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Our reference:  
Your reference:  
Date: Wednesday, 30 November 2022

To all Members of the Planning Committee

Dear Councillor

A Meeting of the Planning Committee will be held on Thursday, 8 December 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 10 November 2022 (Pages 1 - 16)
4. Planning Applications (Pages 17 - 44)  
The Report of the Director for Development and Economic Growth
5. Planning Appeals (Pages 45 - 46)  
The report of the Director for Development and Economic Growth

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8.30am - 4.30pm

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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

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**MINUTES  
OF THE MEETING OF THE  
PLANNING COMMITTEE  
THURSDAY, 10 NOVEMBER 2022**

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

**PRESENT:**

Councillors R Butler (Chairman), Mrs M Stockwood (Vice-Chairman), S Bailey,  
L Healy, C Thomas and J Walker

**ALSO IN ATTENDANCE:**

Councillors J Stockwood, A Phillips, R Jones

**OFFICERS IN ATTENDANCE:**

Andrew Ashcroft	Planning Services Consultant
Phil Cook	Interim Operations Manager
Steven Bridges	Area Planning Officer
R Sells	Solicitor
Emily Greenwood	Business Support Officer
Emma Richardson	Democratic Services Officer

**APOLOGIES:**

Councillors B Bansal, N Clarke, D Mason, F Purdue-Horan and V Price

**21 Declarations of Interest**

There were no declarations of interest.

**22 Minutes of the Meeting held on 13 October 2022**

The minutes of the meeting held on 13 October 2022 were approved as a true record of the meeting and were signed by the Chairman.

**23 Planning Applications**

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

**22/00809/FUL - The construction, operation and decommissioning of a solar photovoltaic (PV) farm and associated infrastructure, including inverters, substation compound, security cameras, fencing, access tracks and landscaping - Land At Church Farm Gotham Road Kingston**

## **on Soar Nottinghamshire**

### **Updates**

Additional representations were received after the agenda had been published and were circulated to the Committee before the meeting. In accordance with the Council's Public Speaking Protocol for Planning Committee, Mr N Bowden (on behalf of the Applicant), Mr P Williams (Objector) and Councillor R Walker (Ward Councillor) addressed the Committee.

### **Comments**

Members of the Committee expressed their concerns in respect of the loss of agricultural land and the impact of on wildlife, including on the movement of small and large mammals. Members also expressed concern about land management and the potential use of pesticides in maintenance of the panels.

### **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 not exceed the limits contained within the approved Development Zone Plans Plan Reference RNC010-DZ-01 Rev 06.

[To ensure the development is carried out in accordance with the details hereby approved 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. No development shall commence until full details (which must be within the parameters set out in the submitted Planning Design and Access Statement dated April 2022 and completed by DWD Property & Planning) of the final layout, locations and dimensions, design, materials and colour (where appropriate) to be used for the panel arrays, inverters, substation, control building, switch room, CCTV cameras, fencing and any other components of the scheme shall be submitted to and approved in writing by the LPA. The development shall only be carried out in accordance with the approved details and thereafter retained as such for the lifetime of the use.

[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.]

4. The development hereby permitted shall be carried out in accordance with the FRA (reference R429, March 2022).

[To reduce the risk of flooding to the proposed development having regard to Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019.)

5. The development hereby approved is for a period of 40 years electricity generation, after which electricity generation is to cease, the solar panels and all ancillary infrastructure are to be removed from the site and the land is to be restored to its former condition. The site operator shall provide a minimum 4 weeks notice in writing to the Local Planning Authority, of the date of commissioning of the facility Within 6 months of following the operational use of the site hereby approved commencing, a Decommissioning Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall include the timing for decommissioning of all, or part of the solar farm if it ceases to be operational, along with the measures, and a timetable for their completion, to secure the removal of panels and any foundations or anchor systems, plant, fencing, equipment and landscaping initially required to mitigate the landscape and visual impacts of the development. In addition, a decommissioning traffic management plan and access route including provision for addressing any abnormal wear and tear to the highway and a decommissioning plan to address noise and dust shall be submitted and agreed in writing with the local planning authority. The subsequent decommissioning of the site shall be carried out in accordance with the agreed details within 6 months of the expiry of this permission or within 6 months of the cessation of the production of electricity production (which ever is sooner). The applicant should provide the Local Planning Authority with not less than one week's notice in writing of the cessation of the production of electricity and the intended date for commencement of decommissioning works under the terms of this permission.

[To ensure that the local planning authority can retain control over use of the land in the long term and to ensure the removal of the equipment when electricity is no longer being generated on the site in the interests of the visual amenities of the area and to ensure safe and free flow of traffic and the protection of the amenities of surrounding properties during decommissioning having regard to Policy 10 (Design and Enhancing Local Identify) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policies and Policy 1 (Development Requirements), 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. This is a pre commencement condition required to ensure that the nature of the site of temporary solar farm is ensured to be restored and all equipment removed.]

6. The development hereby approved shall be restricted to a maximum of 49.9 megawatts (MW).

[The application has been assessed and determined on this basis and for the avoidance of doubt having regard to Rushcliffe Local Plan Part 1: Core Strategy (2014) and Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).]

7. Within 24 months of the completion and commencement of operations of the development hereby approved (such a date as to be notified to the LPA) in the event of any complaint to the Council from Network Rail relating to signal sighting safety or driver distraction, upon notification to the LPA, the applicant or operator of the solar farm shall as soon as possible and not later than 28 days, submit for approval to the Council details of a scheme of remedial measures to address the concerns raised with details of a timescale for implementation of the works. The works shall be carried out in accordance with the approved details and timetable.

[In the interests of the safety, operational needs and integrity of the railway.]

8. During construction and in perpetuity, measures to be taken to prevent species of birds that are hazardous to aircraft being attracted to the site. No pools or rutting of the ground that will create puddling. If necessary, measures should be taken to monitor and prevent access to the array by birds who might be attracted to the warmth and safety of the array to roost or nest.

[In the interests of flight safety - Bird strike risk avoidance; to prevent any increase in the number of hazardous birds in the vicinity of East Midlands Airport (EMA) that would increase the risk of a Bird strike to aircraft using EMA.]

9. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order), all exterior lighting shall be capped at the horizontal with no upward light spill.

[In the interests of flight safety and to prevent distraction and confusion to pilots using East Midlands Airport.]

10. Notwithstanding the Landscape Strategy indicated in the submitted supporting Landscape Visual Impact Assessment (LVIA) prior to the operation being brought into use a detailed Landscaping Scheme, shall be completed in full in accordance with the timetable for implementation.

The detailed Landscape Scheme must be in accordance with Plan EDP 7: Illustrative Landscape and Biodiversity Strategy dated 20 October 2022. The detailed Landscaping Scheme must provide details of all hard and soft landscaping features to be used and include the:

- 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.
- g) A timetable for implementation
- h) On-going management plan to ensure maintenance of any approved landscaping (including who will be responsible for the continuing implementation, phasing arrangements)
- i) Updated security fence details showing a strip of land outside the site as per the ecological mitigation

[The approved Landscape Scheme must be carried out and completed in accordance with the approved details as submitted with the landscape and biodiversity strategy plan 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.]

11. If, within a period of 5 years of from the date of planting, any tree or shrub planted as part of the approved Landscape Scheme 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.

[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.]

12. The development shall be undertaken in accordance with the approved mitigation and enhancement measures and/or works and shall be carried out in accordance with the details contained in Biodiversity Net

Gain Report by Ecology Resources dated April 2022 and any subsequently approved details and all features shall be retained in that manner thereafter.

[To ensure the development contributes to the enhancement of biodiversity on the site having regard to Policy 17 (Biodiversity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014); Policy 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019); Chapter 15 (Conserving and enhancing the natural environment) of the National Planning Policy Framework (February 2019). And to conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).]

13. Prior to any external flood/security lighting being brought into first use, a lighting assessment (together with a lux plot of the estimated illuminance) shall be submitted to and approved by the Local Planning Authority. Any such assessment should consider the potential for light spill and/or glare, in accordance with the Institute of Lighting Professionals (ILP) Guidance Note for the Reduction of Obtrusive Light 01/21).

[To ensure there is no adverse impact on nearby properties should there be a requirement to install lighting at any time in the future.]

14. A Landscape and Ecological Management Plan (LEMP), including biodiversity improvements in accordance with the applicants Biodiversity Net Gain calculations submitted with this application, and any updated calculations, if necessary, shall be submitted to and approved in writing by the Local Planning Authority prior to first use.

The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are

not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The Landscape and Ecology Management Plan shall be implemented prior to the first use of the hereby approved development and thereafter maintained for the lifetime of the development.

[To ensure the development contributes to the enhancement of biodiversity on the site having regard to Policy 17 (Biodiversity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014); Policy 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019); Chapter 15 (Conserving and enhancing the natural environment) of the National Planning Policy Framework (February 2019). To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).]

15. Construction times (including deliveries) shall be limited to the following hours:
- 08:00 - 18:00 Monday to Friday; and
  - 08:00 - 13:00 Saturday.
  - None on Sundays or Bank Holidays

No works nor delivers shall take place outside of these time without the prior written agreement of the Local Planning Authority

[To protect the amenities for the duration of the construction of the development hereby permitted, having regard to 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).]

16. The development hereby permitted must not commence, including any enabling works, until a Construction Environmental Management Plan (CEMP) has first been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall have regard to the Flood Risk Assessment condition 30, Landscape Scheme condition 10 and LEMP condition 14 and provide for:
- a) the location and appearance of any site compound/material storage areas, including heights of any cabins to be sited and details of any external lighting;
  - b) measures to control the emission of smoke, dust and dirt during the construction/installation of solar panels and for the life of the development.
  - c) measures for the storage/recycling/disposal of waste resulting from the construction works;
  - d) any hoarding to be erected/ security fencing

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

[In the interests of highway and flight safety to protect the amenities of the area having regard to Policy 10 (Design and Enhancing Local Identify) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019). Dust and smoke are dangerous to aircraft engines; and can be a visual hazard to pilots and air traffic controllers. This is a pre commencement condition required to ensure that the construction works fully compliment and ensures that the ecological and environmental requirements are achieved from the outset of the development]

17. The development hereby permitted must not commence until a programme of archaeological mitigation has been secured in accordance with a written scheme of investigation (WSI) which has been submitted by the applicant and approved in writing by the Local Planning Authority.

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

18. All works carried out within the archaeological areas identified by the WSI within Fields A and B shall be carried out under archaeological control in accordance with the WSI.

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

19. No development or preliminary groundworks shall take place outside the archaeological areas until a programme of archaeological evaluation has

been secured in accordance with the approved WSI.

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

20. No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological evaluation identified in the WSI and confirmed by the Local Authority archaeological advisors.

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

21. A mitigation strategy detailing the excavation/ preservation shall be submitted to and approved in writing by the Local Planning Authority following the completion of the archaeological evaluation.

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

22. No development of preliminary groundworks must commence on those areas containing archaeological deposits within the site until the

satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been approved in writing by the local planning authority.

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

23. Within six months of the completion of the fieldwork, a post excavation assessment shall be submitted to and approved in writing by the Local Planning Authority. This will result in the completion of post excavation analysis, preparation of full site archive and report ready for deposition at the local museum and submission of a publication report.

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

24. The development hereby permitted must not commence until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The statement shall address the following:

- a) The routing of deliveries and construction vehicles to site.
- b) Details of arrangements for co-ordinating and controlling delivery vehicles.
- c) Site set-up and layout plans
- d) Parking arrangements for site operatives and visitors
- e) Loading and unloading of plant and materials
- f) Storage of plant and materials used in constructing the development.
- g) On-site turning facilities for all vehicles.
- h) Wheel washing facilities

Reason: In the interest of highway safety, and to minimise disruption to users of the public highway having regard to Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).

25. The development hereby permitted must not commence on site until the site access has been constructed in accordance with details first submitted to and approved in writing by the Local Planning Authority.

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

26. The development hereby permitted must not commence until the visibility splays as shown on Drawing No. 2106088-07 Rev A Visibility Splays dated 17/03/2022 have been provided. The areas within the splays shall thereafter be kept free of all obstructions, structures, or erections exceeding 0.26m in height.

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

27. No works shall commence on site until suitable passing provision has been provided at the site entrance, in accordance with details first submitted to and approved in writing by the Local Planning Authority.

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

28. The development hereby permitted must not commence until the site access has been surfaced in a hard bound material for a minimum distance of 15m to the rear of the highway boundary, and suitably drained to prevent the discharge of surface water to the public highway.

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

29. The development hereby permitted must not commence until a condition survey of the Public Right of Way has been submitted to and approved in writing by the Local Planning Authority. Upon completion of the development, a further condition survey detailing any rutting/damage to the Public Right of Way (if applicable) to be remediated by the applicant shall be submitted to and approved in writing by the Local Planning Authority.

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

30. The development shall be carried out in accordance with the submitted flood risk assessment (ref; PFA Consulting dated March 2022) and the following mitigation measures it details:
- a) The minimum panel level for the development parcels in the flood zones shall be set at 1.4m above ground level within these flood zone areas, reducing to 0.9m above ground level in areas of very low risk, as stated in paragraph 4.78 of the FRA.
  - b) The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

[To reduce the risk of flooding to the proposed development having regard to Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).]

## NOTES TO APPLICANT

### East Midlands Airport

- The applicant's attention is drawn to the new procedures for crane and tall equipment notifications, please see: [https://www.caa.co.uk/Commercial-industry/Airspace/Event-and-obstacle\\_notification/Crane\\_notification/](https://www.caa.co.uk/Commercial-industry/Airspace/Event-and-obstacle_notification/Crane_notification/) Any installation equipment above 10m in height will need a permit from EMA Safeguarding.
- Should any permanent lighting be installed, a lighting test needs to be arranged with EMA Safeguarding prior to project completion.
- Please advise EMA safeguarding prior to work commencing: [ops.safety@eastmidlandsairport.com](mailto:ops.safety@eastmidlandsairport.com)

### Sustainability Officer:

Recommendations (including recommendations provided by any supplied reports, where applicable) which should be subject of conditions on any outline permission.

- If works have not commenced by June 2023 an update ecological survey is required.
- A demonstrated biodiversity net gain should be provided where possible as recommended by CIRIA (2019) Biodiversity Net Gain - Principles and Guidance for UK construction and developments, with the means to implement in the long term. This should be based on the recommendations of the consultant ecologist (See section 6.2, 6.3 and 7 of the EA and the supplied Biodiversity Enhancements plan) and be supported by a landscape and ecological management plan..
- An ecological construction method statement incorporating reasonable avoidance measures (RAMs), should be agreed and implemented including the good practice points below and any supplied by the consultant ecologist (See section 6.3 and 7 of the EA and the supplied Biodiversity Enhancements plan).
- The use of any external lighting (during construction and post construction) should be appropriate to avoid adverse impacts on bat populations, see <https://www.bats.org.uk/news/2018/09/new-guidance-onbats-and-lighting>

- for advice and a wildlife sensitive lighting scheme should be developed and implemented.
- Permanent artificial bat boxes / bricks and wild bird nests should be installed on retained trees.
  - New wildlife habitats should be created where appropriate, including wildflower rich neutral grassland, hedgerows, trees and woodland, wetlands and ponds.
  - Any existing hedgerow / trees should be retained and enhanced, any hedge / trees removed should be replaced. Any boundary habitats should be retained and enhanced.
  - Where possible new trees / hedges should be planted with native species (preferably of local provenance and including fruiting species). See <https://www.rushcliffe.gov.uk/conservation/treeshedgesandlandscaping/landscapingandtreeplanting/plantingonnewdevelopments/> for advice including the planting guides (but exclude Ash (*Fraxinus excelsior*)).
  - Sustainable Urban Drainage schemes (SUDs) where required should be designed to provide ecological benefit.
  - Good practise construction methods should be adopted including:
    - Advising all workers of the potential for protected species. If protected species are found during works, work should cease until a suitable qualified ecologist has been consulted.
    - Measures to ensure that the roof liners of any building do not pose a risk to roosting bats in the future should be taken.
    - No works, fires or storage of materials or vehicle movements should be carried out in or immediately adjacent to ecological mitigation areas or sensitive areas (including ditches).
    - All work impacting on vegetation or buildings used by nesting birds should avoid the active bird nesting season, if this is not possible a search of the impacted areas should be carried out by a suitably competent person for nests immediately prior to the commencement of works. If any nests are found work should not commence until a suitably qualified ecologist has been consulted.
    - Best practice should be followed during building work to ensure trenches dug during works activities that are left open overnight should be left with a sloping end or ramp to allow animal that may fall in to escape. Also, any pipes over 200mm in diameter should be capped off at night to prevent animals entering. Materials such as netting and cutting tools should not be left in the works area where they might entangle or injure animals. No stockpiles of vegetation, soil or rubble should be left overnight and if they are left then they should be dismantled by hand prior to removal. Night working should be avoided.
    - Root protection zones should be established around retained trees / hedgerows so that storage of materials and vehicles, the movement of vehicles and works are not carried out within these zones.
    - Pollution prevention measures should be adopted

It is recommended that consideration should be given to climate change impacts, management of waste during and post construction and the use of recycled materials and sustainable building methods.

### Highways:

The works to construct the access shall be carried out to the satisfaction of the Highway Authority. You are therefore required to contact Via (in partnership with Nottinghamshire County Council) on 0300 500 800 or at [licences@viaem.co.uk](mailto:licences@viaem.co.uk) to arrange for these works to take place.

In discharging the requirements of condition 14, all options for an agricultural use for the operational site should be examined and assessed, with justified reasoning as to why any potential use is inappropriate. With respect to the cleaning of panels, best industry practice should be followed, with the use of demineralised water being the preferred option. In the wider management of the site, the use of chemical based herbicides and pesticides will not be acceptable.

**22/01727/FUL - Change of use from residential flat to golf clubhouse - Glendale Golf Ltd Edwalton Golf Club Wellin Lane Edwalton Nottinghamshire**

### **Updates**

There were no updates for this application.

### **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 approved shall be used for the use applied for and not for any other purposes.

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

### Note to Applicant

Having regard to the above and having taken into account matters raised there are no other material considerations which are of significant weight in reaching a decision on this application.

## 24 **Planning Appeals**

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

The meeting closed at 4:32pm.

CHAIRMAN

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**Planning Committee**

**Thursday, 8 December 2022**

**Planning Applications**

## **Report of the Director – Development and Economic Growth**

PLEASE NOTE:

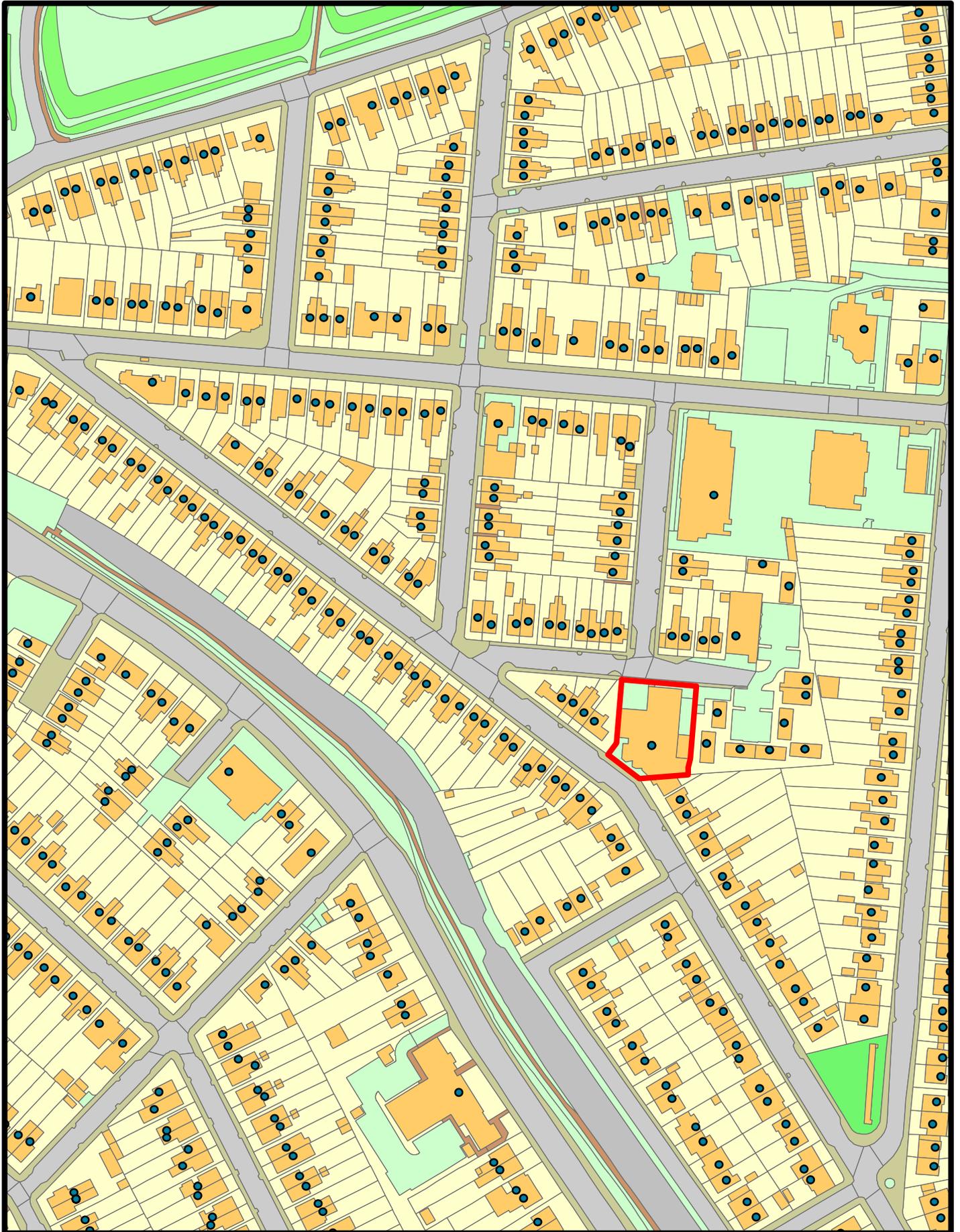
1. Slides relating to the application will be shown where appropriate.
2. Plans illustrating the report are for identification only.
3. Background Papers - the application file for each application is available for public inspection at the Rushcliffe Customer Contact Centre in accordance with the Local 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>.

<b>Application</b>	<b>Address</b>	<b>Page</b>
<a href="#">22/01046/FUL</a>	Wishing Well Day Nursery Limited c/o The Buckingham  Demolition of existing building; Erection of 9 No. 2 storey apartments; Erection of fencing to front, side and rear; Associate landscaping and access works including raised patio and underground garage entrance	19 - 44
<b>Ward</b>	Lady Bay	
<b>Recommendation</b>	Grant planning permission subject to conditions	

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**Application Number: 22/01046/FUL**  
**Wishing Well Day Nursery, 2 Oakfields Road, West Bridgford**



scale 1:2000

page 19

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Rushcliffe Borough Council - 100019419

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# 22/01046/FUL

**Applicant** Wishing Well Day Nursery Limited c/o The Buckingham

**Location** Wishing Well Day Nursery Limited 2 Oakfields Road West Bridgford Nottingham Nottinghamshire

**Proposal** Demolition of existing building; Erection of 9 No. 2 storey apartments; Erection of fencing to front, side and rear; Associate landscaping and access works including raised patio and underground garage entrance.

**Ward** Lady Bay

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

## THE SITE AND SURROUNDINGS

1. The site comprises a two-storey building with a third floor of accommodation in the roof space and the existing building has been modified/extended a number of times over the years, including flat-roofed elements built directly on the East and West boundaries to a significant height. The building is located between Oakfields Road and Rutland Road within the established residential area of Lady Bay.
2. Primary access to the site is gained via Oakfields Road with an additional frontage on Rutland Road, and the surrounding area predominantly comprises of semi-detached housing. The site is not within a conservation area, however the site is within Flood Risk Zone 3 and within an area benefiting from flood defences, as outlined by the Environmental Agency.

## DETAILS OF THE PROPOSAL

3. The application seeks full planning permission for the demolition of existing building; the erection of 9 No. 2 storey apartments; with associated works in including landscaping and access works including to an underground garage parking area. It should be noted that for planning purposes officers have considered the proposal as dwellings and not apartments as they are two storey units of accommodation, with their own separate front doors, and no shared facilities/common areas (with the exception of the parking garage and some small communal garden areas).
4. The Design and Access statement, which can be viewed [here](#), sets out the applicant's clear and considered approach to the constraints of the site, and how they have sought to address them.

## SITE HISTORY

5. The most relevant planning history for the site is as follows:

6. Application 97/00567/FUL – Use as offices and training/education establishment – Approved July 1997.
7. Application 97/00711/FUL – Use of premises as a 50-place day nursery – Approved September 1997.
8. Application 99/01131/VAR – Variation of Condition 3 on planning permission 97/00711/FUL to allow 92 children and change of use of print works to car parking and offices ancillary to Oakfields Day Nursery – Approved December 1999.
9. Application 00/00346/FUL – Insertion of 3x additional windows to indoor play area and fire escape stairway to Rutland Road side of building – Approved May 2000.
10. Application 09/01599/FUL – Construct canopy – Approved December 2009.

## **REPRESENTATIONS**

### **Ward Councillor(s)**

11. One Ward Councillor (Cllr R. Mallender) objects to the proposal citing concerns of:
  - a) Overdevelopment of the site.
  - b) Visual amenity concerns that the proposal is not in keeping with the character of the surrounding area.
  - c) Loss of privacy.
  - d) Insufficient levels of parking provision, and
  - e) Highway safety concerns.

### **Town/Parish Council**

12. There is no Town or Parish Council for the Lady Bay or the West Bridgford area of the Borough.

### **Statutory and Other Consultees**

13. The Environment Agency initially raised a holding objection to the proposal. However, following the submission of a requested updated Floor Risk Assessment the Environment agency advised they do not object subject to conditions being attached to any grant of permission.

### **Nottinghamshire County Council,**

14. As Highway Authority initial objections were raised regarding the visibility splays, pedestrian visibility, gradients for the car park access, access to bin stores and issues with the kerb stones. However, following the submission of revised plans, the Highway Authority do not object subject to conditions being attached to any grant of permission.
15. The Lead Local Flood Authority advise that they do not object subject to conditions being attached to any grant of permission.

## **Rushcliffe Borough Council's**

16. Environmental Health Officer (EHO) do not object subject to conditions being attached to any grant of permission.
17. Ecology and Sustainability Officer advised that the surveys are in date and that the proposal is unlikely to impact on any protected species. They do not object subject to conditions being attached to any grant of permission.
18. Emergency Planner advised that they do not object subject to conditions being attached to any grant of consent.

## **Local Residents and the General Public**

19. The proposal was advertised with a site notice displayed on or near the site, a press in the local paper (Nottingham Post) and a total of 32 neighbour letters were also sent.
20. Prior to the proposal revisions to address the Environment Agencies and the Highway Authorities objections a total of 5 letters of objection were received.
21. These objections cited the following:
  - a) Visual impact of the proposal
  - b) Issues with vehicular access
  - c) Parking
  - d) Privacy
  - e) The historical usage of the site
  - f) Noise, and
  - g) Flood Risk.
22. In addition to the above objections 2x letters neither objecting to or supporting the proposal were submitted and a single (1) letter of support.
23. Following the re-consultation of the same 32 residential properties and any additional properties that commented on the initial submission a further single (1) letter of objection was received citing the following comments over and above those already cited above:
  - a) Access to the site opposite Belvoir Road creating a crossroads and
  - b) The revisions did not overcome their original objections.
24. No further letters were received.

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

## **PLANNING POLICY**

25. The Development Plan for Rushcliffe consists of the adopted Rushcliffe Local Plan Part 1: Core Strategy (December 2014) (LPP1) and the Rushcliffe Local Plan Part 2: Land and Planning Policies - adopted October 2019 (LPP2). Other material considerations include the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG) and the Rushcliffe Residential Design Guide 2009.

26. The full text of the Council's policies are available on the Council's website at: <https://www.rushcliffe.gov.uk/planningpolicy/>

### **Relevant National Planning Policies and Guidance**

27. The National Planning Policy Framework (NPPF) includes a presumption in favour of sustainable development. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area. In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development. There are three dimensions to sustainable development, economic, social, and environmental.
28. The relevant paragraphs of the NPPF are:
- Paragraph 11
  - Paragraph 70
  - Paragraph 92
  - Paragraph 93
  - Paragraph 110
  - Paragraph 120 (especially 120c)
  - Paragraph 124
  - Paragraph 126
  - Paragraph 130 and
  - Paragraph 167.

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

### **Relevant Local Planning Policies and Guidance**

29. Under the Local Plan Part 1 the following policies are considered relevant:
- Policy 1 (Presumption in Favour of Sustainable Development)
  - Policy 2 (Climate Change)
  - Policy 10 (Design and Enhancing Local Identity)
  - Policy 12 (Local Services and Healthy Lifestyles)
  - Policy 14 (Managing Travel Demand)
  - Policy 17 (Biodiversity)

Full text of the above Policies can be found [here](#).

30. Under the Local Plan Part 2 the following policies are considered relevant
- Policy 1 (Development Requirements)
  - Policy 17 (Managing Floodrisk)
  - Policy 18 (Surface Water Management)
  - Policy 30 Protection of Community Facilities)
  - Policy 35 (Green Infrastructure Network and Urban Fringe)
  - Policy 39 (Health Impacts of Development)
  - Policy 40 (Pollution and Land Contamination)

Full text of the above Policies can be found [here](#)

## APPRAISAL

31. The application seeks full planning permission for a total of nine dwellings on the site, this would include 8 two bedroom dwellings and a three bedroom dwelling. The site has an existing vehicular access onto Oakfield Road with off-street parking available. Provision for one off-street parking space is also possible from the Rutland Road frontage. The proposal is to retain the access point from Oakfield Road with underground parking for thirteen vehicles beneath the building proposed, accessed via a ramp on the western boundary of the site. A further, single parking space is also proposed fronting onto Rutland Road, making the total number of parking spaces proposed fourteen.
32. The site is brownfield land within a predominantly residential area, and the application proposes a residential use. A number objection letters have been received, none objecting to the principle of residential development of the site, but relating to the level of parking provision, the design of the proposal, the relationships between the existing and proposed dwellings in terms of privacy and flooding concerns.
33. The site was last used as a children's nursery and Policy 30 of the Local Plan Part 2 seeks to resist developments that result in the loss of existing community facilities unless, amongst other factors, alternative provision exists locally which can be accessed by means other than the private car. Officers note that the business closed in December 2021, which is prior to the application being submitted due to the family that previously ran it choosing to retire. The applicant also confirmed that all parents and guardians were notified 10 weeks before closure and the former pupils are now attending a variety of similar facilities elsewhere in the locality dependent on the specific needs of the families. As such the proposal is not considered to be contrary to Policy 30 of the Local Plan Part 2.
34. The principle of developing this site for housing is therefore considered acceptable, subject to technical issues and all other material planning considerations being satisfied, including but not limited to, highway safety and residential amenity.

### Impact on character and appearance of area

35. The application site is located within an established residential area of Lady Bay, West Bridgford and is surrounded by a mixture of Victorian and Edwardian properties. The site is relatively level and has a large building on it, (the tallest building in the immediate locality), located on it and is considered to constitute previously developed (or brownfield) land. The site is constrained by a number of factors not limited to its shape; its location within the floodplain, and the surrounding development backing onto the site. The period of development in this part of the Borough is fairly uniform, centering on the early 1900s, with a few localised exceptions of more recent development. This has resulted in the properties being characterised by their building materials (predominantly red brick with some render); the fact that the properties address the street with small or no front gardens, and the limited or no off-street parking provision.

36. The design of the proposed dwellings would contrast with that character and pattern of development, however the fact that the proposal is different does not necessarily mean that it is harmful. Paragraph 130 of the NPPF advises that “*decisions should ensure that developments are sympathetic to local character and history...while not preventing or discouraging innovation or change (such as increased densities);*” and should also “*optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development...*”. The site, due to its location, is adjoined by the private rear gardens of the properties on the residential streets that surround it. Therefore, any form of residential development would have to turn its back onto at least one of the existing streets. The site is physically wide enough to replicate the existing proportions and plot sizes of the prevailing character of development that surrounds it but would likely only deliver a couple of larger residential properties. However, the plot is not deep enough to accommodate “back-to-back” dwellings with gardens of sufficient depths and parking provision. Furthermore, there is a challenge with the site having dual frontages.
37. Having reviewed the design of the proposal and relationship to its neighbouring properties, it is not considered that a form of development that seeks to replicate the existing pattern and design of the surrounding housing would be the most efficient use of this previously developed site. Therefore, in order to address this along with the other constraints of the site the proposed design and layout is a bespoke and appropriate response to the site constraints and proposes a good quality, contemporary approach. Due to its location between two frontages, it will be visible from the public domain, but nevertheless would function as a self-contained pocket of development that would clearly be read as a later addition to the area. Nevertheless, as set out in the Design and Access Statement whilst the proposal is unashamedly a contemporary design, it does take a number of design cues and influences from of both the building it seeks to replace and from other built form in the area.
38. The shape and layout of the site results in the dwellings being broadly centrally location within the plot, seeking to maximise its separation distances from the flanking residential development. These vary between 9.5m and 16.5m from building to building to the east to the closest properties on Oakfield Road and between 11.1m and 14.8 between buildings to the closest property to the west on Rutland Road. The positioning of the proposed building is an appropriate balance between the two existing streets and accommodates the part of the site within which the main body of the former nursery sits. The site is constrained by the current arrangement of buildings abutting the neighbouring boundaries. The windows in the proposed dwellings have been designed such that they are at an angle facing north and therefore do not look out directly onto the rear amenity spaces of the immediately adjoining properties. It is also noted that the openings in the rear elevations of the properties to the sites immediate east have also been configured such that they are limited and appear to serve non-habitable rooms. It is assumed that they were designed to achieve a satisfactory relationship to the former nursery building when they were constructed.
39. It is also noted that the property to the immediate east is located only 3.6m off the common boundary with the site affording it a very small garden area. Nevertheless, the proposal is set in some 5.8m from the same common

boundary to achieve a degree of separation. Balcony areas are proposed, but with screen walls, that again limit direct views on to the neighbouring properties private areas. The proposed dwellings are also of a smaller scale and mass than the building they seeks to replace, and the submission includes shadow path diagrams that demonstrate that the relationships are not any more harmful as a result of the proposal than when compared to the existing situation. Therefore, whilst the building is located close to the boundaries with neighbouring properties it is considered to mitigate against any undue impacts.

40. Officers note that that colleagues in Environmental Health do not object to the proposal subject to conditions being attached to the grant of permission seeking to protect the future occupants from potential contamination and also to protect the current community from impacts of noise, dust and vibration during both demolition and construction. As such the proposal is considered to comply with policies 1 and 10 of the Core Strategy and 1 and 39 of the Local Plan Part 2.

#### Impact on residential amenity

41. It is considered that the siting, scale, design and density of the development proposed on this part of the site are acceptable. The relationships between the proposed plots, as set out above, are also considered to be acceptable with no significantly harmful overlooking or overbearing relationships. Officers acknowledge that due to the site's location and the orientation of the neighboring properties there are no immediate direct comparisons in the area. Nevertheless, the separation distances between the proposed dwellings and the existing properties are acceptable as are the inter-relationship between first floor windows.
42. The properties are all afforded an acceptable amount of private amenity space and off-street parking provision and communal gardens are present. The Residential Design Guide (RDG) states that 1 and 2 bed properties should have a garden of 55sqm. Whilst the outside spaces fall below this guide, the RDG goes on to state that the availability of two or more of a stated list of "exceptions" would help justify smaller gardens. The list includes close proximity to open space or accessible countryside and the overriding need to develop the site in such a way as to maintain or enhance the street scene..." The proximity to The Hook would address the first "exception" and the need to make efficient use of land has already been discussed elsewhere in this report but is covered specifically at Para 124 of the NPPF. Therefore, it is considered that the site is capable of being developed so as not to have an excessive or detrimental impact on the privacy or amenities of surrounding existing dwellings, particularly those on Oakfield Road and Rutland Road.
43. It is also acknowledged that as the existing building(s) sit on, or close to, the perimeter of the existing site in places and form the physical boundary this resultant relationship is not unreflective of the existing pattern of built form and relationship to the adjoining residential gardens. The proposed residential use would obviously differ to the use of the existing buildings, however the proposed boundary treatments (which would be subject to a condition, should permission be granted) and the separation distances between the buildings, would result in an acceptable relationship between the

proposed development and the properties on both Rutland Road and Oakfield Road.

44. The design of the proposed dwellings is such that there would be no direct line of sight from the internal rooms at first floor level towards the existing neighbouring residential properties. The design of the dwellings results in a ridge height which is lower than that of the existing building even when factoring in the need to address the issues of flooding and is comparable to that of other dwellings in the area. Therefore, the scale of development and its mass results in an acceptable relationship to the adjoining residential properties. As such the proposal is considered to comply with policies 1 and 10 of the Core Strategy and 1 of the Local Plan Part 2.

#### Highway/pedestrian safety and sustainable travel

45. The initial comments regarding the parking layout and technical issues raised by the Highway Authority have been addressed as part of the revised plan and they are now satisfied with the proposal. Parking would be provided at a level of fourteen spaces for the 9 dwellings, which is greater than most existing dwellings in the vicinity. Officers do acknowledge that due to the widespread lack of off-street parking in the surrounding streets that any parking that cannot be accommodated within the site will be on-street. Any reduction in spare capacity is likely to be an amenity issue for residents, but would not compromise highway safety and has not resulted in an objection from the Highways Authority. Given the existing situation and the limited extent of additional on street parking likely to be generated by the scheme this is not considered to be a reason to refuse the scheme. As such the proposal is considered to comply with policies 1 and 10 of the Core Strategy and 1 of the Local Plan Part 2.

#### Drainage and flood risk

46. The initial submission attracted a holding objection from the Environment Agency (EA) as the Flood Risk Assessment (FRA) was inadequate. The agent was made aware of the concerns and an updated FRA was submitted for consideration.
47. It is stated within the submission that the proposed development would maintain the current ground floor level of 24.800mAOD. This would provide a 760mm freeboard above the maximum modelled floodplain height. The submission states that although the accommodation would not flood, the flood risk assessment suggests that a flood evacuation plan should be developed to demonstrate how to safely evacuate residents in advance of a flood event.
48. The application includes a sequential test that demonstrates that there are no sequentially preferable sites available in the location for this type of development. The proposed development falls into the 'More Vulnerable' category and is in flood zone 3. Therefore, an exception test is required according to the planning practice guidance.
49. The proposed development would be defended up to a 1 in 100-year event by the Nottingham Right Bank Scheme and a 760mm freeboard would be provided to the ground flood level. The proposed development would provide

a betterment to the existing surface water runoff rate from the site by attenuating and reducing discharge rates. This would reduce flood risk in the local area and provide a wider sustainability benefit. As the development provides wider sustainability benefits to the community and demonstrates that it would be safe for the lifetime of the development, it is considered that the exception test is passed. This position has not been challenged by the Environment Agency (EA).

50. It should be noted, however, that the undercroft parking area may be susceptible to flooding during an extreme flood event or if the flood defences are breached then this area would be fully submerged. It is not possible to protect the undercroft in this scenario, but this is considered acceptable given the less vulnerable usage (car parking) and providing mitigation measures are put in place to (amongst other things) withstand any impact from floating vehicles and to protect services/service routing. This can be conditioned.
51. The Environment Agency (EA) reviewed the updated plan and commented that proposed development would only meet the National Planning Policy Framework's requirements in relation to flood risk if planning conditions securing the finished flood level at a minimum of 24.8m above Ordnance Datum (AOD) and the measures set out in Section 8.1 of the Flood Risk Assessment (FRA), and an evacuation plan are attached to any grant of permission.
52. The EA go on to caution that in all circumstances where warning and emergency response is fundamental to managing flood risk, they advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions. As such, they recommended that officers consult with the emergency planners to determine whether the proposals are safe in accordance with the guiding principles of the PPG.
53. Officers have undertaken that exercise and the Emergency Planner and following negotiations with the applicants the flood evacuation plan appended to the Flood Risk assessment was modified. As a result of that amendment the Emergency Planner advises that the suggested conditions attached to this recommendation, which amongst other things ensures that the developments would not increase the burden on the emergency services, complies with the "Nottingham and Nottinghamshire LRF National Planning Policy Framework (NPPF) Emergency Planning Guidance dated August 2017". As such the Emergency Planner is not objecting to the proposal.
54. The updated Flood Risk Assessment also states that no surface water flood risk is identified on site, and therefore, no mitigation measures are considered necessary. It also states that "*as part of the development a new surface water drainage system will be installed which will reduce the surface water discharge rate from the site.*" The Lead Local Flood Authority have reviewed the proposal and advise that they have no objection to the proposals subject to conditions securing a surface water management plan demonstrating how surface water flows will be managed during construction to ensure no increase in flood risk off site and evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development.

55. Therefore, officers note that the Environment Agency, the Emergency Planner and the Lead Local Flood Authority accepts the principle of developing the site and, subject to conditioning that the mitigation measures set out in the reports that accompanied the application are complied with, they do not object to the proposal. As such the proposal is considered to be in accordance with policies 1, 2 and 10 of the Core Strategy and 1, 17, and 18 of the Local Plan Part 2.

### Ecology

56. The application was accompanied by an ecological survey which concluded that whilst no direct evidence of bats was observed, the roof void was not accessible (only eaves storage areas could be entered), and many of the potential roosting areas are in crevices in the roof structure, in particular between roof sheets and the panels fixed under them. Therefore, given the number of different potential roosting features, and the surrounding landscape the site has been assessed as having high potential value for bats. No signs of nesting birds were observed.
57. In terms of habitat enhancements, the report makes several recommendations which are considered appropriate to attach as conditions or informatives to the permission to protect against harm to protected species during the construction phases, together with the provision of bat and bird boxes. The Borough Council's Environmental Sustainability Officer does not object to the proposal and officers are satisfied that subject to conditions the proposal would not harm any protected species on the site. The proposal is therefore considered to comply with policies 1, 10 and 17 of the Core Strategy and 1 and 35 of the Local Plan Part 2.

### Conclusion

58. The application site, whilst not allocated for housing, is a brownfield site within a residential area and the proposed development is acceptable in principle.
59. The site has been designed in such a way that it is considered capable of providing adequate screening to prevent the development appearing overly intrusive or impacting unduly on the privacy of adjoining properties. The design of the proposed dwellings does not seek to replicate the existing built form and is primarily in response to the constraints arising from the site's location and form and is considered an appropriate response of good quality contemporary design. Nevertheless, it does take some design cues from the existing building on the site and other in the area.
60. It is considered that the proposed development is acceptable subject to conditions.
61. Negotiations have taken place during the consideration of the proposals to address adverse impacts identified in connection with the proposal. Amendments have been made to the proposal, addressing the identified adverse impacts, thereby resulting in a more acceptable scheme and a recommendation to the grant planning permission.

## **RECOMMENDATION**

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

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

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

- 2. The development hereby permitted must be carried out strictly in accordance with the following approved plan(s)/drawings/documents:**
  - 2990(08)001 Rev A titled 'Location Plan' dated 17/05/22**
  - 2990(08)003 Rev B titled 'Proposed Block' dated 09/08/22**
  - 2990(08)007 Rev B titled 'Proposed Site Plan' dated 09/08/22**
  - 2990(08)008 Rev B titled 'Proposed Undercroft Parking' dated 09/08/22**
  - 2990(08)009 Rev B titled 'Proposed Ground Floor Plan' dated 09/08/22**
  - 2990(08)010 Rev B titled 'Proposed First Floor Plans' dated 09/08/22**
  - 2990(08)011 Rev A titled 'Proposed Unit Type Plan' dated 07/05/22**
  - 2990(08)012 Rev A titled 'Proposed Elevations East and West' dated 16/05/22**
  - 2990(08)013 Rev A mis-titled 'Existing elevations 02' dated 16/05/22**
  - 2990(08)X01 Rev C titled 'Sections X01-X03' dated 05/10/22.**

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

- 3. The development hereby permitted must not proceed above the damp proof course level until samples 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 and to comply with Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 1 (Development Requirements) Local Plan Part 2: Land and Planning Policies].**

- 4. The development hereby permitted must not be occupied or first brought into use until a scheme detailing the hard and soft landscaping of the site (including the location, number, size and species of any new trees/shrubs to be planted) has been submitted to and approved in writing by the Local Planning Authority. The submission shall include details of the proposed boundary treatments for the site, including details of how any boundaries affected by the demolition/removal of the**

structure(s) on the site that form a boundary with a neighbouring landowner will be treated and made good. The submission shall also include details of the proposed management responsibilities, maintenance schedules for the common/communal areas and who is responsible for removal/disposal of any arisings/clippings/waste generated by their maintenance.

Thereafter the scheme 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 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 scheme 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.

[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 Policies 10 (Design and Enhancing Local Identity) and 11 (Historic Environment) of the Rushcliffe Local Plan Part 1: Core Strategy (2014); Policies 1 (Development Requirements) and 28 (Conserving and Enhancing Heritage Assets) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Chapters 12 and 16 (Achieving Well-designed Places) of the National Planning Policy Framework (2021).]

5. The mitigation measures as stated in Sections 3.3 and Appendix 4 of the Preliminary Roost Assessment produced by The Bat Surveyor dated March 2022 shall be undertaken in accordance with the recommendations contained in that document. The bird and bat nesting boxes and bee bricks shall be installed prior to the first occupation of the dwellings hereby approved, and thereafter retained in accordance with the recommendations for the lifetime of the development.

[To ensure that adequate compensatory measures are carried out and to comply with Policy 38 (Non-Designated Biodiversity Assets and the Wider Ecological network) of the Rushcliffe Local Plan Part 2: Land and Planning Policies.]

6. If the building(s) on the site have not been cleared by 01 August 2023, updated ecology surveys, including a bat mitigation plan, should be completed and supplied to the local planning authority prior to any development commencing. Thereafter any recommendations set out in the reports should be implemented in accordance with the approved details.

[To ensure the development contributes to the enhancement of biodiversity on the site having regard to Policy 17 (Biodiversity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014); Policy 38 (Non-

**Designated Biodiversity Assets and the Wider Ecological Network) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019); Chapter 15 (Conserving and enhancing the natural environment) of the National Planning Policy Framework (July 2021).]**

- 7. The construction of the development 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 dwellings hereby permitted must not be first occupied until all EVCP's has been installed in accordance with the approved details. Thereafter EVCP's 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.]**

- 8. The dwellings hereby permitted must not be occupied until the optional requirement for water efficiency (i.e.: not exceeding 110 litres per person per day) set out at Regulation 36(2)(b) of the Building Regulations 2010 (as amended) (or any equivalent regulation revoking and/or re-enacting that Statutory Instrument) has been complied with. Thereafter this water efficiency standard must be retained throughout the life of the dwelling.**

**[To promote a reduction in water consumption having regard to Policy 12 (Housing Standards) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).]**

- 9. The development hereby permitted must not commence and no preparatory operations in connection with the development (including demolition, site clearance works, soil moving, temporary access construction and / or widening, or any operations involving the use of motorised vehicles or construction machinery) shall take place on the site until a written report of the findings of a Preliminary Risk Assessment (PRA) of the nature and extent of any contamination affecting the site, whether or not it originates from the site, has been submitted to and approved in writing by the Local Planning Authority. The PRA must be prepared by a suitably qualified 'competent person' (as defined in the National Planning Policy Framework February 2019) and must be in accordance with the Environment Agency's 'Land Contamination Risk Management' (LCRM). As a minimum the PRA must include the following:
  - (i) a desktop study identifying all previous and current uses at the site and any potential contaminants associated with those uses;**
  - (ii) the results of a site walkover, including the details and locations of any obvious signs of contamination at the surface;****

- (iii) the development of an initial 'conceptual site model' (CSM) which identifies and qualitatively assesses any potential source - pathway - receptor (contaminant) linkages;**
- (iv) a basic hazard assessment identifying the potential risks from any contaminants on:**
  - Human health;**
  - Property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;**
  - Adjoining land;**
  - Ground and surface waters;**
  - Ecological systems;**
  - Archaeological sites and ancient monuments.**
- (v) Recommendations for any further works that may be required to refine the CSM including any exploratory site investigation works and the sampling and analytical strategies proposed.**
  - a) Where the PRA identifies potential unacceptable risks associated with the contaminant linkages present in the initial CSM, the development (excluding any demolition) hereby permitted must not commence until a written report of the findings of any exploratory Site Investigation (SI) with either a generic and/or detailed quantitative risk assessment of those findings has been submitted to and approved in writing by the Local Planning Authority.**
  - b) Where the findings of the submitted SI identifies unacceptable risks to human health and/or the environment, the development (excluding any demolition) hereby permitted must not commence until a detailed Remediation Scheme (RS) has been submitted to and approved in writing by the Local Planning Authority. The submitted RS must include:**
    - full details of how the contamination on the site is to be remediated and include (where appropriate) details of any options appraisal undertaken;**
    - the proposed remediation objectives and criteria, and;**
    - a verification plan.****The RS must demonstrate that as a minimum the site after remediation will not be capable of being classified as contaminated land under Part 2A of the Environmental Protection Act 1990.**
  - c) The development hereby permitted must not be occupied or first brought into use until the site has been remediated in accordance with the approved RS and a written Verification Report (VR) confirming that all measures outlined in the approved RS have been successfully carried out and completed has been submitted to and agreed in writing by the Local Planning Authority. The VR must include, where appropriate the results of any validation testing and copies of any necessary waste management documentation.**

**[To ensure that a satisfactory assessment of any land contamination and an appropriate strategy for its remediation from the site is carried**

out to ensure that the site is suitable for the approved development without resulting any unacceptable risk to the health of any construction workers, future users of the site, occupiers of nearby land or the wider environment having regard to Policy 1 (Presumption in Favour of Sustainable Development) of the Rushcliffe Local Plan Part 1: Core Strategy (2014), Policies 39 (Health Impacts of Development) and 40 (Pollution and Land Contamination) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Paragraphs 183 and 184 of the National Planning Policy Framework. This is a pre-commencement condition to ensure that the site is clean and safe to develop with any necessary mitigation put in place prior to development starting on the site to protect any future occupants on the development].

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

[To ensure that all soil or soil forming materials brought onto the site are free from contamination so that the site is suitable for the approved development without resulting any unacceptable risk to the health of any construction workers, future users of the site, occupiers of nearby land or the wider environment having regard to Policy 1 (Presumption in Favour of Sustainable Development) of the Rushcliffe Local Plan Part 1: Core Strategy (2014), policies 39 (Health Impacts of Development) and 40 (Pollution and Land Contamination) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Paragraphs 183 and 184 of the National Planning Policy Framework].

11. No development shall take place on site, including demolition and site clearance, until the details of a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall provide details of the following:

- a) Access and parking of vehicles of site operatives and visitors
- b) Loading and unloading of plant and materials
- c) Storage of plant and materials used in constructing the development
- d) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- e) Wheel washing facilities
- f) Measures to control the emission of noise, dust, dirt and vibration during demolition, site clearance and construction
- g) A scheme for recycling/disposing of waste resulting from construction works
- h) Hours of operation (including demolition, construction and deliveries)
- i) A scheme to treat and remove suspended solids from surface water run-off during construction.
- j) The siting and appearance of contractors' compounds including

heights of stored materials, boundaries and lighting together with measures for the restoration of the disturbed land and noise mitigation.

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

[In the interests of Highway safety and to minimise disruption to users of the local highway network adjacent to the development site and to ensure that the occupiers of neighbouring properties are not adversely affected by unacceptable vibration and noise pollution from the development hereby permitted, having regard to Policies 1 (Development Requirements), 39 (Health Impacts of Development) and 40 (Pollution and Contaminated Land) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019). This is a pre-commencement condition as matters need to be agreed prior to the works starting.]

12. During any ground works, site clearance, demolition or construction there shall be no burning of waste, timber or any other materials on the site.

[To protect the amenities of nearby residential properties for the duration of the demolition and construction of the development hereby permitted, having regard to 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).]

13. Prior to the commencement of works, including any site clearance and demolition, an asbestos demolition survey be carried out, submitted to and be approved in writing by the Local Planning Authority as there is the potential for asbestos containing materials (ACMs) to be present within the buildings/structures. This survey should determine the location, type and condition of any ACMs and include a plan for how any ACMs will be managed. Thereafter the removal of any ACMs shall be undertaken in accordance with the approved details.

It should be noted certain works relating to ACMs are notifiable. Information on asbestos is available on the Health and Safety Executive website <https://www.hse.gov.uk/asbestos/index.htm> including specific information on refurbishment/demolition surveys <https://www.hse.gov.uk/asbestos/managing/survey-refurb.htm>. Any asbestos containing materials need to be removed in an appropriate manner and disposed of in a suitably licensed facility. The exact requirements for removal and disposal will depend on the nature of the materials present.

[To protect the amenities of contractors working on the site and nearby residential properties at for the duration of the demolition and construction of the development hereby permitted, having regard to 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). This is a pre-commencement condition as

matters need to be agreed prior to the works starting.]

14. The development hereby permitted shall be carried out in accordance with the revised Flood Risk Assessment dated May 2022, reference: 5906\_Rev A, undertaken by KSA Consulting Structural & Civil Engineers and the following mitigation measures it details:
- Finished ground floor levels shall be set no lower than 24.8 metres above Ordnance Datum (AOD).

[To ensure that the development has sufficient flood water management and is not at increased risk of flooding, and to comply with Policy 2 (Climate Change) of the Rushcliffe Local Plan Part 1: Core Strategy (2014), Policies 17 (Managing Flood Risk) and 18 (Surface Water Management) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Paragraphs 167 and 169 of the National Planning Policy Framework].

15. Prior to the commencement of works on site, including any site clearance and demolition, structural details, including the details of the material(s) to be used in the construction of the walls and ceilings for the undercroft parking area have been submitted to, and be approved in writing by, the Local Planning Authority. The details shall demonstrate that they are of a flood resilient construction and designed to withstand vehicle impact caused as a result of floating vehicles within more extreme flood events, as set out in Section 8.1 of the revised flood risk assessment dated May 2022, reference: 5906\_Rev A, undertaken by KSA Consulting Structural & Civil Engineers. Thereafter the development shall be constructed in accordance with the approved details and maintained as such for the lifetime of the development.

[To ensure that the development is designed and built to the correct standards to withstand the impacts of flood event, and to comply with Policy 2 (Climate Change) of the Rushcliffe Local Plan Part 1: Core Strategy (2014), Policies 17 (Managing Flood Risk) and 18 (Surface Water Management) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Paragraphs 167 and 169 of the National Planning Policy Framework (July 2021). This condition is pre-commencement to avoid the potentially costly and abortive works of rectifying the situation if the design of the scheme needed to be revised or altered at a later date].

16. Prior to the first occupation of the dwellings hereby approved a detailed Flood Evacuation Plan (similar to the preliminary version submitted as Appendix D of the revised flood risk assessment dated May 2022, reference: 5906\_Rev B, undertaken by KSA Consulting Structural & Civil Engineers) shall be submitted to and be approved in writing by the Local Planning Authority.

The Flood Evacuation Plan shall include details of:

- How the access to the undercroft will be closed off to residents in advance of a flood event to ensure residents do not enter the undercroft area, including details of who is responsible for the

**maintenance and management of the procedure to ensure this occurs in accordance with reference to Section 8.1 of the submitted FRA.**

- **Details of the sump and pump to be installed in the undercroft parking area to drain it following flooding including details of who is responsible for the servicing/maintenance and management of this equipment in accordance with reference to Section 8.1 of the submitted FRA.**
- **Details of the safe exit route and the safe location for residents to head to.**
- **Details of how residents will be notified to sign up to flood alert systems that will alert them of flood events.**
- **The flood evacuation plan must not increase the burden on the emergency services, adversely affect the flood regime and the safe exit route must be in place before any occupancy of the buildings.**

**Thereafter all future owners and occupants of the dwellings hereby approved shall be provided with details of the flood evacuation plan including the details of the safe exit route (in accordance with the approved flood evacuation plan) upon their first occupation of the dwellings. The flood evacuation plan must not adversely affect the flood regime and the safe exit route must be in place before any occupancy of the buildings.**

**[To ensure that the development has sufficient flood water management and is not at increased risk of flooding and do not increase flood risk off-site, and to comply with Policy 2 (Climate Change) of the Rushcliffe Local Plan Part 1: Core Strategy (2014), Policies 17 (Managing Flood Risk) and 18 (Surface Water Management) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Paragraphs 167 and 169 of the National Planning Policy Framework (July 2021). This condition is pre-commencement to avoid the potentially costly and abortive works of rectifying the situation if the design of the scheme needed to be revised or altered at a later date].**

- 17. No development including any site clearance or demolition shall commence until a detailed surface water drainage scheme, based on the principles set forward by the approved Flood Risk Assessment (FRA) and Drainage Strategy, has been submitted to and approved in writing by the Local Planning Authority. The scheme to be submitted shall:**

- **Provide a surface water management plan demonstrating how surface water flows will be managed during construction to ensure no increase in flood risk off-site.**
- **Evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure long term effectiveness.**

Thereafter the scheme shall be implemented in accordance with the approved details prior to completion of the development and maintained as such for the lifetime of the development.

[To ensure that the development has sufficient flood water management and is not at increased risk of flooding and do not increase flood risk off-site, and to comply with Policy 2 (Climate Change) of the Rushcliffe Local Plan Part 1: Core Strategy (2014), Policies 17 (Managing Flood Risk) and 18 (Surface Water Management) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Paragraphs 167 and 169 of the National Planning Policy Framework (July 2021). This condition is pre-commencement to avoid the potentially costly and abortive works of rectifying the situation if the design of the scheme needed to be revised or altered at a later date].

18. The development shall not be occupied until the car park access has been provided in accordance with approved plan - Proposed Undercroft Parking Dwrg. No. 2990(08)008 Rev B. The access shall thereafter be retained in accordance with the approved details for the lifetime of the development.

[In the interests of highway safety to ensure adequate vehicle parking spaces are provided on the site for use in connection with the development hereby permitted having regard to Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)].

19. The development shall not be occupied until the associated car and cycle parking has been provided, surfaced in a hard bound material with the car parking bays clearly delineated in accordance with the approved details. The car and cycle parking shall thereafter be retained in this condition for the life of the development.

[To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking in the area having regard to Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)].

20. The development shall not be occupied until the driveway on Rutland Road has been surfaced in a hard bound material for a minimum distance of 5m to the rear of the highway boundary and has been suitably drained to prevent the discharge of surface water to the public highway. The hard bound surfacing and drainage measures shall thereafter be retained for the life of the development.

[In the interests of highway safety and to ensure adequate vehicle parking spaces are provided on the site for use in connection with the development hereby permitted having regard to Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)].

21. Notwithstanding the provisions of the Schedule 2 Part 1 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and/or re-enacting that Order) no enlargement or any other alteration shall be carried out to the dwelling(s) hereby permitted without express planning permission from the Local Planning Authority.

[To enable the Local Planning Authority to retain control over any future enlargements and/or alterations that may harm the amenities of neighbouring properties, the appearance of the dwelling or the character of the area having regard to Policy 10 (Design and Enhancing Local Identify) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)].

22. Notwithstanding the provisions of the Schedule 2 Part 1 Classes B and C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and/or re-enacting that Order) no enlargement or other alteration to the roof dwelling(s) hereby permitted shall be carried out without express planning permission from the Local Planning Authority.

[To enable the Local Planning Authority to retain control over any future enlargements and/or alterations to the roof of the dwelling that may harm the amenities of neighbouring properties, the appearance of the dwelling or the character of the area having regard to Policy 10 (Design and Enhancing Local Identify) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)].

23. 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 enable the Local Planning Authority to retain control over any future enlargements and/or alterations to the roof of the dwelling that may harm the amenities of neighbouring properties, the appearance of the dwelling or the character of the area having regard to Policy 10 (Design and Enhancing Local Identify) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)].

24. Notwithstanding the provisions of the Schedule 2 Part 1 Class G of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and/or re-enacting that Order) no chimneys, flues, soil or vent pipes (other than those expressly authorised by this permission) shall be constructed on the dwelling hereby permitted without express planning permission from the Local Planning Authority.

[To enable the Local Planning Authority to retain control over any future

**enlargements and/or alterations to the roof of the dwelling that may harm the amenities of neighbouring properties, the appearance of the dwelling or the character of the area having regard to Policy 10 (Design and Enhancing Local Identify) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)].**

- 25. Notwithstanding the provisions of the Schedule 2 Part 1 Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and/or re-enacting that Order) no additional storeys of accommodation shall be added to the dwelling hereby permitted without express planning permission from the Local Planning Authority.**

**[To enable the Local Planning Authority to retain control over any future enlargements and/or alterations that may harm the amenities of neighbouring properties, the appearance of the dwelling or the character of the area having regard to Policy 10 (Design and Enhancing Local Identify) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)].**

- 26. Regardless of what is shown on drawing numbers 2990(08)007 Rev B, 2990(08)008 Rev B, 2990(08)009 Rev B, and 2990(08)010 Rev B no dwellings shall be occupied until details of the proposed bin storage area(s), detailing the location, number and size of bins to be provided including details of the storage area(s) has been submitted to and been approved in writing by the local planning authority. Thereafter the bins storage area(s) shall be provided in accordance with the approved details and retained as such for the lifetime of the development.**

**[To ensure that adequate provision is made for the number and storage of bins required to serve the development having regard to Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)].**

## NOTES TO APPLICANT

Please be advised that all applications approved on or after the 7th of October 2019 may be subject to the Community Infrastructure Levy (CIL). The Borough Council considers that the approved development is CIL chargeable. Full details of the amount payable, the process and timescales for payment, and any potential exemptions/relief that may be applicable will be set out in a Liability Notice to be issued following this decision. Further information about CIL can be found on the Borough Council's website at <https://www.rushcliffe.gov.uk/planningandgrowth/cil/>.

Although the submitted protected species survey found no evidence of bats, it points out that there is the possibility that they may be found behind pantiles etc. You are reminded that it is an offence under the Countryside and Wildlife Act 1981 to interfere with bats or their roosts and you are advised to follow the procedure as outlined in the survey report.

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

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 landowner(s) must first be obtained. The responsibility for meeting any claims for damage to such features lies with the applicant.

All demolition and construction work, including deliveries, shall be restricted to the following times, to cause the minimum amount of disturbance to neighbouring residents:

Monday - Friday 07:00 - 19:00 hours

Saturday 08:00 - 17:00 hours

Sunday and Public / Bank Holidays No work activity

For further information on the content of Contaminated Land Reports, please refer to the Councils Publication "Developing Land within Nottinghamshire - A Guide to Submitting Planning Applications for Land that may be Contaminated." This booklet is available from both Rushcliffe Borough Council's website [www.rushcliffe.gov.uk](http://www.rushcliffe.gov.uk) (use the A-Z search for Contaminated Land) or by contacting the Neighbourhoods Service directly or use the following link. <http://www.rushcliffe.gov.uk/media/rushcliffe/media/documents/pdf/environmentandwaste/Notts%20developers%20guide%202013.pdf>.

The buildings on the site may contain asbestos materials and these should be removed by an appropriate licensed contractor prior to demolition in order to prevent contamination and risk to human health.

The deposit of mud or other items on the public highway, and/or the discharge of water onto the public highway are offences under Sections 149 and 151, Highways Act 1980. The applicant, any contractors, and the owner / occupier of the land must therefore ensure that nothing is deposited on the highway, nor that any soil or refuse etc is washed onto the highway, from the site. Failure to prevent this may force the Highway Authority to take both practical and legal action (which may include prosecution) against the applicant / contractors / the owner or occupier of the land.

The demolition works adjacent to the public highway may need to be controlled. Please contact the Highway Management Team on 0300 500 8080 to determine whether any temporary traffic management / licenses are necessary.

You are advised that the demolition and disposal of asbestos requires special measures. Further advice can be obtained from Nottinghamshire County Council (0115 977 2019). Alternatively, you can obtain an asbestos fact sheet from their website [www.nottinghamshire.gov.uk](http://www.nottinghamshire.gov.uk).

Best practice should be followed during building work to ensure trenches dug during works activities are left open over night, they should be left with a sloping end or ramp to allow exit for any animal that may fall in to escape. Any pipes over 200mm in diameter should be capped off at night to prevent animals entering.

All workers / contractors should be made aware of the (low) potential of protected species (bats) being found on site and care should be taken during works to avoid harm. If protected species are found during works, work should cease until a suitable qualified ecologist has been consulted.

All work impacting on buildings used by nesting birds should avoid the active bird nesting season, if this is not possible a search of the impacted areas should be carried out by a suitably competent person for nests immediately prior to the commencement of works. If any nests are found work should not commence until a suitably qualified ecologist has been consulted.

The use of external lighting should be appropriate to avoid adverse impacts on bat populations, see [http://www.bats.org.uk/pages/bats\\_and\\_lighting.html](http://www.bats.org.uk/pages/bats_and_lighting.html) for advice.

Measure to provide habitat enhancements are recommended and could include installing bat and bird boxes (which can be incorporated within walls through appropriate boxes).

Ecological enhancements should be considered including planting native shrubs and trees and native wildflower grassland within any landscaping and the use of soakaway / rain gardens incorporating native species.

Consideration should be given to creating highly energy efficient properties, renewable generation, space for recycling bins and bicycle storage.

The applicants should consult Severn Trent Water Limited who should be satisfied that the sewerage and sewage disposal systems serving the development have sufficient capacity to accommodate additional flows, generated as a result of the development, without causing pollution.

The development should comply with the Site Waste Management Regulations 2008.

The individual dwellings should be designed so as to accommodate:

- a) 3 x wheeled bins within the individual curtilages.
- b) apartment blocks should have land available to accommodate bulk containers for refuse and recycling. For each type of waste the formula is number of apartments x 240/1100= number of bulk containers.

Please contact Rushcliffe Borough Council on 0115 9148396 for further information.

This permission does not give any legal right for any work on, over or under land or  
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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 landowner must first be obtained. The responsibility for meeting any claims for damage to such features lies with the applicant.

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

**Summary of Appeal Decisions**

<b>Planning Ref:</b>	<b>Address</b>	<b>Proposal or Breach</b>	<b>Appeal Decision</b>	<b>Decision Type</b>	<b>Planning Inspectorate Reference and link to Appeal decision notice</b>	<b>Comments/Decision Date</b>
21/03148/FUL	Clematis Cottage, Main Road, Shelton	Demolition of existing dwelling and garage and erection of a replacement dwelling and garage (Self-Build) with associated landscaping and access works	Dismissed	Delegated	APP/P3040/W/22/3297700	10/11/2022
21/02426/FUL	Land To The North East Of Main Street, Sutton Cum Granby	Erection of 2 dwelling houses with a paddock to the rear, creation of new vehicular access (Resubmission of 20/03272/FUL)	Dismissed	Delegated	APP/P3040/W/22/3294802	10/11/2022
22/00553/FUL	208 Loughborough Road, Bunny	Demolition of existing detached garage. Construction of two storey side extension and single storey rear extension. Loft conversion with rear dormer window	Allowed	Delegated	APP/P3040/D/22/3304886	15/11/2022
22/00238/FUL	The Old Grain Store Barnstone Lodge Farm, Works Lane, Barnstone	Proposed Erection of Stable Building	Allowed	Delegated	APP/P3040/W/22/3301436	15/11/2022

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