optional Technical Housing Standard' for water consumption of no more than 110 litres per person per day. The developer must inform their chosen Building Control Body of this requirement as a condition of their planning permission.

The Borough Council is charging developers for the first time provision of wheeled refuse containers for household and recycling wastes. Only containers supplied by Rushcliffe Borough Council will be emptied, refuse containers will need to be provided prior to the occupation of any dwellings. Please contact the Borough Council (Tel: 0115 981 9911) and ask for the Recycling Officer to arrange for payment and delivery of the bins.

This Authority is charging for the discharge of conditions in accordance with revised fee regulations which came into force on 6 April 2008. Application forms to discharge conditions can be found on the Rushcliffe Borough Council website.

You are advised that should the site contain asbestos, it will require specialist removal. Further advice on this matter can be obtained from Nottinghamshire County Council (0115 977 2019). Alternatively you can obtain an asbestos fact sheet from their website.

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Application Number: 22/01639/FUL
Rushcliffe Oaks, Main Road, Stragglethorpe



scale 1:4000

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22/01639/FUL

Applicant Rushcliffe Borough Council

Location Rushcliffe Oaks Main Road Stragglethorpe Nottinghamshire NG12 2PY

Proposal Installation of freestanding Solar Photovoltaic Generation system and associated works

Ward Cotgrave

Full details of the proposal can be found [here](#)

THE SITE AND SURROUNDINGS

1. The application site relates to an area of land on the corner of Stragglethorpe Road and Main Road, Cotgrave which has planning permission for the development of crematorium and memorial gardens with associated access, parking and landscaping which was granted planning permission on appeal under ref 18/02821/FUL. Work is well advanced on site
2. To the south east of the site is a large solar farm granted under 15/017776/FUL with a public footpath separating the two sites. The eastern boundary of the site is the embankment of the old railway line which is now in use as a multi user route.

DETAILS OF THE PROPOSAL

3. Full planning permission is sought for the installation of a free standing solar photovoltaic generation system comprising four rows of panels each with a total length of approximately 43m. The depth of the panels are approximately 1m with a total width including spaces between the panels being approximately 5.5m. The low pitch of the panels (at 10 degrees) are such that they will only have a height of 38.5cm above ground level. The application includes the details of the ducting to link in with the substation serving the Crematorium.
4. A statement providing justification for the proposal has been provided. This explains why the supports the application has now been received. In summary the following points are made:-
 - The roof of the building would only allow a limited number of panels which in turn would only cover 10% of the base load of the building (excluding the cremator)
 - Conflict between the proposed panels and the ventilation systems to the building has been identified which would reduce the number of panels further
 - It is important that the new facility offsets its carbon impact during its operation and therefore need to maximise the user of PV panels

- By having the panels located on the ground it allows for an area of 175sqm (excluding the cremator) and will cover the baseload of the building (excluding the cremator)
 - Location set at the south east of the site gives best opportunity for maximum yield, provides a discrete location from member of the public and users of the site whilst being within reasonable proximity of connection to the substation.
 - Suggests complements the solar farm adjacent
 - PV panels will have a shallow pitch and be further screened by post and rail fencing and hedgrows
 - Additional planting is proposed to also mitigate any visual impact from visitors to the Crematorium
5. The application is before the Planning Committee as the Council is the applicant

SITE HISTORY

6. Full planning was granted by appeal under planning reference 18/02821/FUL for the Development of crematorium and memorial gardens with associated access, parking and landscaping.
7. Non Material Amendment applications have been considered for minor changes to the external appearance and internal layout of the building and car parking, pedestrian access arrangements and overall landscaping layouts for the site.

REPRESENTATIONS

Ward Councillor(s)

8. Councillor Healy has no objection
9. Councillor Butler has no objections

Town/Parish Council

10. Cotgrave Town Council has no objections

Statutory and Other Consultees

11. Nottinghamshire County Council as the local highways authority has no objection
12. Nottinghamshire County Council Rights of Way Officer confirms that the development has recognised the existence of the RoW and has considered and mitigated the impact upon the bridleway by incorporating hedge screening into the design and raises no objection to the scheme. They recommend informatives be attached to any permission to note the need for the footpath to remain unobstructed at all times.
13. RBC Landscape Officer has no objections and notes that the solar panels will be installed at a low angle and as a result will only be 385mm high, the bund they are installed upon is only 400-500mm above the height of the adjacent

public footpath which will be screened by a wide native hedgerow. The hedgerow will be 600-800mm high when planted, so the panels will be partially screened at completion of the works and the screening will only improve with time, within 2-3 years the panels should be fully screened from view. The landscape plan was recently amended to include additional trees and a beech hedge to help obscure the rear of the panels from the exit of the Crematorium.

14. RBC Ecology and Sustainability Officer notes that the PV array is to be developed within the area covered by planning permission 18/2821/FUL which has addressed ecological issues on the site and as an ongoing development site is unlikely to have any ecological impediments. Following confirmation that grass will be maintained under the PV panels and noting that the revised landscaping scheme proposes further planting he is satisfied that Biodiversity Net Gain has been demonstrated.
15. RBC Environmental Health Officer has no objections.

Local Residents and the General Public

16. No comments have been received

PLANNING POLICY

17. 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 National Planning Policy Framework (NPPF) (2021), the National Planning Practice Guidance (the Guidance)

Relevant National Planning Policies and Guidance

18. The relevant national policy considerations for this proposal are those contained within the 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.
19. Achieving sustainable development means that the planning system has three overarching objectives, an economic objective, a social objective and an environmental objective, which are interdependent and need to be pursued in mutually supportive ways, so that opportunities can be taken to secure net gains across each of the different objectives
20. Two of the core planning principles state that planning should:
 - a) Take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it.
 - b) support the transition to a low carbon future in a changing climate and encourage the use of renewable resources (for example, by the development of renewable energy).

21. Chapter 9: 'Protecting Green Belt land' states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, and that the essential characteristics of Green Belts are their openness and their permanence. Green Belt serves five purposes:
- 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.

A copy of the National Planning Policy Framework 2021 can be found [here](#)

Relevant Local Planning Policies and Guidance

22. The Rushcliffe Local Plan Part 1: Core Strategy, (LPP1) in particular Policy 1 (presumption in Favour of Sustainable Development), Policy 2 (Climate Change)

A copy of The Rushcliffe Local Plan Part 1: Core Strategy (LPP1) can be found [here](#)

23. The Rushcliffe Local Plan Part 2: Land and Planning Policies, (LPP2) in particular Policies 1 (Development Requirements), 16 (Renewable Energy), 21 (Green Belt)

A copy of The Local Plan Part 2: Land and Planning Policies (LLP2) can be found [here](#)

APPRAISAL

24. The main planning considerations in the determination of this application are the principle of the development in this Green Belt location and its visual impact on the area. No highways, aviation or ecological concerns have been raised.
25. The principle of a Crematorium and its supporting infrastructure including car parking has been established by the grant of planning permission under ref 18/02821/FUL. The Planning Inspectorate considered that very special circumstances existed to grant planning permission for such a development in the Green Belt including a building of this size, height, siting, and level of car parking.
26. This application is now for additional supporting infrastructure on the site and the starting point is to establish whether the proposal is acceptable on Green Belt grounds. Para 149 and 150 of the NPF set out forms of development which are not inappropriate in the Green Belt. Para 151 confirms with respect to renewable energy that: -
- '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.'

27. It is therefore considered that the development comprises inappropriate development in the Green Belt. As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 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, is clearly outweighed by other considerations
28. In this case, the proposal would represent a relatively small renewable energy development comprising four rows of ground mounted solar panels which would serve to provide electricity for the base load for the building. Consideration has been given to whether such panels could be incorporated onto the roof of the building currently being erected but this has been discounted for reasons set out above. The NPPF, LPP1 and LPP2 place emphasis on the need to increase the production of energy from renewable sources and, in this case, the proposal would result in a valuable environment benefit assisting to support the Councils commitment to carbon management including seeking to be carbon neutral in its operations by 2030. This weighs in favour of the scheme.
29. As is stated above, in planning policy terms the essential characteristics of Green Belts are their openness and their permanence. It therefore must be considered whether the proposal would have any significant adverse effect on the openness of the Green Belt in this location. The NPPF does not define 'openness'; however, it is considered that openness means the absence of buildings, structures or other features, including roads. In this case, the site and surrounding land is relatively flat apart from the embankment of the former railway line along part of the eastern boundary and the site is screened to some extent by boundary hedgerow and trees with new landscaping required under the overall scheme for the site.
30. The solar panels and frames would be relatively low with a maximum height of 38.5cm. This part of the site is proposed to be landscaped with native hedgerow and new tree planting and whilst the arrays are proposed to be sited on top of a low bund it is not considered that this would be overly prominent in the landscape particularly when the proposed additional hedgerow and tree planting have matured and considering the existence of the backdrop of the old railway embankment to the east and the solar farm to the south. It is noted that the Borough Councils Landscape Officer has no objections to the proposal. A degree of harm to the openness by the introduction of structures into an area of the site not proposed to incorporate development must be acknowledged although this is mitigated against with landscaping.
31. In view of the above it is considered that the proposal would not result in a significant interruption to the openness of the Green Belt in this location. On balance the wider environmental benefits associated with increased production of energy from renewable sources to serve the development as set out above outweigh the totality of harm by reason of its inappropriateness and other harm and the very special circumstances necessary to grant planning permission exist and a favourable recommendation is forthcoming.
32. Pre application advice has been sought in relation to the introduction of renewable energy production on the site and the application has been submitted taking into account the need to minimise visual impact and to provide evidence

to support the application. This has resulted in a scheme that has been able to be recommended for approval in a timely manner.

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 shall be undertaken in accordance with the following approved plans :-
D200008-CDS-EN-ZZ-DR-L-002 SITE CONCEPT = block plan
D200008-CDS-EN-ZZ-DR-L - 092-001- REV 1 section details
Solar Plan Floor Plan

[For the avoidance of any doubt and to ensure an acceptable development in accordance with Policy 1 of the Local Plan Part 2: Land and Planning Policies].

NOTES TO APPLICANT

The site adjoins a public footpath to the south of the site. The footpath should remain unobstructed to the full width, open at all times, and be kept upon its legal alignment. Any foreseen works likely to cause an obstruction should be discussed in advance with the RoW team at NCC (Via) so a temporary closure or diversion order can be agreed where necessary.

The safety of the public using the path should be observed at all times. A Temporary Closure of the Footpath may be granted to facilitate public safety during the construction phase subject to certain conditions. Further information and costs may be obtained by contacting the Rights of Way section. The applicant should be made aware that at least 5 weeks notice is required to process the closure and an alternative route on should be provided if possible

Please ensure that you have the necessary consents to undertake works in relation to any easements that may affect the site

Appeals Decisions between 30 August 2022 and 30 September 2022

This is an appeal decision made between 30 August 2022 and 30 September 2022 for noting.
The full appeal decision can be found at the link attached to the appeal in the table below.

Planning Ref:	Address	Proposal or Breach	Appeal Decision	Decision Type	Planning Inspectorate Reference and link to Appeal decision notice	Appeal Decision Date
17/03020/FUL	Land North West Of Kneeton Road East Bridgford	New dwelling with ancillary garage (incorporating sustainable building systems and renewable technologies)	Appeal Dismissed	Committee Decision	APP/P3040/W/21/3280777 Appeal Decision can be viewed on planning file on RBC website, click on the planning reference link.	26/09/2022

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