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Direct dial 0115 914 8511  
Email [democraticservices@rushcliffe.gov.uk](mailto:democraticservices@rushcliffe.gov.uk)

Our reference:  
Your reference:  
Date: Wednesday, 30 September 2020

To all Members of the Planning Committee

Dear Councillor

A Meeting of the Planning Committee will be held virtually via Zoom on Thursday, 8 October 2020 at 6.30 pm to consider the following items of business.

The meeting will be live streamed via YouTube for the public to listen and view via the link: <https://www.youtube.com/user/RushcliffeBC>. Please note that until the meeting starts the live stream video will not be showing on the home page. For this reason, please keep refreshing the home page until you see the video appear.

Yours sincerely



Sanjit Sull  
Monitoring Officer

## AGENDA

1. Apologies for Absence and Substitute Members
2. Declarations of Interest
  - a) Under the Code of Conduct
  - b) Under the Planning Code
3. Minutes of the Meeting held on 10 September 2020 (Pages 1 - 6)
4. Planning Applications (Pages 7 - 100)  
The report of the Executive Manager - Communities.
5. Planning Appeals (Pages 101 - 102)  
The report of the Executive Manager - Communities.

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Opening hours:  
**Monday, Tuesday and Thursday**  
8.30am - 5pm  
**Wednesday**  
9.30am - 5pm  
**Friday**  
8.30am - 4.30pm

Postal address  
Rushcliffe Borough  
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NG2 7YG



## Membership

Chairman: Councillor R Butler

Vice-Chairman: Councillor Mrs M Stockwood

Councillors: N Clarke, P Gowland, L Healy, A Major, D Mason, J Murray,  
F Purdue-Horan, C Thomas and D Viridi

<b>Meeting Guidance</b>
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**Mobile Phones:** For the benefit of others please ensure that your mobile phone is switched off whilst you are in the meeting.



**MINUTES**  
**OF THE MEETING OF THE**  
**PLANNING COMMITTEE**  
**THURSDAY, 10 SEPTEMBER 2020**  
Held at 7.30 pm virtually via Zoom

**PRESENT:**

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

**ALSO IN ATTENDANCE:**

Councillor R Mallender

**OFFICERS IN ATTENDANCE:**

T Coop	Democratic Services Officer
A Pegram	Service Manager - Communities
R Sells	Solicitor
H Tambini	Democratic Services Manager

**APOLOGIES:**

Councillors D Viridi

It was noted that the Planning Committee was temporarily adjourned until 7.30pm, for the Council's IT department to resolve some technical issues with the live YouTube streaming.

**8 Declarations of Interest**

There were no declarations of interest recorded.

**9 Minutes of the Meeting held on**

The minutes of the meeting held on 13 August 2020 were approved as a true record.

**10 Planning Applications**

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

As ward Councillors for Cotgrave, Councillor R Butler and Councillor L Healy withdrew from the meeting at this point and did not take part in the consideration of the following item.

**20/01309/FUL – Erection of 3 dwellings with associated parking – Land North of 19 Marlwood, Cotgrave, Nottinghamshire.**

**Updates**

Further representations were received from residents objecting to the development or making observations, and additional information was received from the applicant after the agenda had been published and were circulated to the committee before the meeting.

In accordance with the Council's public speaking protocol, Mr Gatehouse (applicant), Mr Douglas (objector) and Councillor Healy (Ward Councillor), addressed the committee.

**DECISION**

**PLANNING PERMISSION BE REFUSED FOR THE FOLLOWING REASONS.**

1. It has not been adequately demonstrated that the provision of three affordable dwellings would outweigh the harm caused by the loss of open space that contributes to the character of the area, amenities of existing occupiers and wellbeing of local residents by virtue of its contribution to opportunities for informal communal recreation. The proposal would, therefore be contrary to Policies 11 (Housing Development on Unallocated Sites Within Settlements) and 34 (Green Infrastructure and Open Space Assets) of the Rushcliffe Local Plan Part 2: Land and Planning Policies.

Councillor Butler and Councillor Healy re-joined the meeting at this point.

**20/01035/FUL – Demolition of a single storey bungalow and the erection of a 3 bedroomed, two storey detached dwelling with a raised patio to the rear on the existing plot – 1A Adbolton Grove, West Bridgford, Nottinghamshire.**

**Updates**

In accordance with the council's public speaking protocol, Mr Sewell (applicant) and Councillor R Mallender (Ward Councillor), addressed the committee.

**Comments**

The Service Manager – Communities recommended two extra conditions requiring the development to meet the higher 'Optional Technical Housing Standard' for water consumption and for the provision of an electric vehicle charging point.

Members of the committee considered the development to be of an innovative design, was not overbearing on neighbouring properties and that it sits well on the existing footprint.

## DECISION

### GRANT PLANNING PERMISSION FOR THE REASONS SET OUT ABOVE AND SUBJECT TO THE FOLLOWING CONDITIONS.

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plan(s): PL-004, PL-005, PL-006A.

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

3. Construction of the dwelling shall not proceed beyond damp proof course until details of all external materials have been submitted to and approved in writing by the Borough Council, and the development shall only be undertaken in accordance with the materials so approved.

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

4. The development permitted by this planning permission shall be carried out in accordance with the Flood Risk Assessment (FRA) by Ambiental Environmental Assessment (Ref: 5402) dated 30th June 2020 and the following mitigation measures detailed within the FRA:

- Finished floor levels are set no lower than 23.63m above Ordnance Datum (AOD) as stipulated within section 7.3 of the FRA.
- The flood resilient design measures stipulated within the section 7.3 of the FRA shall be implemented in to the development.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Borough Council.

[To ensure that occupants are safe for the lifetime of the development and to comply with policy 17 (Managing flood risk) of the Rushcliffe Local Plan Part 2: Land and Planning Policies]

5. The dwelling shall not be occupied until the driveway has been surfaced in a bound material for a distance of 5m behind the highway boundary, and provided with drainage to prevent the discharge of surface water on to the public highway. The hard surfacing and drainage shall be retained

for the lifetime of the development.

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

6. The dwelling hereby permitted shall not be occupied until bird nesting boxes have been installed on the site in accordance with details to be previously submitted to and approved in writing by the Borough Council. Thereafter the bird nesting boxes shall be retained for the lifetime of the development.

[To ensure the incorporation of features that benefit biodiversity, and to comply with 38 (Non-designated biodiversity assets and the wider ecological network) of the Rushcliffe Local Plan Part 2: Land and Planning Policies]

7. Notwithstanding the provisions of Schedule 2, Part 1 Class A - C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) there shall be no enlargement or alteration of the proposed dwelling including no alteration to or insertion of windows other than those shown on the plans, without the prior written approval of the Borough Council.

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

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

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

9. An Electric Vehicle Charging Point shall be provided for the dwelling hereby approved and installed prior to occupation and retained in that form thereafter for the lifetime of the development.

[To promote sustainable travel, aid in the reduction of air pollution levels and help mitigate climate change, in accordance with Policy 2 (Climate Change) of the Rushcliffe Local Plan Part 1: Core Strategy].

### **Notes to Applicant**

Please be advised that all applications approved on or after the 7th October 2019 may be subject to the Community Infrastructure Levy (CIL). The Borough Council considers that the approved development is 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/>.

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

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

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

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.

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

The provisions of the Party Wall Act 1996 may apply in relation to the boundary with the neighbouring property. A Solicitor or Chartered Surveyor may be able to give advice as to whether the proposed work falls within the scope of this Act and the necessary measures to be taken.

The meeting closed at 8.58 pm.

CHAIRMAN

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## Planning Committee

8 October 2020

## Planning Applications

### Report of the Executive Manager - Communities

#### PLEASE NOTE:

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

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

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

Application	Address	Page
<a href="#">20/01826/CTY</a>	Ratcliffe On Soar Power Station, Green Street, Ratcliffe On Soar, Nottinghamshire, NG11 0EE	11 - 23
	Proposed development of the East Midlands Energy Re-Generation (EMERGE) Centre (a multifuel Energy Recovery Facility, recovering energy from waste material) and associated infrastructure.	
<b>Ward</b>	Gotham	
<b>Recommendation</b>	Nottinghamshire County Council be advised that the Borough Council DOES NOT OBJECT to the development, subject to the County Council being satisfied that the proposal accords with the relevant development plan and that all other material considerations can be satisfactorily addressed.	
<a href="#">20/00810/FUL</a>	Overgrown Acres, Cotgrave Road, Normanton On The Wolds, Nottinghamshire, NG12 5PE	25 - 46
	Seasonal change of use, erection of 3 tipis each 10.3m diameter to be used from 1 <sup>st</sup> May to 30 <sup>th</sup> September annually to allow for 28 events to be held and erection of pagoda for wedding ceremonies, part use of existing dwelling as bridal suite (limited to bridal use during the 28 events only).	
<b>Ward</b>	Tollerton	
<b>Recommendation</b>	Planning permission be granted subject to conditions.	

Application	Address	Page
<a href="#">20/01615/FUL</a>	Garages South of 15 Orchard Close, Barnstone, Nottinghamshire Demolition of existing garages and erection of two no. 2 storey houses with associated parking. Creation of an area of hard-standing for use for 9 car parking spaces.	47 - 62
<b>Ward</b>	Thoroton	
<b>Recommendation</b>	Planning Permission be granted subject to conditions.	
<hr/>		
<a href="#">19/01500/FUL</a>	P J Fletcher and sons Ltd, Builders Yard, Cropwell Road, Langar, Nottinghamshire, NG13 9HD  Demolition of existing offices, workshops and stores and erection of 4 two storey dwellings (Amended Description).	63 - 85
<b>Ward</b>	Nevile and Langar	
<b>Recommendation</b>	Planning permission be granted subject to conditions.	
<hr/>		
<a href="#">20/01772/OUT</a>	The Paddock, 12 Main Street, Kinoulton, Nottinghamshire, NG12 3AE  Outline planning permission with all matters reserved for the erection of a dormer bungalow	87 - 99
<b>Ward</b>	Nevile and Langar	
<b>Recommendation</b>	Planning permission be granted subject to conditions.	
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**20/01826/CTY**  
**Ratcliffe on Soar Power Station**

scale 1:10,000

page 11

Rushcliffe Borough Council - 100019419

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# 20/01826/CTY

**Applicant** Uniper UK Limited

**Location** Ratcliffe On Soar Power Station Green Street Ratcliffe On Soar Nottinghamshire NG11 0EE

**Proposal** Proposed development of the East Midlands Energy Re-Generation (EMERGE) Centre (a multifuel Energy Recovery Facility, recovering energy from waste material) and associated infrastructure

**Ward** Gotham

## THE SITE AND SURROUNDINGS

1. The power station site covers an area of around 273ha, including 167ha to the north of the A453 and 106ha to the south of the A453. The main built development is on the north side of the road and the southern site is used predominantly for storage and handling of by-products such as ash.
2. The site is bounded to the south east by the A453, to the north lie Wood Hill and Wright's Hill, behind which is the village of Thrumpton. To the west of the site is the East Midlands Railway and the Parkway station and park and ride facility. The site is served by its own railway line which runs in a loop around northern area of the site. The M1 motorway is approximately 2km to the west.
3. On site at present (northern site) is a centrally located boiler house with 199m high main concrete stack. To the western edge of the site lie the cooling towers (8 in number) which are 114m high. There are a number of gypsum storage buildings connected by conveyors, large substation buildings, offices, academy, stores, parking etc ancillary facilities.
4. The red line application site is located in the northern end of the northern site, and currently comprises a 'lay down' area and contractors parking. It has previously been surfaced with some areas tarmacked and some areas formed by compacted stone hardstanding. The lay down area at present is largely unused with some smaller items stored on it, the contractor parking area was sparsely populated by cars on the date of the site visit. Adjacent to the site on western side lies a boiler house and gypsum silo. Large conveyors used to carry limestone and gypsum to and from the railway sidings run to the south of the site. The land levels rise to the north and east towards Wood Hill and Wright's Hill.
5. The nearest residential property is Winking Hill Farm some 750m to the north-east of the site.

## DETAILS OF THE PROPOSAL

6. The development involves an energy from waste facility and, therefore, the application falls to be determined by the Nottinghamshire County Council as the waste authority for the area and the Borough Council is being consulted for its views on the proposal.

7. The current proposal is to construct a multi-fuel energy recovery facility (ERF) which would take in non-hazardous waste from commercial uses, industrial uses, Local Authority collected waste as well as construction and demolition waste. The proposal is to accept only pre-sorted waste (no sorting of waste on site) and this would enter the building and be deposited inside. There would be no storage of waste in outdoor areas. The proposed facility would generate 49.9MW gross of electricity and export 43.4 MW to the grid. It would have capacity to accept 472,100 tonnes of waste per annum. Electricity would be generated using steam turbines.
8. In addition, the facility would be capable of providing combined heat and power to local users (i.e. potential future users on site following closure and any potential redevelopment of the wider site).
9. The site would be made up of a large building in the centre which would contain the boiler hall, waste bunker and waste reception (tipping) area, turbine hall containing two turbines, gas flue treatment facility, Incinerator Bottom Ash Bay and offices, workshop, stores and staff welfare facilities. The building itself would measure 72m wide at its main part, with a further projection of around 30 m to the western side to house the turbines. The building would measure around 180m in length and would be 49.5m high at its highest part in the centre of the building (excluding chimney stacks). The stacks would be 110m high. There would also be several smaller ancillary elements of infrastructure including a workshop, parking area, cellular storage tanks, separators etc. Access would be from an existing internal road within the power station site at the south-east corner of the site.
10. By way of context the existing main stack at the power station measures 199m and the cooling towers are 115m high.
11. There is a scheduled ancient monument located partly within the boundary of the overall power station site (blue line) to the western edge of the site at Red Hill. This is some distance from where the proposed works would take place and unlikely to be affected.
12. The proposal would generate 45 jobs on site once the facility is up and running. Temporary employment for would be provided for around 600 construction workers at the peak of the construction phase, construction is anticipated to take three years.

## **SITE HISTORY**

13. The coal fired Ratcliffe on Soar power station has been operational for more than 50 years, (permission was granted in 1960 and operation commenced in 1967) the site history in intervening years is extensive, however most pertinent to the consideration of this application and the area of the site outlined in red is consent granted in 1991 for the extension of the power station to accommodate a Flue Gas Sulphurisation Plant. Consent for the work was granted by the Secretary of State under the Electricity Act 1989.



## REPRESENTATIONS

### Ward Councillor(s)

14. The Ward Councillor (Cllr R Walker) does not object to the application. The Councillor has given careful assessment to a broad range of factors in coming to his decision. Cllr. Walker comments; *“Whilst it is tempting, and easy, to take a definitive right or wrong approach to the principle of energy from waste per se, this ignores the subtleties and complexities of the debate, together with ignoring location-specific context”*
15. The Councillor has considered the historic and proposed uses of the wider site which has been significant in leading to his conclusions. The context of both the historic and proposed use of the wider Ratcliffe on Soar Power Station site. He goes on to state that; *“The current use as a coal-fired power station impacts heavily on baseline data used to assess the impact of the proposed development on emissions, visual impact and pollutants. Whilst accepting that other potential uses of the site would have a greater environmental impact, I acknowledge the benefits of retaining energy-creation on the site. Measuring this against the previous format, rather than against any/all possible alternatives is an acceptable way of considering the impact on local residents.”*
16. The Councillor has considered vehicle movements, the waste hierarchy, use of incineration as a waste management tool as well as a source of energy. He also notes that the site will not be returned to agricultural use and any proposed future industrial uses on the site will require significant heat and power resources. On balance, Cllr Walker is persuaded the proposal would be beneficial overall, but would ask the County Council to carefully evaluate and seek conditions to ensure the following:
  - a. Vehicular (especially HGV) movements are restricted to trunk (dual carriageway) roads and access to local minor roads by such vehicles is prohibited at all times.
  - b. Flue gas treatment measures are controlled and monitored consistently with any action to address excess NOX2 levels taken swiftly and completely.
  - c. Ash emissions from bottom-ash into the atmosphere are adequately monitored and controlled.
  - d. Operation of the facility as an R1-compliant facility is fully maintained.
  - e. The Environment Management System is appropriately monitored and enforced.
  - f. Adequate measures are in place to control litter around the bunker entrance.
  - g. Should odours and/or noise levels from the development exceed expected levels, that appropriate mitigation measures are enforceable.

### Town/Parish Council

17. The Ratcliffe On Soar Parish Council comment; *“There is a question on whether there is overcapacity in waste incinerators in Nottinghamshire and we recommended that the number and capacity of existing installations be measured and compared with the tonnages of collected black bin waste to see if the Ratcliffe installation is justified. How much is land-fill reduced by the burning of waste. The burning of waste should impact on the collection of*

*recyclable material or on any proposed collection of food waste for anaerobic digestion both of which are important for Climate Control. Waste must not be put to ground on site (as coal is at present) which means there must be consideration of waste hopper size and management to ensure waste does not escape.*

18. *The lorry routes need to be controlled and monitored to avoid the use of Kegworth Road and West Leake Lane. We see cameras and ANPR technology to enforce discipline with driver discipline for rule breakers. We are told the planned routes are westward from Nottingham via the A453 and the West Leake Junction and eastward from Junction 24 of the M1. The A453 after duelling has a capacity of 40,000 to 60,000 vehicles a day and 350 additional lorries should not prove to be a problem.”*

### **Statutory and Other Consultees**

19. *The Borough Council’s Planning Policy Manager has commented on matters relating to the Rushcliffe Local Plan. He comments on Policy 5 (Employment Provision and Economic Development) of the Core Strategy and 15 (Employment Development) of the Local Plan Part 2. It is his view that the proposal is in principle able to draw support from Policy 5, and that the creation of 45 jobs would be a meaningful level of employment with further employment facilitated on the wider site, this would strengthen the case for Policy 15 to be applied. The officer goes on to state; “*However, while the site remains within the Green Belt, the proposal still needs to satisfy the requirements of NPPF Green Belt policy (paragraph 145(g) most specifically). However, even if it is judged that development would result in a greater impact on the openness of the Green Belt than the existing development, this does not necessarily mean that the proposal should be judged to be unacceptable. The future reuse of the site once existing coal-powered energy generation operations end, and the role that this proposal would play as part of this, may well be of overriding material importance.*”*
20. *The Borough Council’s Conservation Officer has commented as follows; “I have reviewed the information submitted within the proposals, in particular the comprehensive Heritage Impact Assessment. I am satisfied that this has demonstrated that it has taken into consideration the impacts on the nearby heritage assets. The site itself is not within a conservation area and does not contain any heritage assets but a number of these are found within less than 3 kilometres. The nearest conservation area is the Thrumpton Conservation Area.*
21. *Based upon the information submitted, the designs are functional albeit substantial. That said, the height of the stack proposed is equivalent to the height of an existing cooling tower. The larger Radcliffe On Soar Power Station site is likely to be redeveloped in the coming years and any removal of the existing structures may be seen in terms of an improvement to the wider setting and significance of heritage assets.*
22. *Although the proposed development would result in some harm to the wider heritage assets, it would be lesser than that of the existing power station. As the Design and Landscape Officer commented, the visibility in the wider landscape would be restricted due to tree and vegetative cover. Insofar as views and glimpses of it would be available, the design and materials are such*

*that the impact would not be significantly harmful as it would read as a functional part of the existing power station which is highly visible.”*

23. The Borough Council’s Environmental Health Officer has commented *“I refer to your recent consultation regarding the above named application. I have reviewed the chapters within the Environmental Statement referring to noise, air quality and contaminated land. I have no concerns about the methodology used within these assessments. The applicant has referred to a need for a condition relating to construction emissions e.g. noise and dust and therefore this should be added as a condition. Also, the applicant has advised that a Phase 2 site investigation will be required to determine whether the land is suitable for the proposed use; this again should be conditioned.”*
24. The Borough Council’s Environmental Sustainability Officer has reviewed the EIA documents provided and is satisfied there would be minimal ecological impacts and that conservation status of protected species would be unlikely to be detrimentally impacted by the proposal. A preliminary ecological survey has been carried out dated June 2019 which appears to have been completed in accordance with best practice and is in date. Biodiversity Net Gain has been demonstrated at 52.46%. Further recommendations are made as follows;
- a. The landscape proposals are amended to remove 'birch woodland' which is not a naturally occurring habitat in the area and is replaced with a mixed deciduous woodland based on the species to match the existing Oak dominated tree community at Thrumpton Park.
  - b. The proposed areas of species-rich grassland are developed as calcareous wildflower grasslands. Consideration should be given to including Small flower buttercup (*Ranunculus parviflorus*) which is locally rare but found within Thrumpton Park.
  - c. A Landscape and Ecological Management Plan (LEMP) should be developed for the landscaped areas with the means to implement in the long term.
  - d. The proposed lighting should seek to reduce the impact of the overall sites lighting, taking into account the potential for the overall lighting of the site may be reduced following the redevelopment of the whole site. Lighting proposals (during construction and post construction) should be appropriate to avoid adverse impacts on bat populations
  - e. Permanent artificial bat boxes / bricks and wild bird nests should be installed within buildings.
25. In addition, it is recommended that the proposal for three electrical vehicle charging points is insufficient, considering that within the lifetime of the operation of this building petrol and diesel cars are to cease to be manufactured.
26. The Borough Council’s Design and Landscape Officer does not object to the proposal. It is considered that the Landscape and Visual Assessment has been carried out in accordance with best practice and he does not dispute the findings. It is considered that with the current power station in place there will not be a significant increase in visual harm or harm to the wider landscape setting. The eventual removal of the power station will result in a large improvement to the local landscape, with this in mind the new energy centre will result in some harm in the long term, but it would be significantly less than the current situation.

27. The proposed landscaping is welcomed, birch is a native colonising species but isn't in keeping with the Borough Landscape Character and a mixed woodland species should be agreed by condition.

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

28. Councillor Sewell, the Ward Councillor for Daleacre Hill in North West Leicestershire has written to express her concern regarding the number of proposed vehicle movements on the A453 and seeking reassurance as to how traffic will be kept off the village roads. She and local residents are also concerned about smell emitted from the site and seeks reassurance on these matters.
29. 13 Local Residents from 11 addresses have objected to the scheme. Their objections can be summarised as follows;
- a. This is not a suitable alternative to the power station.
  - b. We should be increasing the use of renewables and not burning waste.
  - c. The overall carbon footprint of Nottinghamshire will be increased.
  - d. There will be an increase in air pollution due to the incinerator being in continuous use.
  - e. There will be noise associated with the operation of the incinerator.
  - f. The planning application states there will be 'no significant effect' from fumes on people's health, this is not good enough there should be 'no effect'.
  - g. Sinfen (Derby) incinerator is cited as example of smell from fumes, also issues with rodent/insects.
  - h. Where will the ash be disposed of?
  - i. The proposal is uneconomic, there is insufficient waste to fuel it, this will result in importation of waste from other counties and may discourage recycling.
  - j. Maximum standards on the grades of waste accepted should be applied.
  - k. The Borough should collect glass for recycling and food waste for anaerobic digestion.
  - l. There will be an increased effect on people with underlying health conditions.
  - m. The rubbish used as fuel will smell and leave a mess.
  - n. Toxic fumes will be released.

- o. There will be increased traffic bringing in the waste leading to noise, congestion and fumes.
- p. Rural roads should not be used as short cuts.
- q. There will be a negative visual impact on the Green Belt and Open Countryside, lighting may be an issue

## **PLANNING POLICY**

- 30. The development plan for Rushcliffe consists of the Rushcliffe Local Plan Part 1: Core Strategy and the Local Plan Part 2: Land and Planning Policies.
- 31. The development plan for the Nottinghamshire County Council consists of the Nottinghamshire and Nottingham Waste Core Strategy and Waste Local Plan including Saved Policies.
- 32. Other material considerations include the National Planning Policy Framework (NPPF), National Planning Practice Guidance (NPPG). Any decision should be taken in accordance with the adopted development plan documents.

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

- 33. The relevant national policy considerations for this proposal are those contained within the National Planning Policy Framework (NPPF) and National Planning Policy for Waste. The proposal should be considered within the context of a presumption in favour of sustainable development as a core principle of the NPPF.
- 34. The following chapters of the NPPF are of particular relevance in consideration of this proposal:
  - Chapter 2: Achieving sustainable development
  - Chapter 13: Protecting Green Belt Land
  - Chapter 11: Making effective use of land
  - Chapter 14: Meeting the challenge of climate change, flooding and coastal change
- 35. The NPPG contains specific guidance on Waste, it sets out that the County Council is generally the waste authority, and that applications of the type proposed should be dealt with as “County Matters”. The NPPG sets out further guidance on protecting human health and the environment, and also states that ‘non-waste’ authorities (such as Rushcliffe) “*must have regard to national planning policy for waste*”
- 36. The National Planning Policy for Waste sets out the Government’s detailed waste planning policies. Annex A of this document sets out the Waste Hierarchy, and the text within the policy (para 3) states that waste planning authorities should “*drive waste management up the waste hierarchy, recognising the need for a mix of types and scale of facilities, and that adequate provision must be made for waste disposal*”

## Relevant Local Planning Policies and Guidance

37. The Rushcliffe Local Plan Part 1: Core Strategy sets out the overarching spatial vision for the development of the Borough to 2028. The following policies in the Core Strategy are relevant:
- Policy 1: Presumption in favour of sustainable development
  - Policy 2: Climate Change
  - Policy 4: Nottingham-Derby Green Belt
  - Policy 5: Employment Provision and Economic Development
38. The Rushcliffe Local Plan Part 2: Land and Planning Policies was adopted in October 2019 and sets out non-strategic allocations and detailed policies for managing development. The following policies in the Rushcliffe Local Plan Part 2 are relevant:
- Policy 1: Development Requirements
  - Policy 15: Employment Development
  - Policy 16: Renewable Energy
  - Policy 21 Green Belt
  - Policy 39: Health Impacts of Development
  - Policy 40: Pollution and Land Contamination
  - Policy 41: Air Quality
39. The Nottinghamshire and Nottingham Waste Core Strategy sets out the approach to delivering sustainable waste management until 2031, it does not allocate specific sites for waste management use, The Nottinghamshire and Nottingham Waste Local Plan including Saved Policies is also of relevance. It is not proposed in this report to go into detail regarding these policies, and it is for the County Council to be satisfied that the proposal accords with relevant Waste policies.

## APPRAISAL

40. The Borough Council has been consulted on this application by the Nottinghamshire County Council. The County Council are the determining local planning authority for the purposes of waste and minerals applications and the Borough Council is, in this case, a consultee to the application.
41. As such, the Borough Council has not carried out a full technical or neighbour consultation exercise. Similarly, this report considers only the principle of development, and not technical considerations which will be for the County Council to determine based on responses to their own consultation exercise.
42. Cllr. Sewell and all those who have commented as 'neighbours' have received an email clarifying the Borough Council's role and suggesting they copy their responses directly to the County Council using their website.
43. The key consideration is therefore whether the proposed development would accord with Green Belt policy, other issues to consider are issues of traffic generation, odour, and whether sufficient levels of waste are available to support the facility.

## Background

44. The current power station at the site is planned to close not later than the end of September 2025 in line with the Central Government's planned phasing out of coal powered power stations. The East Midlands Development Corporation (EMDC) identified the site as one of three strategically important sites for future economic growth in the East Midlands.

## Green Belt

45. Taking into account the history of the site area (which forms part of the curtilage of the power station and is within the operational area of the site) and observations from the site visit carried out by the case officer, it is considered that the area in question is brownfield (previously developed) land. As such it would fulfil the criteria of Paragraph 145 of the NPPF, as set out at part g) and would comprise; *"limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings) which would:*

- *Not have a greater impact on the openness of the Green Belt than the existing development;"*

46. It therefore falls to be considered what the impact of the proposal would be on the openness of the Green Belt.

47. The comments of the Borough Council's Design and Landscape Officer are set out above, and raise no objection. It is also noted that to the north the hills would screen the development to some degree, when viewed from other vantage points, particularly the A453, it is considered that the relative heights, scale and massing of the proposed buildings (of which the main boiler house/waste tipping and bunker is the largest and likely most prominent) would be smaller than other infrastructure and buildings already on site. When viewed in the context of the existing site it is not considered the proposal would have a greater impact on the openness of the Green Belt. As such, it can be concluded that the proposal constitutes an exception to inappropriate development in the Green belt as set out in paragraph 145. In summary, it is not inappropriate development.

## Economic Development

48. Paragraph 5 of Policy 5 sets out that the economy will be strengthened by *"Encouraging economic development associated with the University of Nottingham, and with other Centres of Excellence in Rushcliffe such as Ratcliffe on Soar Power Station, British Geological Survey at Keyworth and British Gypsum at East Leake, including their expansion, and allocating land specifically to meet the needs of high technology industries."*

## Climate Change

49. Policy 2 of the Core Strategy sets out at part 4 the promotion and encouragement of decentralised, renewable and low-carbon energy schemes which would include the proposed combined heat and power unit. It is considered this can be given only limited weight in favour of the proposal as

the application states that it will be CHP ready, but this will depend on the future development of the site, users and their needs.

50. Policy 16 of the Local Plan Part 2 states at paragraph 5.1 that energy from waste can also be a technology used to generate renewable and low carbon energy. It sets out that *“proposals for renewable energy schemes will be granted planning permission where they are acceptable in terms of:*
- a) compliance with Green Belt policy;*
  - b) landscape and visual effects;*
  - c) ecology and biodiversity;*
  - d) best and most versatile agricultural land;*
  - e) the historic environment;*
  - f) open space and other recreational uses;*
  - g) amenity of nearby properties;*
  - h) grid connection;*
  - i) form and siting;*
  - j) mitigation;*
  - k) the decommissioning and reinstatement of land at the end of the operational life of the development;*
  - l) cumulative impact with existing and proposed development;*
  - m) emissions to ground, water courses and/or air;*
  - n) odour;*
  - o) vehicular access and traffic; and*
  - p) proximity of generating plants to the renewable energy source.”*

#### Noise/odour/traffic generation/health impacts

51. In terms of these, more technical issues, the Borough Council is in receipt of all the submitted documentation, but its role is not, in this instance to carry out full consultation with technical bodies (such as NCC Highways, Highways England, Environment Agency etc) and this is the role of the County Council as the determining authority.
52. It is acknowledged that the proposal would generate increased trips on the A453 and surrounding road network. This would be a matter for consideration by Highways England and the local Highway Authority.
53. In terms of odour the submitted documents explain that escape of odour is highly unlikely as the main activities (including tipping and storage of waste) would take place inside the building, and odour would be prevented from escaping the waste tipping hall as the air would be kept under negative pressure. No odours would be emitted from the stacks as all odorous compounds are destroyed due to the high temperatures achieved within the furnace.
54. In terms of pest control this would be a matter that could be controlled through conditions and mitigation.
55. Policy WCS13 of the Waste Core Strategy states any proposal shall have; *“...no unacceptable impact on any element of environmental quality or the quality of life of those living or working nearby...”* Ultimately this matter would need to be adequately addressed to the satisfaction of the County Council and their consultees.



## Availability of fuel waste

56. One issue that has been raised through the consultation response is that of ensuring there is sufficient waste available to ensure the proposal is economically viable, and that this need for waste as fuel does not result in less re-using and re-cycling of materials. The submission documents note that the proposal is being brought forward as a merchant facility - not to serve a specific public sector waste contract. Although it is not the purpose of this report to go into detail regarding the County's waste policies, nonetheless it is worth noting that Policy WCS3 or the Waste Core Strategy does states that; *"...new or extended energy recovery facilities will be permitted only where it can be shown that this would divert waste that would otherwise need to be disposed of and the heat and/or power generated can be used locally or fed into the national grid..."* As such, the County Council will need to be fully satisfied on this matter prior to making any decision on the planning application.
52. Two types of solid by-products would be produced, Bottom Ash and Flu Gas Treatment Residues. It is proposed that the Bottom Ash would be managed in the main building, where it would be stored prior to be loaded on HGVS and then exported to a re-processor to extract any metals with the remaining material typically used as a recycled aggregate. The Flu Gas Treatment residues would be stored in silos within the main building and later transported to a Permitted Hazardous Waste disposal facility, or alternatively could be taken to be used elsewhere in stabilisation of acid waste or cement manufacture.

## Conclusion

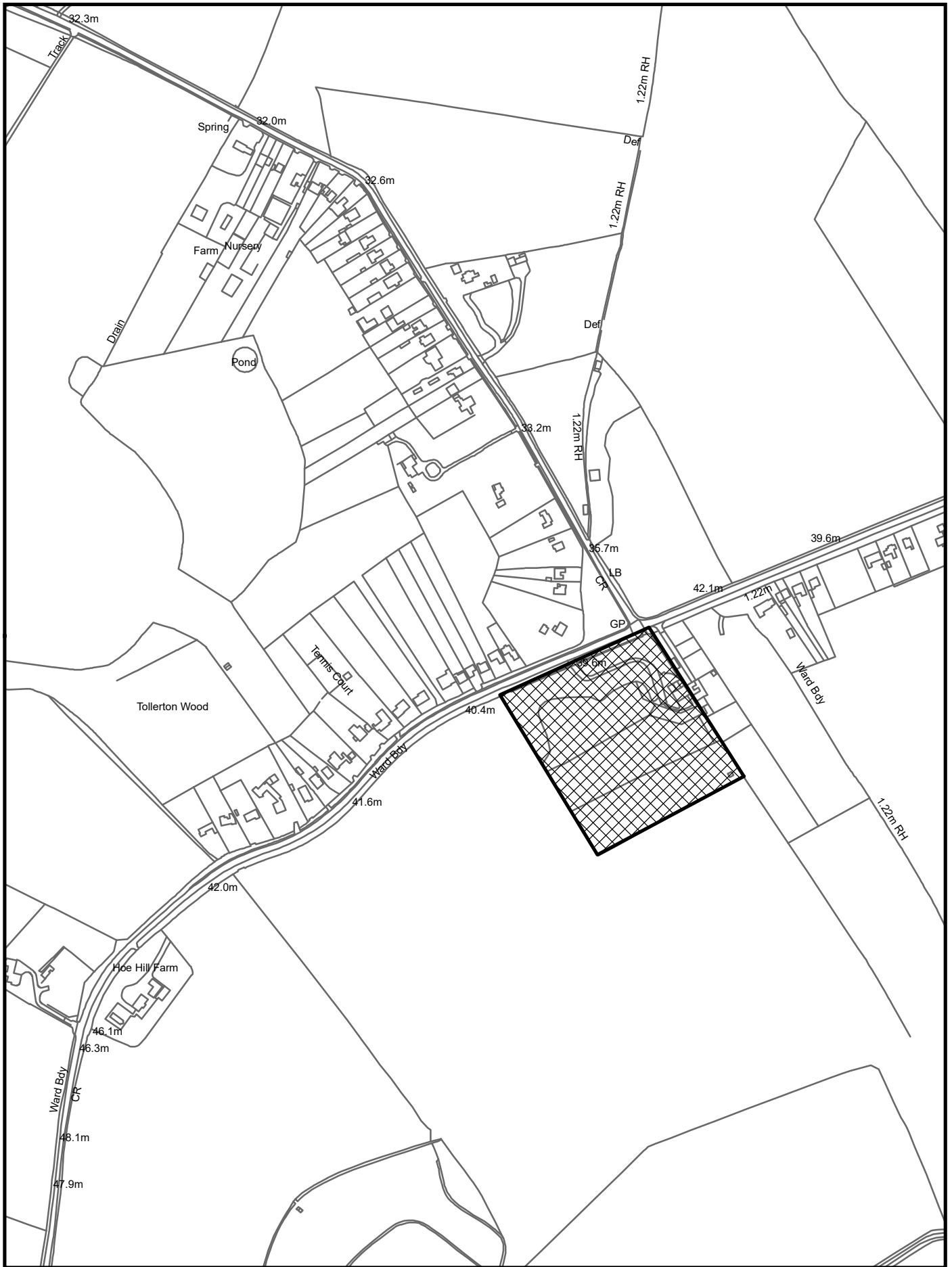
53. Given the Borough Council's role is limited to that of consultee, it is considered that it is appropriate at this stage to observe that the proposal is acceptable in principle in Green Belt policy terms, however it will only be acceptable overall subject to other, material considerations being addressed and being found acceptable or otherwise adequately mitigated.

## **RECOMMENDATION**

It is RECOMMENDED that the Nottinghamshire County Council be advised that the Borough Council DOES NOT OBJECT to the development, subject to the County Council being satisfied that the proposal accords with the relevant development plan and that all other material considerations can be satisfactorily addressed, including the following:

- Odour
- Air quality
- Pest Control
- Health Impacts
- Pollution/Contamination
- Traffic Generation
- Landscaping
- Availability of Waste
- Impact on Heritage Assets

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**20/00810/FUL**  
**Overgrown Acres, Cotgrave Road,**  
**Normanton on the Wolds**

scale 1:10,000

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# 20/00810/FUL

**Applicant** Ms Michelle Woodward

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

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

**Ward** Tollerton

## THE SITE AND SURROUNDINGS

1. The application relates to a 2.4 hectare site to the south of Cotgrave Road comprising paddock land with a dwelling positioned adjacent to the eastern boundary. The dwelling is a residential barn conversion approved in 2017 (application reference 17/01050/FUL), accessed from Cotgrave Road via a gated vehicular access positioned midway along the northern boundary of the site. There is a belt of mature trees running along the north and north east corner of the site.
2. The site is located outside of the main built up area of Tollerton, however there is a frontage of residential properties opposite the site running westward. Approximately 80 metres to the east there is a frontage of properties on the same side of Cotgrave Road as the application site. The site access is approximately 60 metres from the junction of Cotgrave Road with Cotgrave Lane. The application site falls within the Green Belt.

## DETAILS OF THE PROPOSAL

3. The application seeks planning permission for the erection of three tipis from 1 May- 30 September annually, a change of use of the land for up to 28 event days annually along with the erection of pagoda for wedding ceremonies, and the part use of the existing dwelling as bridal suite, with its use limited to these 28 event days only.
4. The tipis would comprise a series of three linked fabric structures with timber supports referred to in the specification as 'big hat' tipis, each measuring 10.3 metres in diameter with a total height of 7.4 metres. There would be an adjoining catering tent at the rear. The tipis would be dismantled between seasons although they would sit on a 150mm high timber base (already in situ) which would be retained on a permanent basis. The tipis would be sited 42 metres from front boundary and 45 metres from the east boundary. A small timber pagoda for the holding of wedding ceremonies is already in situ.
5. Lighting of the immediate area outside of the tipis would comprise low energy festoon lights suspended from shepherd hooks/timber poles at a height of 2.5 metres. Festoon lighting would also be used internally.

6. An amplified sound system is proposed within the tipis comprising a Zone Array Directional Speaker System, this would comprise an array of overhead speaks mounted on rigging, directed downward towards the dancefloor area, limiting the sound spillage outside of the tipis, that might be associated with conventional speakers.
7. Provision would be made for 75 parking spaces, positioned towards the west of the site. The parking spaces would be temporarily marked out on the paddock during events and not hard surfaced. Access to the parking area would be via a track reinforced with an Ecodeck plastic grass reinforcement grids, which are in situ and are proposed to remain in perpetuity.
8. The submitted plans show a camping area to the north west corner of the site, adjacent to the car parking area. The applicant has clarified that they wish to omit the camping element from the proposal, therefore the only overnight accommodation would comprise the bridal suite within the dwelling.
9. There is a timber 'chill out den' arctic cabin structure and play equipment in situ which do not currently have planning permission. These structures are shown on the layout plans, however the applicant seeks to withdraw these elements from the current application and to apply for their retention separately.
10. The applicant has clarified that electricity would be supplied from an existing connection from the residential property and therefore a generator would not be required, except in the event of a power cut. The events would be serviced by portaloos brought into and removed from site.
11. The submission is supported by a Highway Report commissioned by Highway Access Solutions dated 6 November 2019. A series of acoustic reports have been commissioned, the most recent being Noise Impact Assessment version 3 dated 21 July 2020. As part of the mitigation measures outlined in section 5 (Mitigation) of the report, a 2 metre high acoustic barrier is proposed running along the rear of the tipis as shown in Figure 14 of the assessment.

## **SITE HISTORY**

12. U1/92/0406/P- Use of land for touring caravan and camping park. Refused in 1992. Resubmission refused under planning reference U1/92/0668/P.
13. U1/92/0875/P- Form new vehicular access. Approved in 1992.
14. 93/00852/FUL- Retention of earth banks (as part of overall landscaping scheme). Refused in 1993.
15. 96/01102/FUL- Use of land as playing fields; form car park; construct floodlit multi-sport pitch; use outbuildings as changing accommodation. Refused in 1996. The application was refused on the basis that:
  1. The proposed development would generate increased activity, noise, disturbance and vehicular traffic which would be detrimental to the amenities of nearby residential properties and this rural area. The provision of a floodlit pitch would permit use at time other than those when possible in normal daylight; and

2. the floodlit pitch would be visually intrusive in the Green Belt location and would not respect the open character of the area.
16. 16/01507/FUL - Conversion and extension of agricultural barn to farm dwelling. Withdrawn 2016.
17. 17/01050/FUL - Conversion of agricultural building to dwelling. Approved in 2017.
18. 17/02503/FUL - Conversion of existing barn to single dwelling. Approved in 2017.

## **REPRESENTATIONS**

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

19. The Ward Councillor (Cllr Mason) objects to the proposal for reasons of noise, traffic, access and environment.
20. Cllr mason provided further comments, expanding on the above points:
21. Noise - Concerns that the design of the tipis appear as an outside venue with few ways of containing noise pollution from music, guests or vehicles. There is no limit to the length of an "event", although 28 "events" are mentioned, this could mean that many more weeks would be affected over the summer.
22. Traffic/access - Cotgrave Road has a T junction near the entrance as well as dip in the road. Traffic approaching from Cotgrave is hidden in this dip. Large support vehicles arriving at a similar time could cause a dangerous scenario. The access is narrow and at an angle inside the drive, making it difficult for 2-way traffic, vehicles approaching from Normanton/Plumtree would have to queue to give way to approaching traffic. Concerns regarding disturbance of nearby residents from noise and vehicles.
23. Environment - Not considered that the site is suitable for outdoor events regardless of the time of day.

### **Town/Parish Council**

24. Normanton on the Wolds Parish Council object to the proposal for the following reasons:
  - a. Highway safety issues. Whilst work has been done on the entrance, it is still an unsuitable location.
  - b. The proposal for amplified music will result in an unacceptable disturbance of people in several parishes.
25. Tollerton Parish Council as an adjacent Parish Council object to the application for the following reasons:
  - a. Out of character and inappropriate development in the Green Belt, not in keeping with surrounding rural area nor will it protect the environment from pollution/ waste.

- b. Unacceptable antisocial noise/nuisance at antisocial hours, impacting on the amenity of neighbouring dwellings. Potential impact on health and wellbeing of neighbours. Local residents strongly oppose the proposal.
- c. Additional traffic generation, site is not served by appropriate access and road safety infrastructure. Similar applications in the area have been rejected.

### **Statutory and Other Consultees**

- 26. The Environmental Health Officer submitted comments requesting further information relating to the operation of the speaker system, maximum number of guests, whether noise from guests arriving/leaving and congregating at the venue had been considered; and details of mitigation measures. A further email was received from the EHO requesting a noise report that provides all of the information on noise sources and all of the proposed mitigation measures. The report should include all of the predicted noise sources, guests, vehicle movements, noise from music system and then the resultant modelling of noise taking account of the mitigation measures, noise limiting device, structures, areas where guests will gather and barriers.
- 27. The application provided a further Noise Impact Assessment (version 3) dated 21 July 2020 which sought to address a number of queries raised by the EHO. The applicant also provided a Draft Noise Management Plan on 22 July. The EHO provided comments on 12 August commenting that the reports address all the issues that had previously been raised, however the data can differ from how noise transmission may occur in practice. Post completion noise surveys are therefore requested for the first 3 wedding events, to ensure that the noise levels being predicted are actually being achieved. The EHO confirmed that the noise surveys could be secured by way of a condition as part of a temporary period of approval.
- 28. Following the submission of additional information, the EHO provided further formal comments on the proposals. She acknowledges that the Town and Country Planning (General Permitted Development) Order (GPDO) allows for temporary uses of land for up to 28 days and that the activity could therefore take place for a limited number of events without the need for planning permission. However, she notes that the application involves the erection of structures during the period from 1 May to 31 September with the potential for more than 28 events triggering the need for planning permission. This provides the opportunity for consideration to be given to the environmental impact of the development such as noise. If the applicant chose to operate under the provisions of the GPDO, any issues with noise would have to be investigated and dealt with by means of statutory nuisance provisions.
- 29. Following consideration of the Noise Impact Assessment submitted by the applicant, the EHO has reviewed the application and likely impacts. She advises that there is no one specific guidance document that can be used to assess this type of event. The applicant's consultant has referred to various documents and it is most relevant to use the criteria in the Noise from Pubs and Clubs guidance 2005, which is stringent in terms of noise levels and does require the average noise level when music is playing not to exceed the



background noise level without music playing, at the nearest residential property.

30. In preparing the report, the baseline noise level has been calculated through a series of noise measurement periods. The EHO considers this approach to be satisfactory and, therefore, the existing noise levels as stated within the report are representative of the time period up until 2300 hours. The calculated noise levels within the report at the nearest residential property demonstrate that at most frequencies the noise level is below the background noise level, however at 125Hz the background noise level is marginally exceeded. The consultant considers that this exceedance is due to car park activities as opposed to music noise.
31. The EHO advises that the noise impact assessment does demonstrate that with the appropriate noise mitigation measures, the noise criteria set can be achieved and this would demonstrate that the development is unlikely to cause a statutory noise nuisance. There is a slight exceedance in the background noise level due to car park activities, however this aspect of the development could be controlled by means of a noise management plan.
32. In summary, the EHO advises that the noise impact assessment is suitable and accurate for this proposed development and that the noise mitigation measures as stated within the noise assessment should be implemented as well as a noise management plan, with focus on the car park management during events. Based on the assessment there should be no statutory noise nuisance as a result of the development and no adverse impact on residential amenity from noise level breakout from the site. She recommends conditions to be attached to any grant of permission, including a condition limiting the permission to a temporary period of 12 months in the first instance.
33. Nottinghamshire County Council as Highway Authority commented that it is understood that permitted development allows a temporary use for up to 28 days per calendar year, although the need to erect and dismount temporary structures limits the number of events that can be run. Based on the assessment provide, the level of parking is considered acceptable. In terms of traffic generation, the impact of the events will occur at off-peak times, and the level anticipated is considered unlikely to result in a severe impact on the public highway. The access will need to be surfaced in a hard-bound material for the first 10m to the rear of the highway boundary, and suitably drained to prevent the unregulated discharge of surface water from the driveway to the public highway. There is no highway objection subject to the conditions listed in their consultee response.
34. The Environmental Sustainability Officer commented that protected species including bats and grass snakes are found locally but are unlikely to reside within the development site, although they may forage within the site. It should be possible to avoid impacts by appropriate avoidance measures. The consultee response sets out a number of recommendations including the provision of a site management plan incorporating reasonable avoidance measures.

## Local Residents and the General Public

35. Objections have been received from 62 neighbours and members of public with the comments summarised as follows:

Noise/disturbance:

- a. Proposed use would be over summer months - impact on neighbouring gardens.
- b. Noisiest aspects of the proposal (dance floor and bars) would be nearest to residents on Cotgrave Road/Lane.
- c. Previous experience of music already being played until midnight.
- d. Concern about the site being used as a caravan park- guests could carry on partying past midnight.
- e. Concern that noise could spread over 2-3 days.
- f. Noise- LAmax sound power level from 100 people is likely to be around 100db - 110db. Noise increases with larger numbers attending, alcohol will increase levels.
- g. Activities relating to each event would be spread over 3 days due to set up and dismantling time, clearing glass etc. may take place beyond suggested hours.
- h. Do not accept the claims of the acoustic study that suggests noise levels are likely to be within acceptable levels.
- i. The time during which music may play seems excessive, with a licensed bar between the hours of 12.00-23.45, recorded music 15.00-23.59 and live music 19.00-23.00. Many local residents are elderly or families with young children.
- j. suggestion of camping on site would add to disturbance from occupants and vehicles entering/exiting.
- k. Many of the 28 events could be multi-day, resulting in noise nuisance for a significant proportion of the year.
- l. Antisocial behaviour from drinking.
- m. The report prepared by NoiseAir dated 20 March 2020, included a number of tests involving taking readings, but none were taken to the north or north west of the site, there are a number of houses on Cotgrave Lane that are likely to be affected that were not measured.
- n. Tests were on the assumption that sound amplification would be provided, however guests may bring their own which would not be controllable.
- o. Tipis have little/no sound insulation, nuisance to residents.

- p. Sound travels long distances i.e. from events in Tollerton 1.5km away.
- q. The noise assessment was carried out in October which is different to the timing of the proposed events. It assessed noise levels for a couple of hours over a lunchtime period on a Saturday, not for the length of time that an event would take place.
- r. Noise assessment did not account for noise from a number of sources - cars, crowd noise, disco, generators.
- s. Would like it to be reduced in scale, volume limits and a cut off time on noise to be put in place.
- t. The claim of aircraft noise in the evening is false. The argument that the location is already noisy and therefore the proposal would not further harm the tranquillity is flawed.
- u. Guests will not arrive in a phased manner, most will arrive and leave at a similar time, noise impact of cars and taxis late at night when Cotgrave Road is quiet.
- v. Hard to see how noise will be controlled, the threat of banning a group would not act as a deterrent given that clients would not normally visit the same place twice.
- w. Guests may wander around other properties/fields.

#### Highways:

- x. Increased traffic from guests and suppliers, highway safety impact. There have been numerous traffic accidents on Cotgrave Road.
- y. Access close to a busy and dangerous junction, additional traffic would increase risks to highway safety. Traffic entering or exiting the site could further obscure views from the T junction.
- z. Concerns regarding vehicles entering/exiting the site on a blind crest. Concerns regarding blind bend. Slowing down and turning into the site could create a potential hazard to other road users. Turning onto the road is dangerous for those not familiar with the area.
- aa. Not suitable for guests to walk along the highway as it is narrow, no lighting at night.
- bb. Close proximity of residents to site entrance, noise and traffic pollution with movements late at night.
- cc. Turning traffic could block one lane of Cotgrave Road, some taxis and hired buses may even park in Cotgrave Road to drop off or pick up their passengers.
- dd. A previous application to turn the site into a caravan park for touring caravans was rejected in part on the grounds that Cotgrave Road carries a significant amount of traffic and that the hump in the road just

beyond the Cotgrave Lane turning means that the Cotgrave Lane/Cotgrave Road junction can be difficult, especially for vehicles turning right out of Cotgrave Lane.

- ee. No street lighting- increased risk of accidents at night/in poor weather.
- ff. Signage not in keeping with the environment and is a distraction.
- gg. Road is used by many cyclists, increased risk to cyclists due to higher volumes of traffic and parking.
- hh. Heavy goods vehicles use the roads to access nearby Swinger's site.
- ii. Car reliant, lack of frequent bus service or safe cycle paths.
- jj. Large volumes of guests in convoy could cause queueing to turn into the site. Cars coming over the brow of the hill may not see the queue in time to slow down.
- kk. Issues around ownership of part of the entrance or 'adopted verge', there are no guarantees of reasonable maintenance to the entrance, impact on visibility.
- ll. Question whether there are any issues with the proposed number of parking spaces.
- mm. Traffic count report completed in 2007 preceded housing development in the vicinity and so its accuracy should be questioned.
- nn. Traffic report is limited in its scope in terms of time window, type of event, refers to an older style English wedding rather than other types of events.
- oo. Traffic survey carried out during Covid is not representative. Highway report not representative of lockdown and the current and potential change in traffic usage such as increased cycling.
- pp. Highway report does not consider impact of seasons on visibility, visibility splay was not evaluated at a time of active growth of verge vegetation. Reduced roadside mowing could compound the issue.

#### Green Belt/Visual Impact:

- qq. Inappropriate development in Green Belt, semi-rural character with no established entertainment business or venues.
- rr. Could set a precedent for commercial development in the Green Belt, changing the open character, detrimental environmental effects.
- ss. Possibility of the site being further developed over and above the current proposal.
- tt. Green Belt justification - not a diversification of a farming business but a change of use.

- uu. Benefit in terms of 'promoting healthy communities in the green belt' as claimed - it does not involve any sport or exercise that is the clear intention of this policy.
- vv. Tipis will remain for the duration of the season rather than 28 days - visual impact.
- ww. Visual impact of parking on site.
- xx. Would not comprise 'outdoor recreation' or 'outdoor sports' as exceptions to inappropriate development in the Green Belt.
- yy. Erection of tipis for 5 months a year would harm the openness of the Green Belt.
- zz. Visual impact of wedding/ event paraphernalia such as buses, bouncy castles etc.
- aaa. Change of use of the dwelling to support weddings/events would contribute towards development that would change the use of the pasture and result in a loss of openness. Harm not outweighed by very special circumstances.
- bbb. Establishing a double hedge screen with a row of evergreens would be harmful to the openness of the Green Belt.
- ccc. The double hedge would not overcome the intrusion of the development on the open character of the Green Belt.

Other:

- ddd. Proposals in the past relating to change of use for dwellings in the OS Plots 5530 and 5923 alongside Cotgrave Road have been refused because of the adverse impact on Cotgrave Road residents.
- eee. The following refused applications should be referred to: 96/01102/FUL (Playing field with amenities) and U1/92/0668/P (Touring Caravan Site with amenities).
- fff. No benefit to local business.
- ggg. Numbers attending this site would likely increase beyond predicted figures.
- hhh. Waste removal - application states that it is the responsibility of suppliers - potential noise from glass bottles and cans.
- iii. Concerned that the dwelling approved in 2017 is being used for commercial gain.
- jjj. The 2017 application set clear boundaries between domestic and agricultural land, this now seems mixed up.

- kkk. The officer report for the 2017 residential conversion stated no objection provided it did not lead to further development. Understood that the conversion was allowed under very special circumstances.
  - lll. Disruption to wildlife, potential for littering, waste and campfires.
  - mmm. Health and safety considerations if the land is being used for grazing and then events.
  - nnn. The original permission for the conversion of the agricultural building to residential use was on the basis that it would only be for purposes ancillary to the host dwelling.
  - ooo. A bridal suite is not an appropriate use of the dwelling, because it goes against the original permission that was granted for designated residential curtilage.
  - ppp. Object to the applicant's proposal to have a site manager and live elsewhere.
  - qqq. Question whether normal residential occupancy of the dwelling is possible if it has to be cleared for wedding events.
  - rrr. Even if the use of the land were possible under permitted development, this would not apply to the dwelling.
  - sss. Engineering works through the laying of grass reinforcement matting has already been carried out, not within permitted development.
  - ttt. The change of use permitted and authorised by the GPDO is not permanent, however there are various physical alterations to the site that are permanent.
  - uuu. Impact on wildlife, which has increased on land to the rear of the site since Covid.
  - vvv. Question whether additional events could be held under permitted development by erecting the tipis in a different paddock.
  - www. The applicant defines an event day as one where more than 20 people will be hosted with music/licensed bar, does that mean that gatherings of 20 or less would not count as event days?
36. Tollerton Against Backdoor Urbanisation commented that the proposed use for large events would alter the rural nature of Cotgrave Road as a result of increased traffic (in an accident blackspot) and significant noise that would cause considerable disturbance to residents living nearby. The proposal would alter the rurality of Tollerton as a village. The proposal does not preserve the openness of the Green Belt - large amount of car parking, the increased number of comings and goings associated with staff, suppliers, contractors and up to 200 event guests, the installation of tipis, pagoda, lighting and other paraphernalia, together with potential signage. Minimal public transport, not easily accessible by walking or cycling, therefore heavily car reliant and unsustainable. Concerns regarding noise and disturbance. Could increase

traffic through village at unsocial hours. Allowing properties in Tollerton to change their use to primarily serve residents from outside the village reduces the perception of separation of Tollerton from the suburban area, threatening the rurality of the community. Application 15/01382/FUL for change of use of a residential property at 20 Cotgrave Lane to a registered daycare nursery was withdrawn due to noise, disturbance, car reliance and impact on open character of Green Belt - it is considered that the application has the same features and should be refused for the same reasons.

## **PLANNING POLICY**

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

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

38. The relevant national policy considerations for this proposal are those contained within the NPPF (2019) and the proposal should be considered within the context of a presumption in favour of sustainable development as a core principle of the NPPF. In accordance with paragraph 11c), development proposals that accord with an up-to-date development plan should be approved without delay. The proposal falls to be considered under section 12 of the NPPF (Achieving well- designed places) and it should be ensured that the development satisfies the criteria outlined under paragraph 127. Development should function well and add to the overall quality of the area, not just in the short term but over the lifetime of the development. In line with paragraph 130, permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
39. The site falls within the Green Belt and therefore the proposal falls to be considered under section 13 of the NPPF (Protecting Green Belt Land) and should satisfy the 5 purposes of Green Belt outlined in paragraph 134 of the NPPF. Paragraph 143 sets out that development in the Green Belt should be regarded as inappropriate which is, by definition, harmful and should not be approved except in very special circumstances. Exceptions to inappropriate development are set out in paragraph 145 of the NPPF. Paragraph 146 lists certain other forms of development that are also not inappropriate provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
40. The application falls to be considered under section 6 of the NPPF (Building a Strong, Competitive Economy), specifically the subsection 'Supporting a Prosperous Rural Economy'. Paragraph 83 states that planning policies and decisions should enable:
- a. the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;

- b. the development and diversification of agricultural and other land-based rural businesses;
- c. sustainable rural tourism and leisure developments which respect the character of the countryside; and
- d. the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.

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

- 41. Policy 1 of the Core Strategy reinforces the need for a positive and proactive approach to planning decision making that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. The proposal falls to be considered under Core Strategy Policy 10 of (Design and Enhancing Local Identity). The development should make a positive contribution to the public realm and sense of place, and should have regard to the local context and reinforce local characteristics. Section 2 of this policy sets out the design and amenity criteria that development should be assessed against.
- 42. The proposal falls to be considered under Policy 1 (Development Requirements) of the LPP2, specifically the following criteria:
  - 1) ensuring there is no adverse impact on neighbouring amenity from activities on site or traffic generated;
  - 2) ensuring a suitable means of access without detriment to highway safety, with parking in accordance with Highway Authority requirements;
  - 3) providing sufficient ancillary amenity and circulation space;
  - 4) ensuring the scale, density, height, massing, design, layout and materials of the proposal is sympathetic to the character and appearance of the neighbouring buildings and the surrounding area;
  - 5) ensuring noise attenuation is achieved and light pollution is minimised;
  - 6) ensuring there is no significant adverse effects on important wildlife interests and where possible, the application demonstrates net gains in biodiversity; and
  - 7) ensuring there is no significant adverse effects on landscape character.
- 43. Given the location of the site within the Green Belt, the proposal falls to be considered under Policy 21 (Green Belt). This policy states that decisions should be in accordance with the Green Belt policy set out in the NPPF.
- 44. Other relevant policies from the LPP2 are Policy 31 (Sustainable Tourism and Leisure), and Policy 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network).

### **APPRAISAL**

- 45. The application proposes the seasonal erection of tipis and use of the land for weddings and other events for up to 28 event days per year, along with the temporary use of the dwelling as a bridal suite only during the event days. The main considerations are:



- a) Impacts upon neighbouring amenity in terms of noise and disturbance
  - b) Highway safety
  - c) Green Belt.
46. The applicant has clarified that one 'event day' could include the hire of the site for up to 46 hours, for example to allow for setting up the day before a wedding/event and allowing for guests to stay in the bridal suite until the day after a wedding. However, the 'event day' would only comprise one day of an event with music and/or a licensed bar. To ensure this would be the case, the applicant states that gates would be locked at 8pm on a 'setting up' or 'close down' day. If two consecutive events were proposed or a single event over two days (for example with music and/or a bar), then this would count as 2 'event days' out of the annual total of 28 that is being applied for.
47. The site is in a semi- rural location outside of the main built up area of Tollerton. Although it abuts fields on three sides, there is a frontage of residential properties running along Cotgrave Road both to the east and west of the site, in addition to properties fronting Cotgrave Lane running northward from the junction. The closest residential property is at 2 Cotgrave Road opposite the site. The proposed tipis would be sited around 58 metres from the boundary with this neighbouring property. Given the proximity of residential properties combined with the relatively low ambient noise associated with the relatively rural location, the potential impact of noise on neighbouring properties has been carefully considered.
48. The objections on the grounds of noise are noted. The most significant noise would come from wedding events both in terms of amplified music and speeches etc. within the tipis, along with noise arising from guests both within and outside of the tipis including the arrival and departure of guests.
49. The application is accompanied by a Noise Impact Assessment (NIA) which has been revised during the course of the application, the noise assessment P4113-R1-AD-V1 dated 20 March 2020 focused specifically on the control of amplified noise. Following discussions with the Environmental Health Officer, it was agreed that the NIA should cover the following (which have been addressed in the most recent NIA version 3 dated 21 July 2020):
- Noise breakout from live music;
  - Noise breakout from patrons inside the tipi's;
  - Noise breakout from the adjacent car park (including LAmix noise); and,
  - Noise breakout from guests walking to the car park area.
50. In terms of amplified sound, a Zone Array Directional Speaker System is proposed within one tipi, comprising an array of overhead speaks mounted on rigging, directed downward towards the dancefloor area. An in-situ test of this audio system has been carried out by NoiseAir consultants on behalf of the applicant. The assessment concluded that noise would diminish considerably over a relatively short distance.
51. The most recent NIA includes 3D sound modelling taking into account noise from guests outside of the tipis, guests moving between the tipi and car park areas, and modelling of noise arising from vehicular movements in the car park area. The NIA sets out a number of mitigation measures including the erection

of a 2 metre high acoustic barrier running along the rear of the tipis to limit noise impacts on neighbouring properties.

52. In addition to the NIA, the applicant has provided a draft noise management plan setting out the terms and conditions that musicians/ DJ's must adhere to. This sets out a number of mitigation steps including the provision of signage to inform guests to respect neighbouring properties by being quiet when leaving the venue. Guests will be escorted to their vehicles after 22:00hrs and reminded to access their vehicles and leave quietly. It is thus considered that noise created by the events could be effectively managed through the zone array system and associated noise limiting device, mitigation measures detailed in the Noise Impact Assessments, and through measures to be implemented via the applicant's noise management plan.
53. The Environmental Health Officer confirmed that NIA version 3 had addressed the issues that had previously been raised, however they note that data from modelling can differ from real life conditions in practice. For this reason, they request that noise surveys are carried out for the first 3 wedding events should planning permission be granted. The applicant intends to complete monitoring as per the noise management plan for all events. Given the proximity of the site to residential properties it is recommended that if planning permission were granted, this should be on a temporary basis to monitor and review the effectiveness of noise mitigation measures. The applicant has thus agreed to a temporary permission until the end of the next season (September 2021) should planning permission be granted.
54. As a 'fall back' position, it should be noted that the land could be used on a temporary basis for hosting events for up to 28 days a year under Schedule 2 Part 4 Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO). (Note that for a temporary period until 31 December 2020 permitted development rights have been amended to effectively allow land to be used for any purpose for up to 56 days). The tipis could also be erected on a temporary basis for up to 28 days under Permitted Development.
55. The applicant could therefore in theory host weddings and other events on the land for 28 days under Permitted Development without the controls such as noise mitigation measures and monitoring that are proposed in the current application. However, the proposal includes elements which would be retained on site permanently, including the timber decking upon which the tipis would be erected and, therefore, this negates the opportunity to utilise the site pursuant to the provisions of the GPDO.
56. Effectively therefore, it is the seasonal erection of the tipis, with associated bases, and the use of the dwelling as a bridal suite which are the triggers for requiring a formal application for planning permission rather than the use of the land itself, provided this did not exceed 28 days within a calendar year, although it is acknowledged this differs from 28 'event days' that the applicant seeks permission for as detailed above.
57. In terms of highway safety considerations, the applicant included a Highways Report which includes a vehicular speed survey conducted on 15 October 2019. The report confirms that an acceptable vehicular visibility splay can be

achieved at the site access which is commensurate to passing vehicular speeds.

58. The application proposes a total of 75 parking spaces, however these would be set out with temporary markers rather than permanently marked out or hard surfaced. The Highway Authority consider that the level of parking provision proposed is acceptable. The consultee concerns regarding vehicles parking or dropping off on the public highway are noted. The applicant's noise management plan states in the guest terms and conditions that vehicles must only drop off and pick up guests within the confines of the venue.
59. With regard to traffic generation, the Highway Authority note that the impact of the events would occur at off-peak times. As such, the level of traffic anticipated is unlikely to result in a severe impact on the public highway.
60. The site falls within the Green Belt and, therefore development should be regarded as inappropriate other than the exceptions listed under paragraph 145 of the NPPF. Certain other forms of development listed under paragraph 146 are also not inappropriate provided they preserve openness the openness of the Green Belt and do not conflict with the purposes of including land within it, which includes material changes in the use of the land. However, the seasonal erection of tipis would not fall within any of the categories listed under paragraphs 145 and 146 and would therefore constitute an inappropriate and therefore harmful form of development.
61. In considering any 'very special circumstances' which might outweigh the harm arising, the proposal would provide economic benefits as a source of employment and rural diversification, supporting the objectives of paragraph 83 of the NPPF. The use would generate direct employment for the applicant's and people employed in connection with events, e.g. bar staff etc, and would also provide business and income for local suppliers/catering businesses. The design and access statement indicates that the activity generates employment including an event planner (the applicant), gardener, security/car park attendant and around 6 bar staff. Whilst the activity may not be regarded as a tourist use, the applicant makes the observation in the Design and Access Statement that some guests travel from other locations for weddings and stay in local accommodation, generating business and income for hotels/B&B accommodation etc.
62. The tipis would be disassembled between seasons, other than the base which would remain in situ. Notwithstanding the 'chill out den' and play equipment, which have been omitted from the current application, the other permanent feature would be the grass reinforcement membrane on the drive leading to the site. This membrane allows the continued growth of the grass whilst providing reinforcement during wet/muddy conditions. Given the temporary nature of the tipis, the impact on the openness of the Green Belt would be limited. The land would remain in use for grazing outside of events. It is considered that the economic, leisure and tourism benefits of the development and the temporary nature of the tipis would constitute 'very special circumstances' that would outweigh the harm arising to the Green Belt.
63. In terms of visual impact, views into the site are screened by a belt of mature trees running along the north and north east corner of the site. A row of trees along the Cotgrave Road frontage and further band of trees along the south

side of the access drive would provide additional screening of the tipis. The tipis would be sited in the top paddock close to the existing dwelling, limiting their prominence from the open countryside to the south. Given the seasonal nature of the tipis, these would be taken down over the winter months when leaf cover and therefore screening would be less.

64. Whilst it is acknowledged that the site is in an unsustainable location in terms of public transport links and thus heavily reliant on private vehicles/taxis, the use requires a rural location, as such a venue would not normally be compatible with, or capable of being accommodated within larger settlements. In considering the planning balance, weight should be given to the economic benefits that the proposal would provide.
65. The Environmental Sustainability Officer considers it unlikely that protected species would reside within the site, although the site may be used for foraging. It is considered that impacts can be mitigated through appropriate avoidance measures, which should be set out in a site management plan. This could be secured by way of a condition should planning permission be granted.
66. The proposal was subject to pre-application discussions with the applicant and advice was offered on the measures that could be adopted to improve the scheme and address the potential adverse effects of the proposal. As a result of this process, modifications were made to the proposal, in accordance with the pre-application advice, reducing delays in the consideration of the application and resulting in a recommendation to grant planning permission.

## **RECOMMENDATION**

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

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

[To enable the Borough Council to monitor the impacts of the use and effectiveness of mitigation measures, in the interests of neighbouring amenity and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

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

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

3. The use of the site for events, including the use of the dwelling as a bridal suite, shall be limited to no more than 28 event days within a calendar year as defined

in paragraph 5 of the Event Plan received on 10 June 2020, with each event capped to a maximum hire period of 46 hours. There shall be a maximum of 28 days with amplified music and/or a licensed bar per calendar year.

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

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

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

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

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

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

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

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

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

8. Within one month of the date of this permission, a site management plan shall be submitted to the Borough Council. This shall include reasonable avoidance measures (RAMs) to avoid impacting on wildlife. This should consider ensuring the grass on the development site remains short at all times, including when the tipis are removed (to prevent wildlife making use of the grassland) and for a visual check to be carried out each time the tipis and any ancillary structures are to be erected. Permanent fencing of more sensitive sites (e.g. adjacent woodland) to prevent unauthorised access should be included. The plan should also set out habitat improvements that will be made to provide a biodiversity net gain. Thereafter, the approved management plan shall be implemented for the life of the development.

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

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

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

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

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

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

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

12. Noise monitoring shall be undertaken for the first 3 events with music entertainment and the maximum number of guests to verify that the noise levels at the nearest sensitive receptors as specified within by Noise Air Acoustic Consultancy and Solutions report ref P4271-R1-V3 dated 21/7/20 are as predicted. The post monitoring verification report shall be submitted to the Local Planning Authority for approval within 4 weeks of the 3rd event. If any further mitigations measures are required by the post completion report these shall be fully implemented and maintained etc before the 4th event.

[In the interest of the amenities of the area and nearby residential occupiers

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

## Notes to Applicant

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

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

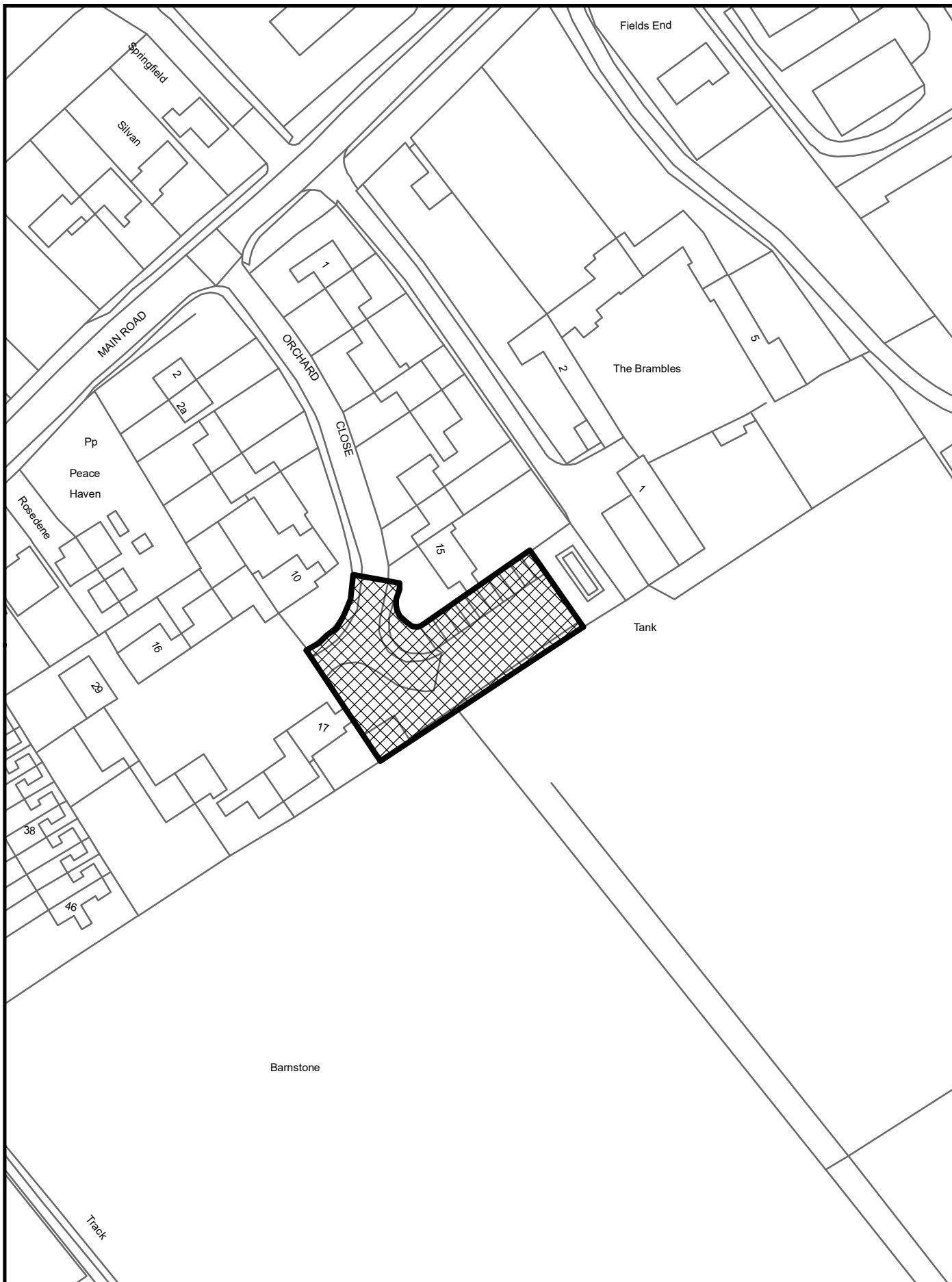
- The use of external lighting (during construction and post construction) should be appropriate to avoid adverse impacts on bat populations, see [http://www.bats.org.uk/pages/bats\\_and\\_lighting.html](http://www.bats.org.uk/pages/bats_and_lighting.html) for advice and a wildlife sensitive lighting scheme should be developed and implemented.
- The maximum usage of the site, times of use and noise control measures should be conditioned.
- A basic metric biodiversity net gain assessment should be provided as recommended in section T2.8.1 on page 124 of CIRIA (2019) Biodiversity Net Gain – Principles and Guidance for UK construction and developments.
- Permanent artificial bat boxes / bricks and wild bird nests should be considered on adjacent retained trees.
- New wildlife habitats should be created where appropriate, including wildflower rich neutral grassland, hedgerows, trees and woodland, wetlands and ponds.
- Any existing hedgerow / trees should be retained and enhanced, any hedge / trees removed should be replaced. Boundary verges should be retained and enhanced.
- Where possible new trees / hedges should be planted with native species (preferably of local provenance and including fruiting species). See <https://www.rushcliffe.gov.uk/conservation/trees/hedgesandlandscaping/landscapingandtreeplanting/plantingonnewdevelopments/> for advice including the planting guides (but exclude Ash (*Fraxinus excelsior*))
- Good practice construction methods should be adopted including:
  - d. Advising all workers of the potential for protected species. If protected species are found during works, work should cease until a suitable qualified ecologist has been consulted.
  - e. No works or storage of materials or vehicle movements should be carried out in or immediately adjacent to ecological mitigation areas or sensitive areas (including ditches).
  - f. All work impacting on vegetation or buildings used by nesting birds should avoid the active bird nesting season, if this is not possible a search of the impacted areas should be carried out by a suitably competent person for nests immediately prior to the commencement of works. If any nests are found work should not commence until a suitably qualified ecologist has been consulted.
  - g. Best practice should be followed during building work to ensure trenches dug during works activities that are left open overnight should be left with a sloping end or ramp to allow animal that may fall in to escape. Also, any

pipes over 200mm in diameter should be capped off at night to prevent animals entering. Materials such as netting and cutting tools should not be left in the works area where they might entangle or injure animals. No stockpiles of vegetation should be left overnight and if they are left then they should be dismantled by hand prior to removal. Night working should be avoided.

- h. Root protection zones should be established around retained trees / hedgerows so that storage of materials and vehicles, the movement of vehicles and works are not carried out within these zones.
- i. Pollution prevention measures should be adopted
- It is recommended that consideration should be given to energy efficiency, alternative energy generation, water efficiency, travel sustainability (including electric vehicle charging points and cycle storage), management of waste during and post construction and the use of recycled materials and sustainable building methods.

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





**20/01615/FUL**  
**Garages South of 15 Orchard Close, Barnstone**

scale 1:1000

page 47

Rushcliffe Borough Council - 100019419

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# 20/01615/FUL

**Applicant** Mr Andrew Gatehouse

**Location** Garages South Of 15 Orchard Close Orchard Close Barnstone Nottinghamshire

**Proposal** Demolition of existing garages and erection of two no. 2 storey houses with associated parking. Creation of an area of hard-standing for use for 9 car parking spaces.

**Ward** Thoroton

## THE SITE AND SURROUNDINGS

1. The application relates to a garage site which currently consists of 10 garages at the end of a cul de sac within the main built up residential area of Barnstone. To the south-east is an additional communal parking area for the residents of Orchard Close. Out of the 10 garages that exist on the site, 9 are occupied and 1 is unoccupied. The communal area provides 9 existing parking bays.
2. Residential properties adjoin the application site to the south-east, north and north-west with open countryside directly to the south. There is a mixture of two-storey dwellings and bungalows within the immediate area. Directly to the north-west is a bungalow. The site is separated by a parcel of land to the north-east from residential properties at The Brambles.
3. There is an existing access to horse shelters and paddocks in the fields to the south of the application site. Access to the site is off Orchard Close.

## DETAILS OF THE PROPOSAL

4. Planning permission is sought to demolish existing garages and erect a semi-detached pair of 2 storey houses with associated parking for four vehicles to the front of the properties. The proposal includes the creation of an area of hard-standing for use for 11 car parking spaces for the residents of Orchard Close.
5. The proposed dwellings would consist of two-storey semi-detached properties. The semi-detached properties would have an overall width of 14m, overall depth of 7.065m, overall eaves height of 5.015m and overall ridge height of 7.79m.
6. The gardens to the properties would be enclosed by 1.8m high close boarded timber fencing, with the exception of the south east boundary to plot 1 and a section of the north west boundary to the front of the properties which would comprise 1.8m close boarded fencing topped with trellis having overall height of 2.1m. A 0.9m high railing fence with an 'anti trap bow' is proposed along the pedestrian access to the south-east of the application site.

7. Off street parking spaces (x2 for both dwellings) would be provided to the front of the two dwellings. Nine additional car parking spaces would be provided in the area to the south-west of proposed dwellings.
8. The materials proposed would consist of red brick and slate to match the adjacent dwellings.
9. There is an access road to the east of the dwellings for the existing farm; this would be accessed through the application site. The owner of the adjacent fields has been made aware of this and correspondence was sent on the 12<sup>th</sup> August 2020.
10. A Transport Assessment, Ecology Report, Tree Report, Site Investigation Report, Planning Statement, Bat Survey, Land and Utility Survey and a Domestic Asbestos Demolition Survey Report were submitted with the application.
11. Following a consultation with Highways, further supporting information has been submitted on the 21<sup>st</sup> September 2020 relating to highway matters. A revised site location plan was submitted on the 17<sup>th</sup> September 2020 which illustrates proposed x4 off street parking spaces for two dwellings outside of the red line.

## **SITE HISTORY**

12. No relevant site history

## **REPRESENTATIONS**

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

13. One Ward Councillor (Cllr S Bailey) objects to the proposed development and the comments are outlined below:
  - a. Car parking has not been addressed.
  - b. Disabled parking spaces are required by residents.

### **Town/Parish Council**

14. Barnstone Parish Council object to the proposed development for the following reasons:
  - a. Inadequate parking provision.
  - b. Concerns over access for emergency services.
  - c. New homes are not needed.
  - d. Proposed access path to the horse shelter and paddocks are inadequate.

### **Statutory and Other Consultees**

15. Nottinghamshire County Council - Archaeology have commented raising no objections.

16. RBC Environmental Sustainability Officer has commented raising no objections to the proposal. The Officer has recommended informatives relating to protected species to be attached to any forthcoming permission.
17. RBC Environmental Health have commented raising no objections to the proposal. The Officer has recommended pre-commencement conditions to be attached to any forthcoming permission.
18. Nottinghamshire County Council as Highways Authority has commented raising concerns regarding future parking provision for the existing dwellings on Orchard Close and the existing turning head at the end of Orchard Close. Further justification was required to be submitted for further consideration.
19. In this instance, further supporting information was submitted which includes census data providing a detailed breakdown of car ownership by dwelling type, size and tenure for a broad geographical area (merge wards) and a high-level overview at a fine geographical area (output area). The data shows that the average car ownership for the area is 1.79 cars/household. The applicant states that this however is unrepresentative for Orchard Close on the grounds of tenure and size of dwellings, and with adjustment suggests car ownership is in the region of 1.1 to 1.3 cars/household. Based on the available data, the Highways Authority considered this to be a reasonable assumption.
20. Highways also advised that the likely car ownership levels, and the additional unallocated and on-plot parking proposed, it is considered that the proposal is unlikely to result in a significant impact on the public highway over the current situation. It is noted that on-street parking already takes place on Orchard Close and Main Street, and a small amount of displaced parking is considered unlikely to result in a highway safety concern.
21. A Stopping-Up Plan was also submitted which includes a plan detailing the extent of highway to be stopped up. Highways advised that a condition would be required to ensure no part of the public highway is obstructed until it has been formally stopped-up.
22. There have been no further objections or concerns raised from the Highways Authority in this instance. Highways requested conditions and informatives to be attached to any forthcoming permission.

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

23. 38 written representations have been received from local residents objecting to the scheme. The comments can be summarised as follows:
  - a. Concerns regarding security of rear garden of adjacent dwelling (no.15 orchard Close) as a result of the demolition of the garages.
  - b. Adjacent outbuildings will be damaged as a result of the proposed demolition.
  - c. Over intensive use of the site.
  - d. Insufficient parking provision.

- e. Concerns with overflow of vehicles within the cul de sac.
- f. View from upstairs window will be blocked.
- g. Replacing existing fence line to the south of application site is totally unacceptable.
- h. Development is a detriment to the residents of Orchard Close.
- i. Building of two dwellings will cause anger and stress to residents.
- j. Reduction in car spaces and loss of local storage.
- k. Nine car spaces is insufficient to cover the residents needs.
- l. Concerns over emergency services gaining access.
- m. Create more congestion and parking pressures.
- n. Creating dangerous overspill parking on the main road.
- o. Should development go ahead, this would cause considerable hurt to enjoyment of the surrounding environment.
- p. Parking on the main road will lead to accidents.
- q. Orchard Close not wide enough for bin lorries.
- r. Concerns regarding noise, dust disturbance and vibration.

## **PLANNING POLICY**

24. The development plan for Rushcliffe consists of the Rushcliffe Local Plan Part 1: Core Strategy and the Local Plan Part 2: Land and Planning Policies. Other material considerations include the National Planning Policy Framework (NPPF), National Planning Practice Guidance (NPPG) and the Rushcliffe Residential Design Guide (RRDG). Any decision should be taken in accordance with the adopted development plan documents.

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

25. The relevant national policy considerations for this proposal are those contained within the National Planning Policy Framework (NPPF) and the proposal should be considered within the context of a presumption in favour of sustainable development as a core principle of the NPPF.
26. Local planning authorities should approach decisions on proposed development in a positive and creative way and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development. Decision-makers at every level should seek to approve applications for sustainable development where possible.

27. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):
- a) an economic objective - to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
  - b) a social objective - to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
  - c) an environmental objective - to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.
28. In paragraph 15 the NPPF states that the planning system should be genuinely plan-led. Succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for addressing housing needs and other economic, social and environmental priorities; and a platform for local people to shape their surroundings.
29. As such, the following national policies in the NPPF with regard to achieving sustainable development are considered most relevant to this planning application:
- Section 5: Delivering a Sufficient Supply of Homes
  - Section 6: Building a strong, competitive economy
  - Section 9: Promoting Sustainable Transport
  - Section 12: Achieving well designed places
30. Section 5 - 'Delivering a sufficient supply of homes' states that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old.
31. Section 6 - 'Building a Strong and Competitive Economy' states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future.

32. Section 9 - 'Promoting Sustainable Transport' states that it should be ensured that safe and suitable access to the site can be secured for all users, going on to identify in paragraph 109 that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
33. Section 12 - 'Achieving Well Designed Spaces' states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 127 states that planning policies and decisions should ensure that developments, inter alia:
- a) Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
  - b) Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
  - c) Are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).
34. In line with paragraph 130 of the NPPF, permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

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

35. The Rushcliffe Local Plan Part 1: Core Strategy sets out the overarching spatial vision for the development of the Borough to 2028. The following policies in the Rushcliffe Local Plan Part 1: Core Strategy are relevant:
- Policy 1: Presumption in Favour of Sustainable Development
  - Policy 3: Spatial Strategy
  - Policy 10: Design and Enhancing Local Identity
36. Policy 1 highlights that when considering development proposals the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.
37. Policy 3 outlines the distribution of development in the Borough during the plan period. It ensures the sustainable development of Rushcliffe will be achieved through a strategy that promotes urban concentration by directing the majority of development towards the built up area of Nottingham and the Key Settlements.
38. Policy 10 (Design and Enhancing Local Identity) states that all new development should be designed to make; a positive contribution to the public realm and sense of place; create an attractive, safe, inclusive and healthy



environment; and reinforce valued local characteristics; reflect the need to reduce the dominance of motor vehicles.

39. The Rushcliffe Local Plan Part 2: Land and Planning Policies was adopted in October 2019 and sets out non-strategic allocations and detailed policies for managing development. The following policies in the Rushcliffe Local Plan Part 2 are relevant:
- Policy 1: Development Requirements
  - Policy 11: Housing Developments on Unallocated Sites within Settlements;
  - Policy 12: Housing Standards;
  - Policy 38: Non-Designated Biodiversity Assets and the Wider Ecological Network.
40. Policy 1 sets out that planning permission for new development will be supported provided that where relevant, a list of criteria are met. This list includes aspects such as suitable access being provided, sufficient amenity spaces for end users, the relationship with nearby uses in terms of the amenity of future occupants and aspects such as ensuring no significant impact on wildlife, landscape character.
41. Policy 11 states that permission will be granted where inter alia, the proposal does not conflict with the spatial strategy, has a high standard of design that does not adversely affect the character or pattern of development in the area, and would not have a significant adverse impact on the amenities of surrounding residents.
42. Policy 12 – ‘Housing Standards’ identifies that all new dwellings will be required to meet the higher optional technical standard for water consumption of no more than 110 litres per day.
43. Policy 38, where appropriate, seeks to achieve net gains in biodiversity and improvements to the ecological network through the creation, protection and enhancement of habitats, and the incorporation of features that benefit biodiversity.
44. The Rushcliffe Residential Design Guide (RRDG) states that building designs should contribute to an active and attractive street environment. A positive design approach to the local context does not mean a repetition of what went before. Fenestration, the proportions of the building and use of related materials are all design matters that should take their lead from the neighbouring properties. Contemporary and innovative solutions which successfully address all of these issues are to be encouraged. Guidance on garden sizes and separation distances are included. The RRDG states that new developments should seek to provide garden depths of 10m, and garden sizes for semi-detached properties of 90 square metres, with smaller 2 bedroom or less properties to have a minimum of 55 square metres. It does however accept a variety of sizes will be required to meet a variety of needs, and notes that access to public open spaces, privacy of space and orientation of spaces can all contribute to the appropriateness of a gardens size to provide adequate amenity for future occupants.

## **APPRAISAL**

45. The main considerations when determining this application relate to the principle of development, assessing any design and amenity impacts of the proposal, assessing appropriate access and highway safety matters and the consideration of nature conservation.

### Principle of Development

46. The proposed development site is located within the built-up part of Barnstone. The proposal would not result in the built-up area of the settlement being extended. The principle of residential development on the site accords with the spatial strategy contained within Policy 3 of the Core Strategy subject to other issues including residential amenity, parking/access, visual amenity and density.

### Design and Impact on neighbouring amenity

47. In terms of design, the proposal falls under the criteria of Policy 1 Development Requirements of the Local Plan Part 2: Land and Planning Policies. Particular consideration whereby development should be sympathetic to the character and appearance of the surrounding area. The scale, density, height, massing, design and layout of the proposal all need to be carefully considered and should not lead to an over-intensive form of development.
48. It is considered the proposed design of the dwellings would be in sympathetic to the neighbouring properties. There is a mixture of two storey dwellings and bungalows within the immediate vicinity and it is considered that the proposed semi-detached dwellings would be in keeping with the design of the adjoining properties. It is also noted that the materials proposed would match those of the adjacent properties.
49. The rear amenity spaces for the proposed dwellings would result in an overall area of 55 square metres or more. This would provide adequate amenity space for future occupants of the dwellings. It is considered that the proposal would accord with design standards as set out in the Rushcliffe Residential Design Guide.
50. Impact on neighbouring amenity has been carefully considered. It is noted that the distance from the proposed rear elevation to the shared boundary to the north-east would be approx. 8m. The dwelling (1 The Brambles) located directly to the north-east is a single storey dwelling which is set in approximately 23m from the shared boundary with the application site. The proposed boundary treatments to the north-east and north-west would consist of 1.8m high close boarded timber fencing and 2.1m high closed boarded timber fencing with trellis on top to the south-east boundary of plot 1. No windows are proposed on the northern elevation of plot 2, facing onto the adjacent bungalow to the north. There would also be a 4.4m separation distance from plot two to this neighbouring property to the north. Overall, it is considered given the orientation of the application site, the proposed development would have no undue impact in terms of overlooking, overbearing or overshadowing on neighbouring amenity to the north-east and north-west.

51. Given the overall distance of approximately 35m from neighbouring properties to the south-west, it is considered that there would be no undue impact in terms of overbearing, overshadowing or overlooking on these neighbouring properties.

#### Impact on the character of the Area

52. It is considered that the proposed development would have no undue impact on the character of the area given the location of the application site. The proposed dwellings would not be visually prominent within the streetscene. The design and materials proposed would match those of the dwellings within the immediate vicinity.

#### Parking matters and Highway Safety

53. It is noted that a transport appraisal and a parking survey were submitted in support of this application. It has been demonstrated that Metropolitan Housing Trust (MTVH) would provide alternative garage facilities elsewhere to compensate for the loss of garage space for the occupants of the existing garages on Orchard Close. It should also be noted that 11 parking spaces would be maintained within the proposed scheme, being relocated elsewhere within the site.
54. Whilst the scheme would result in the loss of garages as well as the hardstanding to the front, leading to potential overflow of vehicles parking on the kerbside, the existing 11 marked parking bays would be retained. 2 additional parking spaces for each of the proposed dwellings would also be provided.
55. Following a consultation with the Highways Authority, further supporting information has been submitted. A revised site location plan was submitted on the 17<sup>th</sup> September illustrating the provision for a further four off street parking spaces for two properties that are outside the red line. The two properties are in the ownership of MTVH and two off street parking spaces would be provided to the front of these properties.
56. The proposals would reduce on-street parking demand whilst increasing the available supply of off-street unallocated parking within the cul de sac. The proposals would make the road layout at the end of Orchard Close more resilient in terms of access and servicing by providing a larger turning head that is less likely to be blocked by on-street car parking.
57. The comments from Highways are noted and conditions and informatives would be attached should planning permission be forthcoming.
58. Overall, it is considered that the scheme along with the amendments to the parking provision within the cul de sac and the application site would have no undue detrimental impact on highway safety. It is also considered that there would be ample off street parking provision provided for the existing residents of Orchard Close.

#### Land Contamination

59. The comments from Environmental Health are noted. It has been advised that

further testing is required to establish the arsenic levels within the soils and therefore, a pre-commencement condition has been recommended should planning permission be forthcoming.

### Biodiversity

60. The comments from the Environmental Sustainability Officer are noted, given the nature of the proposed development and the location of the site, it is considered that there would be no undue impact on biodiversity. Informatives would be attached to any forthcoming permission.

### Conclusions

61. Given all the matters as considered above and having assessed the development proposal against the policies set out in the development plan for Rushcliffe, the scheme is considered to be acceptable. Therefore, it is recommended that planning permission is granted.
62. The application was subject of pre-application discussions. However, amendments have been made to the scheme during the application process addressing identified adverse highway impacts. The scheme is therefore now considered acceptable.

## **RECOMMENDATION**

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

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

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

2. The development hereby permitted shall be carried out strictly in accordance with the Planning Statement, Transport Appraisal ref: SP/JW/21332-05c, Tree Report ref: SJA482.100 Rev E, Ecology Report ref: 551330LTJUNE20FV03\_Orchard\_CL\_PEA, Bat Survey ref: 551330LTJUNE20FV03\_Orchard\_CL\_BATS, Land and Utility Survey ref: 919336 S1, Asbestos Demolition Survey Report ref: J187308, details outlined in the Garages Occupancy Data and Parking Survey submitted on the 7<sup>th</sup> August 2020, details outlined in supporting information received on the 15<sup>th</sup> and 21<sup>st</sup> September 2020, revised site plan received on the 17<sup>th</sup> September 2020 ref: 100-663/(P) 052 Rev M, Stopping Up Plan received on the 21<sup>st</sup> September 2020 ref: 100-663/(P) 054, layout and elevations plan submitted with the application on the 7<sup>th</sup> July 2020 ref: 100-663(P) 053 Rev A and boundary treatment plan submitted with the application on the 7<sup>th</sup> July 2020 ref: 100-663/(P) 056 Rev C.

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

3. The development hereby permitted shall not proceed above foundation level until details of the facing and roofing materials to be used on all external

elevations have been submitted to and approved in writing by the Borough Council and the development shall only be undertaken in accordance with the materials so approved.

[To ensure the appearance of the development is satisfactory having regard to Policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

4. Before development is commenced, a Contaminated Land Report shall be submitted to and approved in writing by the Borough Council. As a minimum, this report will need to include a Desktop Study documenting historical uses of the site and its immediate environs, site specific interpretation and a conceptual site model explaining results. Where the Desktop Study identifies potential contamination a Detailed Investigation Report will also be required, including a site investigation documenting the characteristics of the ground, an evaluation of all potential sources of contamination and a risk assessment, together with an updated conceptual model. In those cases where a Detailed Investigation Report confirms that contamination exists, a remediation report and validation statement confirming the agreed remediation works have been completed, will also be required. All of these respective elements of the report will need to be submitted to and approved in writing by the Borough Council, prior to development commencing, and the development shall be carried out in accordance with the approved details.

[This condition is pre-commencement to ensure adequate controls are in place prior to works starting in order to protect the amenities of neighbouring residents and the wider area and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

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

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

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

[The development is of a nature and density whereby future development of this type should be closely controlled to protect the amenities of neighbouring residents and future occupiers alike, and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

7. The development will require the stopping up of the public highway and no part of that development hereby permitted (or any temporary works or structures) shall obstruct the public highway until the areas of public highway as shown on Plan Ref 100-663/(P) 054 – Orchard Close – Stopping-Up Plan have been

formally stopped up.

[In the interests of highway safety and to protect the amenities of neighbouring residents and future occupiers alike, and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

8. No part of the development hereby permitted shall be brought into use until the site access works as shown indicatively on Plan Ref 100-663/(P) 052 L have been provided in accordance with the Highway Authority specification to the satisfaction of the Local Planning Authority.

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

9. No part of the development hereby permitted shall be brought into use until the parking and turning area is provided and surfaced in a bound material with the parking bays clearly delineated in accordance with the approved plans. The parking and turning area shall be maintained in the bound material for the life of the development and shall not be used for any purpose other than the parking/turning/loading and unloading of vehicles.

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

10. No part of the development hereby permitted shall be brought into use until the parking and turning area is constructed with provision to prevent the unregulated discharge of surface water from the parking and turning area to the public highway in accordance with details first submitted to and approved in writing by the LPA. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.

[To ensure surface water from the site is not deposited on the public highway causing dangers to road users and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

11. No part of the development hereby permitted shall be brought into use until the additional on-plot parking for existing properties no. 10 and 15 Orchard Close as shown indicatively on the approved plans has been provided, surfaced in a hard-bound material and suitably drained to prevent the unregulated discharge of surface water to the public highway.

[In the interests of highway safety and to protect the amenities of neighbouring residents and future occupiers alike, and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

## **Notes to Applicant**

Please be advised that all applications approved on or after the 7th October 2019 may be subject to the Community Infrastructure Levy (CIL). The Borough Council considers that the approved development is 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/>

Good practice construction methods should be adopted including:

- Advising all workers of the potential for protected species. If protected species are found during works, work should cease until a suitable qualified ecologist has been consulted.
- No works or storage of materials or vehicle movements should be carried out in or immediately adjacent to ecological mitigation areas or sensitive areas (including ditches).
- 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 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

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

The 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

Condition 5 requires the new dwellings to meet the higher 'Optional Technical Housing Standard' for water consumption of no more than 110 litres per person per day. The developer must inform their chosen Building Control Body of this requirement as a condition of their planning permission.

It is possible that the roofspace, and/or behind the soffit, fascia boards, etc. may be used by bats. You are reminded that bats, their roosts and access to roosts are protected and it is an offence under the Countryside and Wildlife Act 1981 to interfere with them. If evidence of bats is found, you should stop work and contact English Nature on 01476 584800.

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)

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.

Section 278 Agreement (Highways Act 1980).

In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact the County Highway Authority for details.

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 proposed development requires a Stopping-Up Order. No part of the development hereby permitted or any temporary works shall obstruct the public highway until an Order has been secured.





**19/01500/FUL**  
**P J Fletcher & Sons, Langar**

scale 1:2500

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# 19/01500/FUL

**Applicant** Mr & Mrs Fletcher

**Location** P J Fletcher And Sons Ltd, Builders Yard, Cropwell Road, Langar, Nottinghamshire, NG13 9HD

**Proposal** Demolition of existing offices, workshops and stores and erection of 4 two storey dwellings (Amended Description).

**Ward** Nevile and Langar

## THE SITE AND SURROUNDINGS

1. The application refers to the site of the PJ Fletchers Building Yard, which is located in countryside to the south west of the village of Langar. The site is around 0.67 hectares in size and contains a collection of buildings, including workshops, stores and offices, with a surrounding yard area.
2. The site is around 80 metres west of the closest houses marking the entrance to Langar, with an agricultural field lying in between.
3. The site is located within the designated Langar Conservation Area. The southern part of the site also lies within Flood Zone 2 and 3 of the Stroom Dyke.

## DETAILS OF THE PROPOSAL

4. Planning permission is sought for the re-development of the site to provide 4 detached dwellings with associated parking and amenity space.
5. The original application as submitted was for a scheme of 5 detached dwellings. However, the proposals were amended during the course of the application following advice that this level of development was considered to be too intensive and would not be supported.
6. This application was due to have been considered by the Planning Committee in May. The item was removed from the agenda due to the late representation relating to flood risk which needed to be assessed further by the technical specialists. The report has been updated to reflect these additional comments and technical information received in response to potential flood risk to support the application.

## SITE HISTORY

7. Application ref: 92/00757/T1P - Erection of workshop with ancillary offices. Approved 19 November 1992
8. Application ref: 19/01471/RELDDEM- Application for relevant demolition of unlisted buildings in a conservation – pending consideration.

## **REPRESENTATIONS**

9. Consultations were carried out in relation to the original plans submitted and the revised scheme. Additional consultation has been undertaken in relation to flood risk information received.

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

10. The Ward Councillor for Neville and Langar (Cllr T Combellack) has objected to the proposal, due to concerns at the safety hazard presented by the development occurring at a site outside the 30mph zone. The access would be in the 60mph zone and the current pavement is on the opposite side of the road to the development. Cllr Combellack is of the opinion that the development should not go ahead unless the 30 mph sign is moved. Whilst the access may have been suitable as a builder's yard the new development would be domestic and children may have to cross the road to walk to school or the bus. Residents would have to cross the road to access amenities in the village. It is considered that this could be a real danger and unless this is addressed there is an objection to the proposal.
11. Following the provision of additional information and a Speed Survey in response to a request from the County Council Highways Officer, Cllr Combellack advised that this did not address the speeding issue although the proposed development would not be viewed unfavorably if traffic calming measures were implemented. The consultation comments from the Council's Planning Policy Officer were also noted.
12. Prior to the Planning Committee meeting Cllr Combellack stated that she was concerned that NCC as Lead Flood Authority have not been consulted on the application. The development is in Flood Zone 1 and since the application was validated there has been 2 serious flooding events. Climate change predictions are for further such events therefore there should be evidence of flood mitigation in the application before consideration.
13. No additional comments have been received with regard to the information submitted relating to flood risk.

### **Town/Parish Council**

14. In response to the original plans submitted, Langar cum Barnstone Parish Council resolved to submit a response of no objection, however, they wished to point out the increased danger from speeding traffic along this particular section of Cropwell Road and would recommend the relocation of the 30mph speed limit to a point west of the Bridge House/Langar Hall junction.
15. In response to the amended plans Langar cum Barnstone Parish Council also submitted a response of no objection but reiterated the original concerns raised in relation to highway safety.
16. In response to the information submitted in relation to flood risk they confirm that they do not object in principle but reiterate their original comments. Furthermore the Parish Council has a new concern relating to the recent building of a bund like feature adjacent to the Stroom Dyke nearby and its potential adverse impact on the flooding of this area.

## Statutory and Other Consultees

17. Nottinghamshire County Council as Highway Authority submitted comments in relation to the original plans submitted. These comments are summarised as follows:
18. In relation to the original plans submitted the Highway Authority identified a number of concerns in relation to the acceptability of the access point to the site. In terms of width it is considered suitable to serve the number of dwellings proposed. However, concerns were raised regarding the visibility out of the access. It was advised that the submitted plans indicated visibility splays which would be considered substandard for the proposed development.
19. It was advised that given the location of the site on the edge of the village, and proximity of the bend to the west, it would be possible that speeds near the proposed access are lower than 60 mph and therefore a reduced visibility criteria could be applied. In order for this to be considered acceptable it was advised that a speed survey demonstrating measured 85<sup>th</sup> percentile speeds, and the proposed reduced visibility splays plotted on a surveyed base plan which shows the actual locations of boundary features and other physical obstructions in the locale should be submitted.
20. Following the provision of a Speed Survey the following additional comments were received from the Highway Authority.
21. Further to their previous response, they advised that the speed survey provided by the applicant and revised highway access drawing which demonstrates visibility commensurate with measured 85<sup>th</sup> percentile speeds on Cropwell Road are achievable. In view of this the proposed access arrangements are considered to be acceptable and therefore approval is recommended subject to conditions to state that the access and parking areas should be completed prior to the development being brought into use.
22. In response to the consultation on the amended scheme the Highways Authority confirmed that there continued to be no objection to the scheme, subject to the previously recommended conditions.
23. The Borough Council Planning Policy Manager has made comments on the proposal. These are summarised as follows.
24. Relevant development plan policy considerations in this regard are Policy 3 of LPP1 (Spatial Strategy) and Policy 22 of LPP2 (Development within the Countryside).
25. The site is separated from the identifiable boundary of the settlement of Langar by a single greenfield site, the frontage of which is approximately 75 metres. This adjacent greenfield site is not considered to constitute a small infill plot as referred to under paragraph 6.11 of the justification text to Policy 22. It is therefore considered that the proposed site lies outside the settlement of Langar and Policy 22 would therefore apply.
26. Appropriate uses in the open countryside are set out under Policy 22 (2). Residential development for open market housing is not one of those acceptable uses. The proposal is therefore contrary to this policy. The status

of the site as being previously developed has no bearing in relation to Policy 22.

27. Further to these considerations, the loss of employment use would need to be considered against Policy 15 of LPP2. Furthermore, the Council can identify, following the adoption of LPP2 (and its supporting evidence base), a five year supply of deliverable homes. Consequently, policies that would restrict housing, including Policy 22, remain extant and retain their full weight.
28. The proposal is therefore considered to be contrary to the development plan and should only be approved if material considerations exist to justify this.
29. The Borough Council Environmental Health Officer made comments on the initial plans submitted. These are summarised as follows.
30. Land Contamination - A phase 1 land contamination risk assessment has been submitted with the application. Section 11 of the report recommends remedial and verification actions that should be carried out prior to occupation of the completed dwellings, in particular, the capping of soft landscaping areas with a minimum of 600mm of clean material.
31. Air Quality - In line with national strategy and policy, it is recommended that suitable provision is made for the charging of electric vehicles within the development to prevent the development contributing to unacceptable levels of air pollution and to help to improve local environmental conditions. This is particularly relevant for this proposal as the occupiers of this development are likely to be very dependent on private means of transport to undertake their daily activities.
32. The Borough Council Conservation & Design Officer made comments on the initial plans submitted. These are summarised as follows.
33. The site is located within the Langar Conservation Area, however the existing buildings are expressly noted as ones which detract from the special architectural and historic character and appearance of the conservation area. The existing buildings are of no positive value to the character of the area and the site represents an opportunity for development to actively enhance the existing character of the conservation area.
34. Comments were provided on the layout initially proposed and the amount of parking and hard surfacing along the frontage. However, it was acknowledged that the proposed boundary hedge planting along the frontage would soften the hard surfacing for parking and given that the site in its existing use is dominated by hard surfacing, the layout as proposed would represent an enhancement beyond the existing situation.
35. The design of the properties have a more traditional rural character, far superior to the buildings currently on the site, and this would better harmonise with the special architectural and historic character and appearance of the conservation area. Conditions are recommended in respect of the facing and roofing materials and a landscaping scheme to cover details of both hard surfacing and means of planting for the means of enclosure along the site frontage.

36. It is concluded that the proposal, in both respects (the demolition of the existing and the proposed redevelopment) would actively enhance the special architectural and historic character and appearance of the conservation area achieving the higher objective described as being 'desirable' within section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
37. There are nearby listed buildings in the form of Langar Hall (Grade II), and the parish church (Grade I) to the north, as well as the former village school (Grade II), however in all cases there are trees and tall landscaping features within intervening land to the south such that the existing and proposed development on this site has no impact upon the settings of these listed buildings insofar as their settings contribute towards their special significance or understanding of that significance thus achieving the desirable objective described in section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
38. The Borough Council's Environmental Sustainability Officer has commented on the Protected Species Survey (undertaken May 2019). These are summarised as follows.
39. The survey is in date and, although it has been carried out outside the optimum survey season, surveys at this time can reveal historical use and habitats likely to support protect and priority species.
40. The site consist of buildings hardstanding, coarse grasses, perennial herbs, piles of building rubble, timber and materials and stored items and scrub (part of which was inaccessible and therefore un-surveyed), hedgerow and semi mature trees with a watercourse to one boundary. A possible Bat feeding roost was identified, however, the consultant ecologist stated no further surveys were required. The conservation status of European Protected Species should not be impacted by this development when mitigated.
41. Recommendations are made to ensure best practice working methods and the protection of the habitats and protected species possibly occupying the site and measures to improve biodiversity.
42. Nottinghamshire Wildlife Trust has commented on the Protected Species Survey (undertaken May 2019). These are summarised as follows.
43. They note that a Protected Species Survey (February 2019) has been carried out within the last 18 months and is therefore in date.
44. A possible Bat feeding roost was identified, with remains of 25-30 moth wings and a 'small number' of old bat droppings. However, the consultant ecologist does not recommend further surveys. Wild birds' nests were identified, including within buildings, but no Schedule 1 birds (e.g. barn owl) were found.
45. Additional survey effort could be employed, however, it is noted that the proposed mitigation at section 5 of the report should address potential impacts. It is requested that, if approval is granted, conditions are attached to a planning permission in relation to the implementation of the mitigation measures set out in the report.
46. The Trent Valley Internal Drainage Board advises that the Board maintained Stroom Dyke and Harby Road Feeder, open watercourses, exist in close

proximity to the site. Byelaws and the Land Drainage Act would apply to the site. Information is provided in relation to the consents which may be required from the Board in relation to the development of the site. No further comments are made following the submission of the additional flood risk information.

47. The Environment Agency has reviewed the Phase 1 Land Contamination Risk Assessment (Castledine and Co, September 2018) submitted with the application. It was noted that the report identified two underground tanks on site; an infilled petrol tank and an existing diesel tank, but with no proposals to remove these tanks and remediate any contaminated ground beneath or around them. An initial objection was therefore made to the proposal. It was requested that details be submitted of proposals to remove the 2 underground tanks and provide validity sampling data, to show there is no significant residual risk.
48. In relation to flood risk it was noted that the built development of this site is shown to be situated within flood zone 1, as referenced in the submitted plan 'Proposed block plan with Highways and Flood Zones' dated 1<sup>st</sup> May 2019. Therefore, the Environment Agency has no comments to make on the application from a flood risk perspective.
49. The Environment Agency made a subsequent response following review of new information submitted in the form of an Addendum to the Phase 1 Land Contamination Risk Assessment (Castledine and Co. 6th August 2019). It is advised that the Agency is satisfied with the proposal and the objection to the planning application was removed. A condition is recommended in respect of the submission of a verification report demonstrating that the remediation works have been carried out is submitted.
50. Following the receipt of the additional flood risk information they raised queries in relation to the potential means of enclosure of the site. This has been submitted (hedgerows and post and rail fencing) and no objections are now raised on flood risk grounds. They have also confirmed they have reviewed the information submitted by a local resident in relation to recent flood events and have confirmed that they are unable to determine the source of that flooding based on photographs and must consider this based on modelled information that they hold. The more vulnerable uses have been sited in Flood Zone 1 which the NPPF confirms is appropriate on flood risk grounds.
51. Nottinghamshire County Council as Lead Local Flood Risk Authority have reviewed the information submitted by the local resident and the applicant and have confirmed that there are no objections to the proposal. They recommend that the site is built to the recommendations put forward within the FRA. They confirm that if the issue is to do with the river (fluvial) risk then they will take their lead from the EA as the key consultee on that risk. Whilst there is evidence of flooding on the road it is not considered that this will be exacerbated by the development nor pose a risk to the development site.
52. Historic England states that on the basis of the information provided it does not wish to make any comments on the application.



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

53. The application has been advertised by notices at the site. Following the preparation of the previous committee report a representation from a local resident was received providing information in relation to two flood events in the local area and raising concerns regarding potential flood risk to the site and her own property. It was noted that consideration is to be given to soakaways to deal with surface water drainage. This approach would need careful consideration to avoid exacerbating the situation in the event of significant rainfall on saturated ground with Stroom Dyke in full flow. She also considered that further more detailed consideration should be given to wildlife living at the rear of the site before the site is cleared. It is suggested that this part of the site is home to badgers and a family of foxes. She supports the suggestion that the 30 mile an hour limit sign is moved to the west of the junction of Langar Hall and Bridge House.
54. This local resident has been provided with the opportunity to comment on the additional information submitted. She remains concerned regarding flood risk and the evidence available from actual flood events. She requests that the native hedge on the eastern boundary is retained along with others on the site as it is the only barrier between her property and the site, is well established and home to a variety of wildlife.

## **PLANNING POLICY**

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

55. The relevant national policy considerations for this proposal are those contained within the National Planning Policy Framework (NPPF) and the proposal should be considered within the context of a presumption in favour of sustainable development as a core principle of the NPPF. The following sections of the NPPF are relevant to this application:

Section 5 - Delivering a sufficient supply of homes.

Section 9 - Promoting Sustainable Transport.

Section 12 - Achieving well-designed places.

Section 15 - Conserving and Enhancing the Natural Environment.

Section 16 - Conserving and Enhancing the Historic Environment.

56. The Council also has duties under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the surrounding Conservation Area.

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

57. The Development Plan for Rushcliffe consists of The Rushcliffe Local Plan Part 1: Core Strategy (2014) and the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019). Also of relevance are any relevant Supplementary Planning Documents. Within these documents the following policies are considered relevant to this application.
58. Rushcliffe Local Plan Part 1: Core Strategy:

- Policy 1 – Presumption in Favour of Sustainable Development.

- Policy 3 – Spatial Strategy.
- Policy 8 - Housing Size, Mix and Choice.
- Policy 10 - Design and Enhancing Local Identity.
- Policy 11 - Historic Environment.
- Policy 17 – Biodiversity.

59. Rushcliffe Local Plan Part 2 : Land and Planning Policies (2019):

- Policy 1 - Development Requirements.
- Policy 12 - Housing Standards.
- Policy 15 - Employment Development.
- Policy 18 - Surface Water Management.
- Policy 22 - Development within the Countryside.
- Policy 28 - Conserving and Enhancing Heritage Assets.
- Policy 37 - Trees and Woodlands.
- Policy 38 - Non-Designated Biodiversity Assets and the Wider Ecological Network.
- Policy 40 - Pollution and Land Contamination.

60. The Rushcliffe Residential Design Guide SPD (2009) provides general guidance on the layout, form and design of development.

## **APPRAISAL**

61. The main considerations in determining this application are as follows:

- a. Principle of development
- b. Design and Appearance of the Proposed Scheme and the impact on the Langar Conservation Area.
- c. Residential amenity of future properties.
- d. Highways Matters
- e. Other Matters – Ecology, Environmental Health, Flood risk and drainage

### Principle of Development

62. The application site is a builder's yard. The existing buildings on the site consist of two elongated workshop and store buildings, which have been extended in various sections over time. They are a mixture of brick, timber and metal framed buildings clad in a variety of materials. The roofs are covered in either fibre cement panels or corrugated metal sheeting. Located at the front of the site and attached to the front of the workshop is also an office building which is constructed from brick with a flat roof. All the buildings are in a poor state of repair although information from the applicant suggests that the site is in regular use.

63. Whilst the site lies close to the village of Langar it is not located within the settlement itself. As confirmed by the Council's Planning Policy Officer, the site is deemed to be located within open countryside. Policy 22 of the Local Plan Part 2 sets out acceptable development within the countryside. In accordance with this policy, whilst the re-use and adaptation of existing buildings for residential use can potentially be supported, the wholesale demolition of existing buildings and re-development of a site for new open market residential housing is not supported under this policy.

64. The existing buildings on the site are dilapidated and have no architectural merit. Whilst under policy 22 their conversion and re-use could be supported, it is considered in this case that a far superior development could be achieved by removing these dilapidated buildings from the site and building new residential properties which are in keeping with the rural character of the area. It is considered that potentially significant benefits could be gained in terms of the visual amenity of the area.
65. Furthermore, the Langar Conservation Area extends out for some distance around the actual village and incorporates the application site. As highlighted by the Conservation Officer, the application site is noted within the Townscape Appraisal as having a negative impact. It is considered that a well-designed residential scheme would have the potential to considerably enhance the appearance of the Conservation Area and surrounding countryside. As discussed further below, it is considered that the proposed scheme achieves this aim. This is considered to be a material consideration, which should be given significant weight, providing justification for the proposed development, which would otherwise be deemed contrary to policy 22.
66. Notwithstanding this, policy 15 of the Local Plan Part 2 concerns the re-development of existing employment sites and this also needs to be taken into account. This policy states that planning permission should not be granted unless it can be demonstrated that there is no demand for the site or premises for its specified employment use and that the site is not viable for re-occupation.
67. In response to this policy, a letter from TDB Real Estates has been provided in support of the application. It confirms that the site and existing buildings have been surveyed and it is considered that substantial refurbishment would be required to comply with current Energy Efficiency Standards set out by the Government and provide a site which would suit most modern occupiers. It is considered that the business case for refurbishment is likely to be unviable as the level of rental income received would be unlikely to justify the capital expenditure required to get the buildings and site to a tenatable condition.
68. The report advises that there would be limited demand for B1 uses in the application site location and redevelopment for B2 or B8 use could potentially conflict with nearby residential properties and the village. Modern occupier requirements for B2 or B8 uses are also for far higher buildings, with clearance heights of 6 to 7 metres, and therefore extensions would be required which would have a more significant visual impact. It is generally concluded that the existing buildings have reached the end of their useful economic life and that redevelopment of the site is the only viable option.
69. Paragraph 4.7 of the supporting text to policy 15 states that the Council will consider releasing existing employment sites for non-employment uses only where they are no longer in demand. This will require evidence that they have been marketed for their intended employment purpose without success for a sufficient period of at least 12 months (although this may be varied on a case by case basis); and a financial appraisal to provide evidence that the premises are not economically viable for reoccupation or refurbishment for employment uses.

70. In respect of this it is acknowledged that the site has not been actively marketed for a period of 12 months. However, the letter report from TDB Real Estates argues that this would be likely to be a futile exercise, based on the issues identified with the site and their knowledge of the current market. No financial appraisal of the works required to refurbish the site have been provided, however, given the current dilapidated state of the buildings it would appear reasonable to assume that the costs would be significant and that a commercial tenant would be difficult to obtain. It is therefore concluded, on balance, that the requirements of policy 15 have been satisfied to an acceptable extent.
71. A field of around 80 metres in width separates the application site from the edge of the village and the closest neighbouring properties. Granting permission for the re-development of the application site could be considered to result in this field becoming an infill site, potentially capable of further development under Core Strategy policy 3. However, it is important to stress that this policy only applies to 'small scale' infill sites and 'small gaps' within the existing built fabric of a village. A site of this size and location would not be considered to comply with this criteria.
72. Further residential development of the land between the application site and the existing edge of the settlement of Langar would therefore be deemed contrary to policy 22 and, without any compensatory benefits to visual amenity as is the case with this proposal, an application would be unlikely to be supported.
73. It is therefore concluded that, although not in strict accordance with policy 22 of the Local Plan Part 2, there are other significant material considerations and strong justification for the re-development of the application site. The proposed scheme would strongly accord with other aspects of policy and would be consistent with policy aims to make a positive contribution of the sense of place and also preserve and enhance the character and appearance of the Conservation Area. The site in its current form detracts from the visual amenity of the area. It would seem likely that the site would continue to deteriorate and that this impact would be exacerbated if alternative uses for the site are not found. It is therefore concluded that there is adequate justification to support the principle of development in this case.

Design and Appearance of the Proposed Scheme and the impact on the Langar Conservation Area and other heritage assets.

74. It is proposed to remove the existing buildings from the site and redevelop the land to provide four no. 4 bedroom, two storey detached dwellings. All properties would face Cropwell Road, with plots 2 and 3 lying broadly to the rear of plot 1. The layout of the site has been significantly influenced by the need to keep all the built development within the Flood Zone 1 area and out of the areas of greater flood risk which lie to the south of the site. The number of houses was reduced from five to four during the course of the application in order to provide a more spacious development and it is now considered that the site can comfortably accommodate the proposed number of dwellings.
75. The footprint of each dwelling would be approximately 135 square metres and all would be two storey with small single storey elements off the side elevation. The dwellings on plots 1, 2 and 4 would all be identical in design. The only

difference in plot 3 would be that the single storey element would be located off the eastern elevation, whereas on the other 3 plots it would be located off the western side elevation. In addition, plot 1 would also have a detached, double garage located close to the front boundary, in the north eastern corner of the site.

76. The proposed dwellings are fairly conventional in design. They would have intersecting two storey gables on both the front and rear elevations, single storey side projections and Oak framed porches. The plans indicate that the dwellings would be constructed from brick with clay pantiled roofs. Precise details of the materials would be requested for approval through a condition attached to any permission.
77. There is no built development immediately adjacent to the site but the scale, design and materials of the proposed dwellings are generally considered to be sympathetic to the local area, the Conservation Area Appraisal noting that the traditional materials of the area are orange/red brick, some buildings with decorative string courses and roofs dominated by orange pantiles. The Appraisal also notes that the application site lies within a special character area of farm houses and agricultural buildings set among small fields and paddocks. The design of the proposed dwellings is considered to be consistent with this character.
78. The new dwellings would all be set within good sized plots with rear garden areas which are well in excess of the 110 square metres recommended under the Residential Design Guide SPD. The plans also indicate the provision of three car parking spaces for each property.
79. The Conservation Area Appraisal also notes the frequent use of hedgerows, tree lines and grass verges as boundary treatments within this part of the Conservation Area. The hedgerows opposite and to the east of the application site are noted as important hedgerows within the Townscape Appraisal. The front boundary of the application site is also noted to contain some significant trees. A condition is recommended requiring a full landscaping scheme for the site for prior approval, however, it is noted that the site plan indicates a new native species hedge along the front and side boundaries of the site, with the existing hedge being retained along the rear, southern boundary and part of the front boundary. This boundary treatment should maintain the rural character of the area. A number of trees are also indicated on the proposed site plan, including on the front boundary.
80. The dwelling on Plot 1 would lie closest to Cropwell Road. It would be set back around 10 metres. The gable end of the pitched roof garage associated with this property would lie closer to the road, however, this is consistent with the buildings to the east which lie tight to the roadside. The Conservation Officer originally raised concerns in relation to the degree of hardstanding to the frontage of the site. However, the boundary hedgerow and landscaping should significantly soften the appearance of the development. Generally, it is considered that the resultant development would be far more visually appealing than the existing site.
81. The Council has duties under section 72 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability to preserve or enhance the surrounding Conservation Area. It is considered that

the re-development of the site would serve to enhance the Langar Conservation Area, a goal considered to achieve the desirable objective within section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and the proposal is therefore considered positively in relation to the duty under that section of the 1990 Act. The proposal is also considered to accord with the aims of policies 10 and 11 of the Core Strategy and policies 1 and 18 of the Local Plan Part 2 Land and Planning Policies document and should make a positive contribution to the public realm and sense of place and the character and appearance of the Langar Conservation Area.

82. There are nearby listed buildings in the form of Langar Hall (Grade II), and the parish church (Grade I) to the north, as well as the former village school (Grade II), however in all cases there are trees and tall landscaping features within intervening land to the south such that the existing and proposed development on this site has no impact upon the settings of these listed buildings insofar as their settings contribute towards their special significance or understanding of that significance thus achieving the desirable objective described in section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

#### Residential Amenity of Future Occupiers.

83. Policy 1 of the Local Plan Part 2: Land and Planning Policies document states that development should not be granted where there is a significant adverse effect upon the amenity of adjoining properties. In this case there are no existing neighbouring properties to the site and therefore only the amenity levels between the new dwellings needs to be taken into account.
84. In general, the properties are all within good sized plots with south facing rear gardens. The orientation and window arrangement of the dwellings means that there should be no undue overlooking between the properties above that which would be reasonably acceptable.
85. There would be a distance of at least 20 metres between the rear elevation of plot 1 and the front elevations of plots 2 and 3. The rear garden boundary of plot1 would lie closer but there would be boundary treatment and landscaping to screen this and given the size of the rear garden there should be access to plenty of areas of private amenity space.
86. It is considered that the overall scheme would provide a good standard of amenity for future occupiers. The proposal is therefore deemed to accord with Core Strategy policy 10 and policy 1 of the Land and Planning Policies document in terms of residential amenity of future occupiers.

#### Highways Matters

87. It is proposed to use the existing access to the site for the development. It is noted that the road at this point is subject to the national 60 mph speed limit. The County Highways Officer initially raised concerns in relation to the visibility from the access and advised that it was substandard for a road of this speed limit. However, during the course of the application, a Speed Survey and revised access plan was provided which demonstrates that visibility commensurate with measured 85<sup>th</sup> percentile speeds on Cropwell Road are achievable. The Highways objection was subsequently withdrawn. Conditions

are recommended in relation to the construction of the accesses, driveways and parking areas prior to occupation of the dwellings.

88. It is noted that concerns have been raised by the Ward Councillor in relation to the safety of the access for residential development onto a 60 mph road and the possible dangers to pedestrians or children walking to school. There is a paved footpath into the village, however, this is on the opposite side of the road to the application site. It is acknowledged that it is not ideal, however, in isolation, and weighing up the other benefits of the scheme and the generally good visibility of the access, it is not considered that this alone would justify a reason for refusal of the scheme, particularly given the lack of any objection from the Highway Authority.
89. The plans indicate that for each dwelling at least 3 parking spaces are to be provided. This level of parking provision would be considered acceptable for the scheme. A condition is also recommended requiring the installation of an electric vehicle charging point for each dwelling.
90. The proposal is therefore considered to be acceptable in terms of the highways impacts and in accordance with policy 1 of the Local Plan Part 2 Land and Planning policies document.

#### Other Matters – Ecology, Environmental Health and Drainage/Flood Risk Matters

##### Ecology Matters

91. A Protected Species Survey carried out by Andrew Chick, Ecological Consultant, has been submitted with the application. The buildings contained evidence of new and old bird nests and one of the buildings contained evidence of bat droppings, however, on a closer inspection no roosts were found and it was generally determined that, due to the construction of the building, it would have low roosting potential. No further survey work was recommended. In addition, no presence was found of any other protected species on the site and it was considered that the proposed development would not affect the nearby watercourse. Overall the site was deemed to be of low ecological value.
92. Reasonable Avoidance Measures and a Method Statement for working on site are provided within the report (Section 5.8), to minimise the impacts of the development on wildlife and the ecology of the area. A condition is recommended to require that these measures should be fully adhered to during construction.
93. In accordance with policy 38 of the Local Plan Part 2, all new development is expected to achieve net gains in biodiversity. The Survey report advises that this would best be gained through the provision of an 'ecological landscape management plan', which would recommend habitat creation on site to compensate for the works and to enhance the site for nature conservation and wildlife. It is considered important that ecological 'corridors' are maintained along the site boundaries and suggested that habitat creation could include the planting of native species-rich hedgerows along the northern and eastern boundaries and the planting of native trees within the proposed development. These measures are indicated on the proposed site plan and a condition is proposed for a full landscaping scheme to be submitted for prior approval. A Tree retention scheme has been submitted. The comments of the Local

resident regarding retention of a hedgerow to the eastern boundary of the site has been considered, however this boundary largely comprises of self-propagated shrubs with a post and rail fence. Mature trees are proposed to be retained along this boundary and a native hedgerow planted which are considered an appropriate form of boundary treatment.

94. In addition, the report suggests that biodiversity could be enhanced through the provision of new bat habitat, either through the erection of bat boxes around the site or the incorporation of features such as bat bricks within the new dwellings. It was also noted that the buildings are actively used by breeding Sparrows and to mitigate for their loss of habitat a minimum of 4 Sparrow boxes should be provided within the site. Conditions are recommended to set out how this compensatory habitat would be achieved.
95. The comments from the local residents in relation to potential badger activity at the rear of the site has been noted. The Wildlife Trust and the Borough Councils ecologist have recommended that as a precaution (and ahead of proposed site clearance work) that the bramble and scrub at the rear of the site is removed in the presence of a suitably experienced ecologist. It is considered that this can be secured by way of a planning condition.
96. The proposed development is therefore deemed to comply with policy 38. It is reasonably considered that the proposal would not result in any harm to protected species or habitats and has the potential to achieve net gains in biodiversity.

#### Environmental Health Matters

97. A Phase 1 Land Contamination Risk Assessment by Castledine & Co Environmental Consultants has been submitted with the application. This was assessed by both the Environment Agency and the Council's Environmental Health Officer, with both parties recommending that a condition is added to the permission to state that a detailed land remediation scheme should be submitted to the Council for prior approval prior to the commencement of development. The Agent has agreed to this pre-commencement condition.
98. The submission of a construction management plan for approval prior to the commencement of development has also been requested. However, given that there is some distance to the closest neighbouring properties and plenty of space is available within the site for construction vehicles and the storage of materials, it is not considered that such a condition is reasonably required.
99. A condition to provide charging points on each dwelling for electric vehicles is added to the permission, along with a condition to state that the dwellings should be built to the higher optional technical standard for water consumption, in order to comply with Local Plan part 2 policies to reduce carbon and promote water efficiency.

#### Drainage / Flood Risk Matters

100. The southern part of the application site lies within Flood Zones 2 and 3. This would include the rear garden areas of the dwellings on plots 2, 3 and 4. The actual properties would, however, be built within Flood Zone 1 and therefore



the proposed development is not required to be subject to Sequential or Exception tests.

101. It is considered, however, that surface water drainage is an important consideration given the proximity of the higher flood zone areas. The application indicates that Soakaways would be used, which is a preferred sustainable urban drainage system for the management of surface water drainage and supported under Local Plan Part 2 policy 18. However, a condition is considered necessary in this case to ensure that infiltration testing is carried out and the land is satisfactory for soakaways. In the event that soakaways are not deemed appropriate for use, the condition would state that details of an alternative method of surface water drainage should be submitted for approval, in order to ensure that there would be no increased risk of drainage and flooding issues.
102. It would also be expected that new hard surfaced driveways and parking areas would be surfaced in a permeable material, details of which would be clarified under conditions relating to the landscaping of the site and construction of the access and driveways to the properties.
103. The additional information submitted in relation to flood risk has been assessed by the relevant statutory consultees and no objections are raised from either the Environment Agency or the County Council as the Lead Local Flood Risk Authority. The mitigation measures set out in the submitted Flood Risk Assessment including finished floor levels, surface water attenuation methods and flood resistant building measures are recommended to be implemented and can be achieved by way of condition.

#### Community Infrastructure Levy

104. The application involves a type of development which would be liable to make payments under the Community Infrastructure Levy, the amount attracted by the development has yet to be calculated.

#### Conclusion

105. The application site is located within open countryside and its redevelopment to provide open market residential housing would not ordinarily be supported under current planning policy. However, the site contains buildings falling into disrepair and the site generally having an increasingly negative impact on the surrounding area and the character and appearance of the Langar Conservation Area. It is considered that the redevelopment of the site would enhance the character and appearance of the Conservation Area, an objective described as desirable in Section 72 of the Planning (Listed Buildings and Conservation Areas Act 1990 and that this factor should be given significant weight. It is therefore concluded that an exception to policy should be made and the redevelopment of the site for residential use permitted. The amended, proposed scheme for 4 new residential dwellings is now deemed to be appropriate in scale, layout and design and should provide a good standard of amenity for future occupiers. The application is therefore recommended for approval.
106. Negotiations have taken place during the consideration of the application to address concerns, and amendments have been made to the proposal to

address the identified adverse impacts, thereby resulting in a more acceptable scheme and the recommendation to grant planning permission.

## RECOMMENDATION

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

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

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

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

Location Plan, dated 1 May 2019

Proposed Block Plan dated 23 September 2020

Plots 1, 2 & 4 Floor Plans and Elevations, dated 12 February 2020

Plots 3 Floor Plans and Elevations, dated 12 February 2020

Garage to Plot 1, dated 12 February 2020

[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) of the Rushcliffe Local Plan Part 2: Land and Planning Policies.]

3. Prior to the commencement of development, a detailed land remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. The remediation scheme shall bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
  - a) The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.
  - b) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared and submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved

remediation scheme a verification report must be prepared and submitted to and approved in writing by the Local Planning Authority.

- c) All work must be carried out in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

[To make sure that the site, when developed, is free from contamination, in the interests of public health and safety and to comply with policy 40 (Pollution and Land Contamination) of the Rushcliffe Local Plan Part 2: Land and Planning Policies. This condition needs to be discharged prior to work commencing on site to ensure that any contamination issues can be addressed during the construction phase].

4. No development shall commence, except ground investigations and remediation, until infiltration testing and soakaway design in accordance with Building regulations Part H, section 3 (3.30) have been undertaken to verify that soakaways will be suitable for the development. If the infiltration test results demonstrate that soakaways are not appropriate, an alternative method of surface water drainage shall be submitted to and approved in writing by the Local Planning Authority and the approved method installed prior to the occupation of the development.

[To ensure that an appropriate method of surface water drainage is installed and in the interests of flood risk management in accordance with policy 18, Surface Water Management of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

5. No construction of the external walls of the development shall commence or roof covering added until specific details of the facing and roofing materials to be used on all external elevations are submitted to and approved in writing by the Local Planning Authority. The development shall only be undertaken in accordance with the materials so approved.

[To ensure the appearance of the development is satisfactory and to comply with policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and policies 1 (Development Requirements) and 28 (Conserving and Enhancing Heritage Assets) of the Rushcliffe Local Plan Part 2: Land and Planning Policies.]

6. No operations shall commence on site until the existing trees and/or hedges which are to be retained as indicated on block plan drawing dated 23/09/2020 have been protected in accordance with details to be approved in writing by the Borough Council and that protection shall be retained for the duration of the construction period. No materials, machinery or vehicles are to be stored or temporary buildings erected within the perimeter of the fence, nor is any excavation work to be undertaken within the confines of the fence without the written approval of the Borough Council. No changes of ground level shall be made within the protected area without the written approval of the Borough Council.

[This is a pre commencement condition to ensure that careful consideration is given to retaining existing vegetation on the site and to ensure the provision of an appropriate landscape setting to the development in accordance with policy

10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and policies 1 (Development Requirements) and 28 (Conserving and Enhancing Heritage Assets) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

7. No occupation of the dwellings hereby approved shall commence until a hard and soft landscaping scheme has been submitted to and approved in writing by the Local Planning Authority, showing details of all trees, hedgerows and other planting to be retained, a planting specification to include numbers, size, species and positions of all new trees, hedgerows and shrubs, details of proposed walls, fences and other boundary treatment, surface treatment of the open parts of the site, and a programme of implementation.

All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme of implementation agreed in writing with the Local Planning Authority. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of the development being completed, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the Local Planning Authority. All hard landscape works shall be permanently retained in accordance with the approved details.

[To ensure the provision of an appropriate landscape setting to the development in accordance with policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and policies 1 (Development Requirements) and 28 (Conserving and Enhancing Heritage Assets) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

8. The development hereby approved shall be carried out in full accordance with the Reasonable Avoidance Measures described in section 5.8 of the Protected Species Survey at Fletcher's Yard, Cropwell Road, Langar, Nottinghamshire, NG13 9HD by Andrew P Chick, dated February 2019.

[To avoid harm to wildlife, including protected species and nesting birds, in accordance with policy 1 (Development Requirements) and policy 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the Rushcliffe Local Plan Part 2: Land and Planning Policies]

9. Prior to occupation of the dwellings hereby approved details of a scheme for the provision of compensatory habitat for bats and nesting birds shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be erected on the site and retained for the lifetime of the development.

[To achieve a net gain in biodiversity, in accordance with policy 17 (Biodiversity) of the Local Plan Part 1: Core Strategy and policy 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

10. Occupation of the proposed dwellings shall not take place until details of the surfacing materials for the accesses, driveways and parking areas as indicated on the approved plan, Proposed Block Plan, dated 28/07/202012, have been

submitted and approved in writing by the Local Planning Authority. The access should be surfaced in a bound material (not loose gravel) for a minimum distance of 5.0 metres behind the highway boundary and drained to prevent the discharge of surface water from the driveway to the public highway. The approved details shall be installed prior to occupation of the dwellings hereby approved and shall be retained for the life of the development.

[To prevent deleterious material / surface water from being discharged onto the public highway, in the general interest of highway safety and to comply with policy 1 of the (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies.]

11. Occupation of the proposed dwellings shall not take place until the visibility splays set out in the approved plan, Proposed Block Plan dated 28/07/2020 are provided. The visibility splays shall thereafter be retained for the life of the development.

[To ensure that drivers have an appropriate level of visibility when exiting the site, in the general interest of highway safety and to comply with policy 1 of the (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies.]

12. Any gates to be erected at the access point shall open inward only and be set-back no less than 5.0 metres from the highway boundary.

[To ensure that drivers can station their vehicles clear of the public highway whilst the gates are opened/closed, to comply with policy 1 of the (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies.]

13. An Electric Vehicle Charging Point shall be provided for each dwelling hereby approved and installed prior to occupation and retained in that form thereafter for the lifetime of the development.

[To promote sustainable travel, aid in the reduction of air pollution levels and help mitigate climate change, in accordance with policy 2 (Climate Change) of the Rushcliffe Local Plan Part 1: Core Strategy].

14. The dwellings hereby approved shall be designed and constructed to meet the higher Optional Technical Housing Standard for water consumption of no more than 110 litres per person per day.

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

15. The development shall be undertaken in accordance with the recommendations as set out in the submitted FRA dated July 2020 including provision for finished floor levels set out in accordance with Arcelle drawing number 1945/C01 within the FRA and surface water attenuation methods and flood risk mitigation measures of construction.

[To ensure that the properties are adequately protected against any potential flood risk in accordance with the aims of Policy 18 of the Rushcliffe Local Plan

## Part 2: Land and Planning Policies].

16. In the event that the planning permission is not implemented within 1 year of the date of the planning permission being granted a further protected species survey shall be carried out and submitted to the Borough Council. Any mitigation measures required shall be implemented in accordance with the approved details to the satisfaction of the Borough Council.

[To ensure the survey reflects the situation pertaining at the time 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].

17. The approved boundary treatments as shown on Block Plan drawing dated the 23/09/2020 shall be implemented prior to the dwellings they serve being occupied and shall be retained in this form thereafter. There shall be no alternative means of enclosure erected without the prior permission of the Borough Council as Local Planning Authority.

[To ensure the provision of an appropriate landscape setting to the development and flood risk considerations in accordance with policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and policies 1 (Development Requirements) and 28 (Conserving and Enhancing Heritage Assets) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

### **Notes to Applicant**

Please be advised that all applications approved on or after the 7th October 2019 may be subject to the Community Infrastructure Levy (CIL). The Borough Council considers that the approved development is 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/>

The proposal makes it necessary to undertake works within the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact the County Council's Customer Services on telephone 0300 500 80 80 to arrange for these works to be carried out.

Condition 14 requires the new dwellings to meet the higher 'Optional Technical Housing Standard' for water consumption of no more than 110 litres per person per day. The developer must inform their chosen Building Control Body of this requirement as a condition of their planning permission.

Guidance of this process and the associated requirements can be found in Approved Document G under requirement G2, with the requirements laid out under regulations 36 and 37 of the Building regulations 2010.

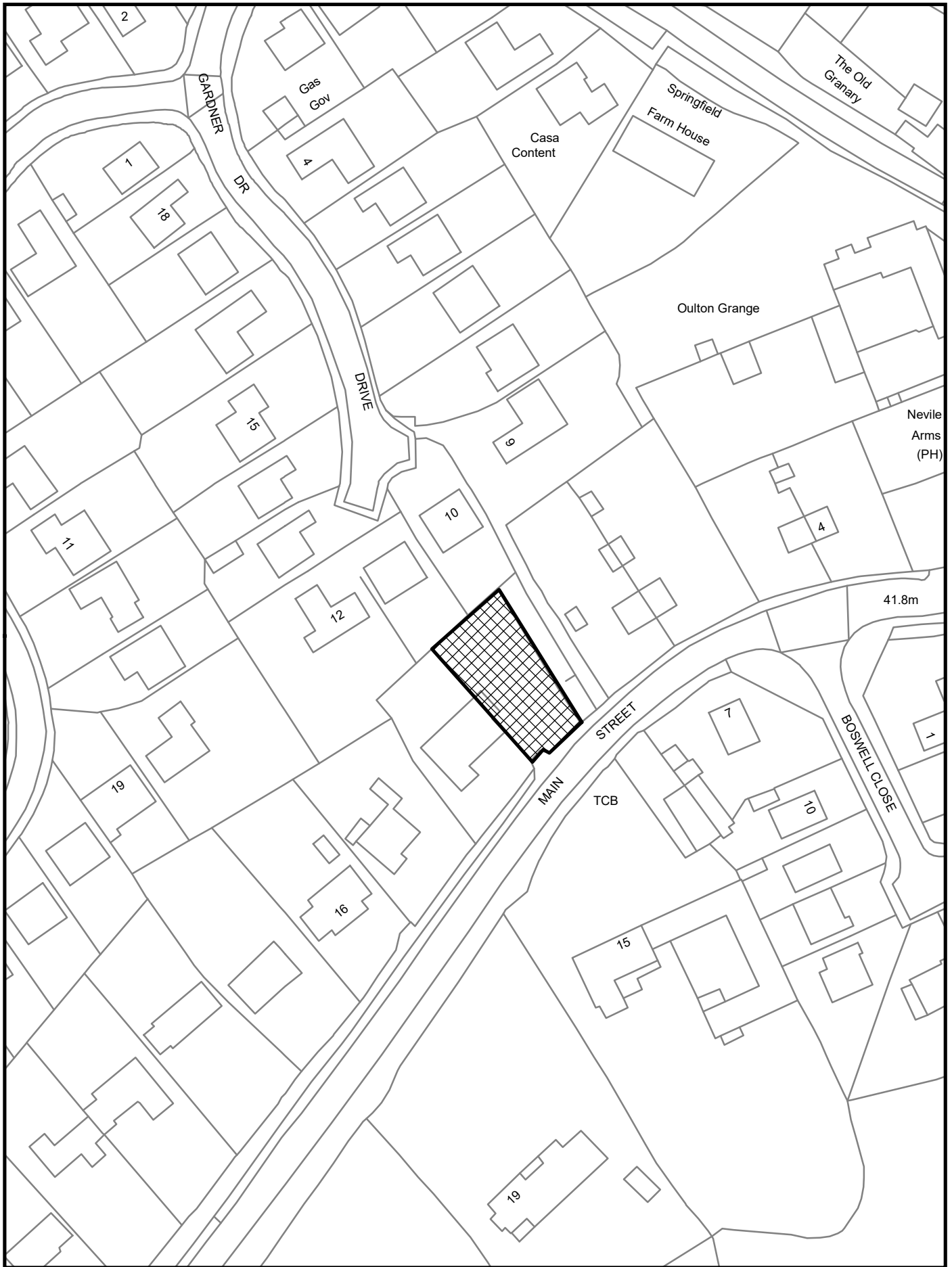
The Borough Council is charging developers for the first time provision of wheeled refuse containers for household and recycling wastes. Only containers supplied by Rushcliffe Borough Council will be emptied, refuse containers will need to be provided prior to the occupation of any dwellings. Please contact the Borough Council (Tel:

0115 981 9911) and ask for the Recycling Officer to arrange for payment and delivery of the bins.

You are reminded of your duties under the Wildlife and Countryside Act 1981 and the need to follow the recommendations as set out within the Ecology Report supporting this application.

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**20/01772/OUT**  
**12 Main Street, Kinoulton**

scale 1:1000

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# 20/01772/OUT

**Applicant** Mr Peter Walker

**Location** The Paddock, 12 Main Street, Kinoulton, Nottinghamshire, NG12 3AE

**Proposal** Outline planning permission with all matters reserved for the erection of a dormer bungalow.

**Ward** Nevile and Langar

## THE SITE AND SURROUNDINGS

1. The application relates to a parcel of land to the east of 12 Main Street and is currently garden land associated with this property. A mature high hedgerow is to the north. Residential properties of various design and sizes adjoin the application site to the north, east and west. Traditional farmhouses are to the south. The site is located within the main built up residential area of Kinoulton.

## DETAILS OF THE PROPOSAL

2. The application seeks outline planning permission for a dwelling with all matters reserved for subsequent approval.
3. The application is accompanied by plans showing a dormer bungalow. However, the application seeks outline planning permission with matters of layout, scale and appearance reserved for subsequent approval and these details are not for consideration at this stage. Nevertheless, the plans assist in assessing whether the site could accommodate a dwelling compatible with the surroundings.
4. The plans also indicate how parking and access could be achieved. In terms of access, the plans indicate that the existing access would be retained and improved to serve the new dwelling and indicate the potential location of a new access to serve the existing dwelling with the relocation of the garage to the western side of the property. However, it should be noted that access is also reserved for subsequent approval.
5. The existing hedgerow at the rear and a tree are shown to be retained. Again, landscaping is reserved for subsequent approval.
6. A Design and Access Statement was submitted with the application.

## SITE HISTORY

7. 20/01771/FUL – Planning permission for proposed extension to the roof of the existing bungalow to create first floor including addition of dormer windows to the front and rear, two-storey side extension and associated internal and external alterations to no.12 Main Street, Kinoulton. At time of writing this report this application was pending consideration.

## REPRESENTATIONS

### Ward Councillor(s)

8. The Ward Councillor (Cllr T Combellack) objects to the proposed development, the comments are summarised below:
  - a. Overdevelopment of the site
  - b. Very cramped
  - c. Not in keeping with the area
  - d. Overlooking and overshadowing impacts to properties at the rear
  - e. Access is hazardous
  
9. Cllr Combellack provided further comments in response to revised plans which omitted the garage to the side of the proposed dwelling with an indication that this would be built within the rear garden. She commented that the plans do not show this garage, only the existing shed and that the introduction of a further structure into the garden/amenity space would further compound the overdevelopment issue. This application would not be in keeping with the existing properties along Main Street, which are set in good sized plots. It is acknowledged there are two cottage properties to the east of the site but these are original village properties not of more recent build as per the properties extending to the West along Main Street. Whilst the issue of overlooking is relieved by the roof lights the remainder of her objection still stand.

### Town/Parish Council

10. Kinoulton Parish Council object to the proposed development for the following reasons:
  - a. Impact on the area.
  - b. Adverse effect on the neighbour no.10 Gardiner Drive.
  - c. Overdevelopment of the site.
  - d. Surface water flooding effects properties on Gardiner Drive due to Main Street being lower.
  - e. Overbearing and overshadowing impacts.
  - f. Overlooking impacts.
  - g. Over intensive development.
  
11. Following the submission of revised plans, the Parish Council reiterated their objection and made the following comments:
  - a. The replacement of dormer windows at the rear with skylights will leave an extensive area of roofing from the single storey wall to the ridge of the roof which has a detrimental effect on the visual appearance of the dwelling.
  - b. Detrimental impact on the character and the quality of the area.
  - c. Should planning permission be granted, permitted development rights should be withdrawn as any extension to the rear would significantly reduce the available garden areas and would be necessary to prevent the installation of dormer windows to the rear elevation.

## **Statutory and Other Consultees**

12. Nottinghamshire County Council as Highway Authority has commented raising no objections to the proposal. The comments are outlined below:
  - a. The indicative layout plans detail the current vehicular access is to be utilised to serve the new dwelling, and the existing dropped kerb footway/verge crossing will need to be widened. A new dropped kerb vehicle access is proposed to serve the existing dwelling, which is to be located away from the bend in the road, with sufficient visibility achievable.
  - b. The principle of the proposal is considered acceptable, and the indicative layout plans provided suggest an acceptable scheme is achievable.
  
13. Trent Valley Internal Drainage Board advise that the site is outside of the Trent Valley Internal Drainage Board district but within the Board's catchment. There are no Board maintained watercourses in close proximity to the site. Surface water run-off rates to receiving watercourses must not be increased as a result of the development.

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

14. 9 written representation have been received objecting to the proposal. The comments are summarised below:
  - a. Plans appear to show the hedgerow at the rear to be removed.
  - b. Rear upper level windows would result in neighbouring properties being exposed and overlooked.
  - c. Concerns over sewage system.
  - d. Overdevelopment of the site.
  - e. Invasion of privacy.
  - f. Overshadowing of neighbouring gardens.
  - g. Removal of mature trees.
  - h. Lack of housing need in the village.
  - i. Impact of increased water run-off.
  - j. Not in keeping with the streetscene.
  - k. Dormer window to the front would overlook properties at the other side of Main Street.
  - l. Access to the site is on a blind bend where accidents have already occurred.

## **PLANNING POLICY**

15. The development plan for Rushcliffe consists of the Rushcliffe Local Plan Part 1: Core Strategy and the Local Plan Part 2: Land and Planning Policies. Other material considerations include the National Planning Policy Framework (NPPF), National Planning Practice Guidance (NPPG) and the Rushcliffe Residential Design Guide (RRDG). Any decision should be taken in accordance with the adopted development plan documents.

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

16. The relevant national policy considerations for this proposal are those contained within the National Planning Policy Framework (NPPF) and the proposal should be considered within the context of a presumption in favour of sustainable development as a core principle of the NPPF.
17. Local planning authorities should approach decisions on proposed development in a positive and creative way and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development. Decision-makers at every level should seek to approve applications for sustainable development where possible.
18. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):
  - a) an economic objective - to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
  - b) a social objective - to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
  - c) an environmental objective - to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.
19. In paragraph 15 the NPPF states that the planning system should be genuinely plan-led. Succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for addressing housing needs and other economic, social and environmental priorities; and a platform for local people to shape their surroundings.

20. As such, the following sections in the NPPF with regard to achieving sustainable development are considered most relevant to this planning application:
- Section 5: Delivering a Sufficient Supply of Homes
  - Section 6: Building a strong, competitive economy
  - Section 9: Promoting Sustainable Transport
  - Section 12: Achieving well designed places
21. Section 5 - 'Delivering a sufficient supply of homes' states that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old.
22. Section 6 - 'Building a Strong and Competitive Economy' states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future.
23. Section 9 - 'Promoting Sustainable Transport' states that it should be ensured that safe and suitable access to the site can be secured for all users, going on to identify in paragraph 109 that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
24. Section 12 - 'Achieving Well Designed Spaces' states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 127 states that planning policies and decisions should ensure that developments, inter alia:
- a) Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
  - b) Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
  - c) Are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).
25. In line with paragraph 130 of the NPPF, permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

## Relevant Local Planning Policies and Guidance

26. The Rushcliffe Local Plan Part 1: Core Strategy sets out the overarching spatial vision for the development of the Borough to 2028. The following policies in the Rushcliffe Local Plan Part 1: Core Strategy are relevant:
  - Policy 1: Presumption in Favour of Sustainable Development
  - Policy 3: Spatial Strategy
  - Policy 10: Design and Enhancing Local Identity
27. Policy 1 highlights that when considering development proposals the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.
28. Policy 3 outlines the distribution of development in the Borough during the plan period. It ensures the sustainable development of Rushcliffe will be achieved through a strategy that promotes urban concentrations by directing the majority of development towards the built-up area of Nottingham and the Key Settlements.
29. Policy 10 (Design and Enhancing Local Identity) states that all new development should be designed to make; a positive contribution to the public realm and sense of place; create an attractive, safe, inclusive and healthy environment; and reinforce valued local characteristics; reflect the need to reduce the dominance of motor vehicles.
30. The Rushcliffe Local Plan Part 2: Land and Planning Policies was adopted in October 2019 and sets out non-strategic allocations and detailed policies for managing development. The following policies in the Rushcliffe Local Plan Part 2 are relevant:
  - Policy 1: Development Requirements
  - Policy 11: Housing Developments on Unallocated Sites within Settlements;
  - Policy 12: Housing Standards;
31. Policy 1 sets out that planning permission for new development will be supported provided that, where relevant, a list of criteria are met. This list includes aspects such as suitable access being provided, sufficient amenity spaces for end users, the relationship with nearby uses in terms of the amenity of future occupants and aspects such as ensuring no significant impact on wildlife, landscape character.
32. Policy 11 states that permission will be granted where inter alia, the proposal does not conflict with the spatial strategy, has a high standard of design that does not adversely affect the character or pattern of development in the area, and would not have a significant adverse impact on the amenities of surrounding residents.
33. Policy 12 – ‘Housing Standards’ identifies that all new dwellings will be required to meet the higher optional technical standard for water consumption of no more than 110 litres per day.



34. The Rushcliffe Residential Design Guide (RRDG) states that building designs should contribute to an active and attractive street environment. A positive design approach to the local context does not mean a repetition of what went before. Fenestration, the proportions of the building and use of related materials are all design matters that should take their lead from the neighbouring properties. Contemporary and innovative solutions which successfully address all of these issues are to be encouraged.
35. Guidance on garden sizes and separation distances are included. The RRDG states that new developments should seek to provide garden depths of 10m, and garden sizes for detached properties of 110 square metres and semi-detached properties of 90 square metres, with smaller 2 bedroom or less properties to have a minimum of 55 square metres. It does however accept a variety of sizes will be required to meet a variety of needs, and notes that access to public open spaces, privacy of space and orientation of spaces can all contribute to the appropriateness of a gardens size to provide adequate amenity for future occupants.

## **APPRAISAL**

36. The main consideration when assessing this proposal is the principle of the development and the impact upon neighbouring properties and amenity space. Highway matters would also be a consideration.

### Principle of Development

37. Policy 3 of the Core Strategy adopts a hierarchical approach to the delivery of housing within the Borough, focussing the majority of development to the main built up area of Nottingham followed by the key settlements identified in the policy. Under current planning policy within the adopted Core Strategy, Kinoulton is not identified as one of the key settlements. In the case of 'other settlements', such as Kinoulton, the policy states that housing should only be permitted for local needs and delivered through small-scale infill development. It is considered that this site can be considered as a small-scale infill plot which is bounded by residential properties to the north, east and west, and subject to a development being able to be accommodated in a satisfactory manner, the principle of development is considered acceptable.
38. The proposal would help deliver one family home in a rural village assisting in managing the supply of dwellings and supporting the vitality of the village. The proposal is therefore in accordance with Policy 8 of the Core Strategy, which seeks to ensure that developments should maintain, provide and contribute to a mix of housing tenures, types and sizes in order to create mixed and balanced communities.

### Impact on neighbouring amenity

39. The potential impacts on the private amenity of neighbouring dwellings has been carefully considered. Whilst the application seeks outline planning permission with all matters reserved for subsequent approval, it is considered that the submitted details demonstrate that the site could be developed without having undue impacts in terms of overbearing, overlooking or overshadowing on neighbouring properties.

40. With regard to the dwelling adjacent to the west, the illustrative plans show that a separation distance of 5.5m could be achieved between both properties. With the exception of a window in the garage, there are no windows to habitable accommodation within the east elevation of 12 Main Street. The illustrative plans show no windows within the western elevation facing 12 Main Street. The proposed boundary treatments are also acceptable. Overall, it is considered that the proposed new dwelling would have no undue impact on the private amenity of 12 Main Street in terms of overlooking, overbearing or overshadowing.
41. With regard to the properties to the north, there is an existing mature high hedgerow on the northern boundary which is of significant scale. The illustrative plans show that a distance of around 11.5 metres between the rear elevation of the dwelling and the rear boundary could be achieved. Furthermore, the illustrative plans demonstrate how potential overlooking to properties to the rear could be reduced/minimised through the use of skylights rather than dormer windows. In any event, the windows would most likely serve bedroom and bathroom accommodation and in view of the separation distances that could be achieved between the proposed dwelling and the properties to the north, it is considered that the site could be developed without resulting in unacceptable overlooking.
42. The application site and property to the east are separated by a narrow strip of land which appears to be associated with and provides access to 10 Gardner Drive, the property to the rear of the application site. As such, it is considered that the separation distance would ensure that the proposal would not have an excessive or unacceptable impact on the property to the east.
43. Concern has been expressed that development of this site would have an adverse impact on properties on the opposite side of Main Street, in terms of overlooking from first floor windows. Such a relationship is not uncommon within built up areas and the separation distance across the road would be such that it is not considered the proposal would result in significant or unacceptable overlooking.
44. Overall, it is considered that there would be no undue overlooking, overbearing or overshadowing impact on the amenities of properties adjacent to or opposite the application site.

### Design

45. Whilst it is acknowledged that this is an outline application with all matters reserved, revised illustrative plans have been received omitting the garage on the western elevation and the dormer windows at the rear. The submission now indicates that a detached garage would be provided within the rear garden of the dwelling. Properties to the east and west of the application site consist of a mixture of two-storey dwellings and bungalows. There is also a mixture in materials. It is considered that there is a variety of dwelling styles and designs in the area and that it should be possible to design a dwelling that would be sympathetic to the character and appearance of the area.
46. It is considered that the site is of sufficient size to accommodate a dwelling. There is plenty of room to park at least two vehicles off street to the front of the dwelling and adequate amenity space could be provided at the rear. As stated

within the Rushcliffe Residential Design Guide, any detached residential properties proposed should, subject to other considerations, be provided with a minimum of 110m<sup>2</sup> of private rear amenity space and also have a minimum of 10m to the rear boundary. The illustrative plans demonstrate that these requirements would be achievable. It should also be noted that no.12 Main Street would retain a sufficient amount of amenity space to the rear. It is therefore considered that this proposal accords with the Rushcliffe Residential Design Guide.

### Highways matters

47. Whilst the application seeks outline planning permission with access reserved for subsequent approval, the Highway Authority was consulted. They have raised no objection to the proposal. The plans indicate that the development would utilise the existing access, with improvements. The HA advise that the principle of the proposal is considered acceptable, and the indicative layout plans provided suggest an acceptable scheme is achievable.

### Other

48. The Parish Council has suggested that permitted development rights should be withdrawn for rear extensions. However, it should again be noted that the application seeks outline planning permission with all matters reserved and until the final scale and appearance of the dwelling is known, it is not possible to determine whether such a restriction would be reasonable or necessary. Similarly, once the final design is presented for consideration, the necessity for other conditions, such as removal of permitted development rights for additional windows, can be determined.
49. The comments raised with regard to water runoff and sewage are noted. Should a reserved matters application be forthcoming, relevant consultees would be consulted to determine the possible impacts the proposed development would have in terms of sewage and flooding.

### Conclusion

50. Given all the matters as considered above, and having assessed the development proposal against the policies set out in the development plan for Rushcliffe, the scheme is considered to be acceptable. Therefore, it is recommended that planning permission is granted.
51. This application has been subject to pre-application advice. Further discussions have taken place in an attempt to resolve issues raised by interested parties, which has resulted in the submission of additional information. This has ultimately resulted in a favourable recommendation to the Planning Committee.

## **RECOMMENDATION**

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

1. Application for approval of reserved matters must be made not later than three years beginning with the date of this permission and the development must be

begun not later than the expiration of two years from the final approval of reserved matters, or in the case of approval of reserved matters on different dates, the final approval of the last such matter to be approved.

[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 only be carried out in accordance with detailed plans and particulars relating to the following items and the development shall not be commenced until these details have been submitted to and approved in writing by the Borough Council:

- The means of access;
- The siting, design and external appearance of the proposed building;
- The finishes for the hard surfaced areas of the site;
- Sections and cross sections of the site showing the relationship of the proposed development to adjoining land and premises;
- The finished ground levels for the site and floor levels of the dwellings relative to existing levels and adjoining land; and
- The means of enclosure to be erected on the site.

[To ensure the development will be satisfactory and in the interests of visual amenity and to comply with Policy 1 (Sustainable Development) of the Local Plan Part 2: Land and Planning Policies.]

3. This permission shall relate to the erection of no more than one dwelling.

[To clarify the extent of this permission and to prevent the overdevelopment of the plot in compliance with Policy 1 of the Local Plan Part 2].

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

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

5. The development hereby permitted shall not be commenced until a scheme for the provision of electric vehicle charging points shall be submitted to and approved by the Borough Council. The scheme shall provide details of the provision of electric vehicle charging points to serve the development on site. Thereafter, the use shall not commence until such time as the site has been serviced with the appropriate electric vehicle charging infrastructure, in accordance with the agreed scheme and the apparatus shall be retained for the lifetime of the development.

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

## Notes to Applicant

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.

Please be advised that all applications approved on or after the 7th October 2019 may be subject to the Community Infrastructure Levy (CIL). The Borough Council considers that the approved development is CIL chargeable, and the amount payable will be calculated following approval of any subsequent Reserved Matters application. Further information about CIL can be found on the Borough Council's website at <https://www.rushcliffe.gov.uk/planningandgrowth/cil/>

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

Condition 4 requires the new dwellings to meet the higher 'Optional Technical Housing Standard' for water consumption of no more than 110 litres per person per day. The developer must inform their chosen Building Control Body of this requirement as a condition of their planning permission.

With regard to works affecting the highway you are advised that Nottinghamshire County Council are the Highway Authority and it is suggested that you contact the Highways Area Office by telephoning 08449 808080 for further information.

This permission does not authorize the relocation of the garage for 12 Main Street and the construction of a new access as indicated on the submitted plans.

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## Planning Committee

8 October 2020

## Planning Appeals

### Report of the Executive Manager – Communities

<b>LOCATION</b>	Home Farm Landmere Lane Ruddington Nottinghamshire NG11 6ND	
<b>APPLICATION REFERENCE</b>	19/02105/PAQ	
<b>APPEAL REFERENCE</b>	APP/P3040/W/20/3247011	
<b>PROPOSAL</b>	Application for Prior Approval for conversion of agricultural building to 1no. dwelling house.	
<b>APPEAL DECISION</b>	Appeal Dismissed	<b>DATE</b> 17th August 2020

### PLANNING OFFICERS OBSERVATIONS

The application related to a barn-type building located at Home Farm, Landmere Lane, Ruddington, which the applicant wished to convert to a dwelling (Use Class C3) under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development)(England) Order 2015.

The application was refused on the basis that the proposal would not be permitted development, for three reasons:

1. That it failed to comply with the provisions of Paragraph Q.1(a), which provides that development is not permitted by Class Q if, amongst other things, the building was not used solely for an agricultural use as part of an established agricultural unit on 20 March 2013 or, in the case of a building which was in use before that date but was not in use on that date, when it was last in use.
2. That it failed to satisfy the requirements of Paragraph Q.1(b) in that the physical works to carry out the proposed change would go beyond the building operations reasonably necessary to convert the building.
3. That the curtilage of the proposed dwelling would exceed the restrictive limit described in Paragraph X of Schedule 2, Part 3 of the GPDO.

With regard to the first reason, the Inspector noted that whilst neither the building nor the land had been intensively used for agricultural purposes in recent years, there is no requirement for the building to be currently in agricultural use. He did however note that the building has been used to store domestic paraphernalia, and whilst this may not constitute

'a material change of use', Class Q of the GPDO does not permit any intervening use, or mixed-use, whether short or long-term. He therefore concluded that the appeal building was, at least in part, being used for some non-agricultural purpose, and it had not been demonstrated that the building had been used solely for agricultural purposes as part of an established agricultural unit. The proposal did not therefore satisfy the requirements of Paragraph Q.1.(a) of Schedule 2, Part 3, Class Q of the GPDO, and is not therefore permitted by it.

In terms of the second reason, the Inspector noted that the proposed works to the building included the replacement of the lower blockwork walls with new brickwork, the replacement of the existing corrugated sheeting with insulated larch board cladding for the walls and proprietary insulated panelling for the roof, and the installation of new external doors and windows, as well as various interior works. Effectively, the only remaining parts of the existing structure which would be retained would be the timber framework and the concrete floor slab. He therefore concluded that, taken as a whole, the building operations which would be required to provide a building suitable for residential use would be extensive and significant. In his view these were cumulatively so extensive that they would be more akin to a rebuild than a conversion of the existing buildings.

Finally, in terms of the third reason, the Inspector noted the larger 'red line' boundary and the smaller 'garden curtilage'. He concluded that, had the development been acceptable in other regards, it would be possible to impose a condition that the permitted change of use was limited to the smaller area.