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**Our reference:**  
**Your reference:**  
**Date:** Wednesday, 5 May 2021

To all Members of the Planning Committee

Dear Councillor

A Meeting of the Planning Committee will be held on Thursday, 13 May 2021 at 6.30 pm in the Council Chamber, Rushcliffe Arena, Rugby Road, West Bridgford 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>

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 8 April 2021 (Pages 1 - 24)
4. Minutes of the meeting held on 22 April 2021 (Pages 25 - 40)
5. Planning Applications (Pages 41 - 102)  
The report of the Executive Manager - Transformation.

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

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Rushcliffe Borough  
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## 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

### **Meeting Room Guidance**

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

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

### **Recording at Meetings**

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**MINUTES**  
**OF THE MEETING OF THE**  
**PLANNING COMMITTEE**  
**THURSDAY, 8 APRIL 2021**  
Held virtually via Zoom at 6.30 pm

**PRESENT:**

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

**ALSO IN ATTENDANCE:**

Councillors T Combellack, M Gaunt, L Way and R Walker

**OFFICERS IN ATTENDANCE:**

A Pegram	Service Manager - Communities
N Cox	Principal Planning Officer
G Sharman	Area Planning Officer
R Sells	Solicitor
T Coop	Democratic Services Officer
L Webb	Democratic Services Officer

**APOLOGIES:**

There were no apologies

**10 Declarations of Interest**

There were no declarations of interest reported.

**11 Minutes of the Meeting held on 11 March 2021**

The minutes of the meeting held on 11 March 2021 were approved as a true record.

**12 Planning Applications**

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

**20/00619/FUL - Demolition of a bungalow and erection of Four 2 storey dwellings with access and 20/00620/RELDEM - Demolition of The Orchard and associated outbuildings (retention of a single brick building) – The Orchard, long Lane, Hickling, Nottinghamshire.**

**Updates**

An additional representation from Historic England was received after the

agenda had been published and was circulated to the committee before the meeting.

In accordance to the Council's Public Speaking Protocol for Planning Committee Mr W Webster (Applicants Agent), Ms E Tomlin (Objector) and Councillor T Combellack (Ward Councillor) addressed the Committee.

## **DECISION**

### **20/00619/FUL – PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS**

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

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

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

- Proposed Site Layout – 'GA327-01H' – Received 14/09/2020;
- Proposed Plot 1 Plans– 'GA327-03A' - Received 06/07/2020;
- Proposed Plot 1 Elevations – 'GA327-04B' – Received 06/07/2020;
- Proposed Plot 2 Plans– 'GA327-05B' - Received 14/09/2020;
- Proposed Plot 2 Elevations – 'GA327-06C' – Received 14/09/2020;
- Proposed Plot 3 Plans– 'GA327-09B' - Received 14/09/2020;
- Proposed Plot 3 Elevations – 'GA327-10D' – Received 14/09/2020;
- Proposed Plot 4 Plans– 'GA327-11B' - Received 14/09/2020;
- Proposed Plot 4 Elevations – 'GA327-12C' – Received 14/09/2020;
- Proposed Garage Plans and Elevations – 'GA327-13C' - Received 14/09/2020; and
- Proposed Street Scene Elevations – 'GA327-14D' – Received 14/09/2020;

[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. No operations shall commence on site until the existing trees and/or hedges which are to be retained 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 condition is pre-commencement to ensure adequate controls are in place prior to works starting, in the interests of amenity 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 37 (Trees and Woodlands) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

4. No operations shall commence on site until a construction and demolition method statement detailing techniques for the control of noise, dust and vibration during construction, along with a construction access strategy and site materials storage strategy has been submitted to and approved by the Local Planning Authority. Thereafter the works shall only be carried out in accordance with the approved method statement.

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

5. No operations shall commence on site (including demolition) until a construction environmental management plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP will build upon the recommendations of the submitted Ecological Appraisal, bat survey and recommendations of the Borough Environmental Sustainability Officer. The approved CEMP shall be adhered to and implemented throughout the construction period in accordance with the approved details.

[This is a pre commencement condition to ensure that ecological matters are adequately considered at an early stage and 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 Policy 17 of the Rushcliffe 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].

6. Notwithstanding the Historic Environment Desk-Based Assessment by Trent and Peake Archaeology submitted with the application the development hereby permitted must not commence and no preparatory operations in connection with the development (including demolition, site clearance works, fires, soil moving, temporary access construction and/or widening, or any operations involving the use of motorised vehicles or construction machinery) shall take place on the site until a Written Programme of Archaeological Investigation (WPAI) has been submitted to and approved in writing by the Local Planning Authority. The WPAI must include the following:

- a methodology for site investigation and recording of archaeological items and features;
- a timetable for carrying out such investigations on the site;
- a programme for post investigation assessment;
- provision for the analysis of the site investigations and recordings;
- provision for the publication and dissemination of the analysis and records of the site investigations;
- provision for the archive deposition of the analysis and records of the site investigation;
- nominate the qualified archaeologist or archaeological group who will undertake the works set out in the WPAI.

The development hereby permitted must be carried out and completed in accordance with the approved WPAI.

The development hereby permitted must not be occupied or brought into use until a written report detailing the results and post investigation assessments of any archaeological works that have been undertaken on the site has been submitted to and approved in writing by the Local Planning Authority.

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

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

- iii. the development of an initial 'conceptual site model' (CSM) which identifies and qualitatively assesses any potential source – pathway – receptor (contaminant) linkages;
- iv. basic hazard assessment identifying the potential risks from any contaminants on:
  - Human health;
  - Property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
  - Adjoining land;
  - Ground and surface waters;
  - Ecological systems;
  - Archaeological sites and ancient monuments.
- v. Recommendations for any further works that may be required to refine the CSM including any exploratory site investigation works and the sampling and analytical strategies proposed.

Where the PRA identifies potential unacceptable risks associated with the contaminant linkages present in the initial CSM, the development (excluding any demolition) hereby permitted must not commence until a written report of the findings of any exploratory Site Investigation (SI) with either a generic and/or detailed quantitative risk assessment of those findings has been submitted to and approved in writing by the Local Planning Authority.

Where the findings of the submitted SI identifies unacceptable risks to human health and/or the environment, the development (excluding any demolition) hereby permitted must not commence until a detailed Remediation Scheme (RS) has been submitted to and approved in writing by the Local Planning Authority. The submitted RS must include:

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

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

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

[This is a pre-commencement condition to ensure that a satisfactory assessment of any land contamination and an appropriate strategy for its remediation from the site is carried out to ensure that the site is

suitable for the approved development without resulting any unacceptable risk to the health of any construction workers, future users of the site, occupiers of nearby land or the wider environment having regard to Policy 1 (Presumption in Favour of Sustainable Development) of the Rushcliffe Local Plan Part 1: Core Strategy (2014), Policies 39 (Health Impacts of Development) and 40 (Pollution and Land Contamination) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Paragraphs 178 and 179 of the National Planning Policy Framework (February 2019)].

8. No operations shall commence on site until a detailed foul and surface water drainage scheme building upon the drainage strategies identified within the 'Flood Risk and Drainage strategies Report - Soakaway Solutions - HIC/REP/001 – Rev A' has been submitted to and approved in writing by the Borough Council. The development shall only be carried out in accordance with the approved schemes, which shall thereafter be maintained throughout the life of the development.

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

9. No operations shall commence on site until finished site and floor levels, including cross sections and levels for the landscaped areas have been submitted to and agreed in writing by the Local Planning Authority. The scheme shall only be implemented in accordance with the finished site levels so agreed.

[This condition is pre-commencement given the agreement of finished levels will need to be resolved prior to any excavation taking place. The condition is required to ensure the appearance of the development is satisfactory and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

10. The development hereby permitted shall not proceed beyond foundation level until details (including samples where appropriate) of all materials to be used on all elevations of the buildings, including details of fenestration and any architectural details, have been submitted to and approved in writing by the Borough Council. The development shall only be undertaken in accordance with the materials and details so approved.

[To ensure the appearance of the development is satisfactory and to comply with policies 10 (Design and Enhancing Local Identity) and 11 (Historic Environment) 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].

11. The development hereby permitted shall not proceed beyond foundation level until a detailed hard and soft landscaping scheme for the site has



been submitted to and approved in writing by the Borough Council. The submitted scheme shall be in general accordance with the indicative landscaping layout as shown on the approved site layout plan, shall have regard to the requirements of the biodiversity enhancement strategy required by condition 11 and also the requirement to gap up and rejuvenate the southern hedgerow, including the following minimum details:

- Detailed planting plans;
- The treatments proposed for all ground finishes, including hard and soft landscaped areas;
- Details of all boundary treatments; and
- Planting schedules, noting the species, sizes, numbers and densities of plants.

The approved scheme shall be carried out in the first tree planting season following the substantial completion of the development and managed thereafter in accordance with the approved maintenance schedules. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Borough Council gives written consent to any variation.

[In the interests of amenity and biodiversity and to comply with Policy 17 (Biodiversity) of the Rushcliffe Local Plan Part 1: Core Strategy and Policies 1 (Development Requirements) and 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

12. The development hereby permitted shall not proceed beyond foundation level until an updated Biodiversity Enhancement Strategy has been submitted to and approved by the Borough Council. The updated assessment shall build upon the commitments made within strategy report by 'BJ Colins Protected Species Surveyors' dated June 2020, taking account of the revised site layout, and making provision for the mitigation of the loss of neutral grassland.

The approved scheme of hard fittings such as bat and bird boxes shall be implemented prior to the occupation of any dwelling, with any landscaping based enhancements included as part of the detailed landscaping scheme required under condition 10.

[In the interests of amenity and biodiversity and to comply with Policy 17 (Biodiversity) of the Rushcliffe Local Plan Part 1: Core Strategy and Policies 1 (Development Requirements) and 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

13. The development hereby permitted shall not proceed beyond foundation level until a scheme for the provision of Electric Vehicle Charging Points (EVCP) has been submitted to and approved in writing by the Local

Planning Authority. The submitted scheme must include details of the type and location of the proposed EVCP apparatus. The dwellings hereby permitted must not be first occupied until the EVCP has been installed in accordance with the approved details. Thereafter the approved EVCP must be retained on the site in perpetuity.

[To promote a reduction of carbon emissions within the Borough and ensure that the development does not exacerbate poor air quality having regard to Policy 2 (Climate Change) of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 41 (Air Quality) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

14. The development hereby permitted shall not proceed beyond foundation level until a scheme for the restoration, repair and conversion of the retained brick outbuilding to a communal bike store has been submitted to and approved by the Local Planning Authority. The scheme must include the following details:

- Floor Plans and Elevations for the building as existing and as proposed;
- A structural report identifying any necessary repairs required to the building;
- A scheme of works for the conversion of the building and any necessary repairs; and
- Details of long term building management/ownership;

No dwelling shall be occupied until such time as the approved scheme of works for the outbuilding has been completed and the structure made available for use. The structure shall thereafter be managed, maintained and retained available for the use of residents for the lifetime of the development.

[To ensure the appearance of the development is satisfactory and to comply with policies 10 (Design and Enhancing Local Identity) and 11 (Historic Environment) 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].

15. The development hereby permitted shall not proceed beyond foundation level until a scheme for access works and stopping up has been submitted to and agreed by the local planning authority. The scheme of works shall include the following details and information:

- The use of a hard surfaced and bound material for the first 5m behind the highway boundary;
- Access road gradients showing provision of a gradient not exceeding 1 in 20 for a distance of 5m from the rear of the highway boundary, and never exceeding 1:12 thereafter;
- A scheme for the appropriate drainage of the access driveway/parking/ turning areas to prevent the unregulated discharge of surface water from these areas to the public

- highway;
- Specification for the new dropped kerb vehicular crossing;
- A scheme for the stopping up of the existing site access to Main Street including the reinstatement of the footway; and
- A scheme for the stopping up and permanent closure of the existing accesses onto Long Lane.

The development shall be constructed in accordance with the approved scheme of works and no dwelling shall be occupied until such time as the approved works are completed. These provisions shall then be maintained in such condition for the life of the development, with the parking/turning/servicing areas not to be used for any purpose other than parking/turning/loading and the unloading of vehicles.

[In the interests of highway safety and to ensure compliance with Policy 1 (Development Requirements) and policy 11 (Housing Development on Unallocated Sites within Settlements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

16. Prior to occupation of any of the dwellings hereby approved, a hedgerow management scheme in relation to the hedgerow running along the southern boundary of the site shall be submitted to and agreed in writing with the Local Planning Authority. The scheme shall detail any new planting required within the hedgerow for gapping up and rejuvenating the hedgerow, the height at the western end of the hedgerow shall be reduced to and maintained at between 1.8m and 2.2m following completion of the development and details of how the ongoing maintenance of the full hedgerow at the agreed height is to be managed. The southern boundary hedgerow shall thereafter be maintained and managed in accordance with the approved details for the first 5 years following first occupation of the development.

[To ensure the hedgerow is preserved for the lifetime of the development in the interests of the visual amenity of the area and the character and appearance of the landscape and adjacent Conservation Area, in accordance with policies 1 (Development Requirements), 22 (Development within the Countryside) and 28 (Conserving and Enhancing Heritage Assets) of the Rushcliffe Borough Local Plan Part 2 : Land and Planning Policies].

17. Prior to the use commencing, final details of the siting, external finish and design of the proposed bin store shall be submitted to and approved in writing by the Borough Council. The bin store shall be provided in accordance with the approved details before the development is first brought into use and shall be retained for the lifetime of the development.

[To protect the amenities of the area and to comply with policies 10 (Design and Enhancing Local Identity) and 11 (Historic Environment) 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].

18. No part of the development hereby permitted shall be brought into use until the visibility splays shown on drawing no. GA327/01H are provided. The area within the visibility splays referred to in this condition shall thereafter be kept free of all obstructions, structures or erections exceeding 0.6m metres in height.

[In the interests of highway safety and to ensure compliance with Policy 1 (Development Requirements) and policy 11 (Housing Development on Unallocated Sites within Settlements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

19. The development shall not be brought into use until the existing site access on Main Street that has been made redundant as a consequence of this consent has been permanently closed and the access crossing reinstated as footway in accordance with details first submitted to and approved in writing by the Local Planning Authority.

[In the interests of highway safety and to ensure compliance with Policy 1 (Development Requirements) and policy 11 (Housing Development on Unallocated Sites within Settlements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

20. The development shall not be brought into use until such time as the acoustic mitigation measures as detailed under section 8 of the submitted acoustic report produced by 'Hoare Lea', revision 4, dated 20<sup>th</sup> December 2020 have been fully implemented. These mitigation measures shall be thereafter maintained for the lifetime of the development.

[To ensure that future occupiers of the development hereby approved are not adversely affected by unacceptable noise pollution from *the adjacent agricultural use* having regard to Policies 1 (Development Requirements), 39 (Health Impacts of Development) and 40 (Pollution and Contaminated Land) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)].

21. Prior to the installation of any external lighting, details of any such lighting shall be submitted to and approved in writing by the Borough Council, together with a lux plot of the estimated illuminance. Any submission must have regard to guidance for bat sensitive lighting guidance. The lighting shall be installed only in accordance with the approved details and maintained thereafter.

[To protect the amenities of the area and to comply with Policies 1 (Development Requirements) and 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

22. 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].

23. No removal of hedgerows, trees or shrubs shall take place between the beginning of March and the end of September inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any written confirmation should be submitted to the local planning authority.

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

24. For the purposes of Schedule 2, Part 1, 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) and for the avoidance of doubt, the south elevations of plots 2, 3 and 4 shall be considered as the buildings 'principal elevation'.

[The development is of a nature whereby future development of this type should be closely controlled, for the avoidance of doubt and to comply with Policy 1 (Development Requirements), and Policy 28 (Conserving and Enhancing Heritage Assets) of the Local Plan Part 2: land and Planning Policies].

25. The following windows shall be permanently obscure glazed to level 5 of obscurity and fitted with restrictors so as to limit opening to no more than 100mm, save for emergency access and egress:

- Plot 1 – First Floor North Elevation – En-suite;
- Plot 2 – First Floor South Elevation – Bathroom;
- Plot 3 – First Floor South Elevation – Bathroom & En-suite;
- Plot 4 – First Floor South Elevation – Bathroom;

These windows shall be retained to this specification for the lifetime of the development.

[To minimise overlooking and loss of privacy to neighbouring property and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

26. Notwithstanding the provisions of Schedule 2, Part 1, class A of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any Order revoking or re-enacting that Order with or without modification) there shall be no alterations to or creation of

new windows to the south elevations of plots 2, 3 and 4 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), and Policy 28 (Conserving and Enhancing Heritage Assets) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

27. Notwithstanding the provisions of Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) no fence, wall, or other built form seen as a means of enclosure including any gates to the site access, other than those shown on the approved plans and approved under condition 10 shall be erected on the site without the prior written approval of the Borough Council.

[The development is of a nature whereby future development of this type should be closely controlled and to comply with Policy 1 (Development Requirements), and Policy 28 (Conserving and Enhancing Heritage Assets) of the Rushcliffe Local Plan Part 2: land and Planning Policies].

28. The southern boundary hedgerow alongside Long Lane shall be managed and maintained at a height of no less than 1.8m (once established at this height for sections to be planted) for the lifetime of the development, and there shall be no removal of any section of this hedgerow or new access (pedestrian or vehicular) created from any plot directly onto Long Lane at any time.

[To ensure that the proposed development contributes to the conservation and enhancement of biodiversity within the site and for the wider area, to protect the amenity of neighbours and in the interests of highway safety in accordance with Policies 10 (design and amenity Criteria), 11 (Historic Environment) and 17 (Biodiversity) of the Rushcliffe Local Plan Part 1: Core Strategy and policies 1 (Development Requirements), 11 (Development on Unallocated Sites within Settlements), 28 (Conserving and Enhancing Heritage Assets) and 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the Local Plan Part 2: Land and Planning Policies].

29. There shall be no access to the site from Long Lane at any time for any vehicles associated with the demolition of the existing dwelling and construction of the new dwellings, including operatives' vehicles.

[To protect the amenities of the area 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 adjacent to the ditch.
- 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 20 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 development makes it necessary to construct a vehicular crossing over a footway of the public highway, together with reinstatement of redundant access. 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 or at licenses@viaem.co.uk to arrange for these works to take place.

It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring.

A Public Footpath is situated upon Long Lane. The developer must retain the existing width of Long Lane and not impact or change the surface of it without prior authorisation from the rights of way team. The public footpath must be kept available at all times.

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.

**20/00620/RELDDEM – PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS**

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

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

2. This permission solely relates to the demolition as shown as required on the following approved plans:

- Existing Plans – ‘MSH-BWB-00-ZZ-M2-G-0001’ - Received 13/03/2020

[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. Prior to the commencement of demolition, a method statement detailing techniques for the control of noise, dust and vibration during demolition shall be submitted to and approved by the Borough Council. The demolition works shall only be carried out in accordance with the approved method statement.

[This is a pre-commencement condition to ensure that appropriate controls are secured prior to demolition commencing. To protect the



amenities of surrounding residents and to comply with Policy 1 (Development Requirements) and Policy 40 (Pollution and Land Contamination) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

4. Prior to the commencement of demolition, a method statement detailing the methods by which existing trees on the site will be protected, shall be submitted to and approved by the Borough Council. The demolition works shall only be carried out in accordance with the approved method statement.

[This is a pre-commencement condition to ensure that appropriate controls are secured prior to demolition commencing. To protect the health of existing trees and to comply with Policy 37 (Trees and Woodland) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

5. If the demolition of the bungalow does not take place within 12 months of the date of this decision, an additional survey to determine if bats are roosting within the building shall be carried out, and the results and recommendations of which shall be submitted to the Borough Council for approval. The demolition of the bungalow shall thereafter be carried out in accordance with the recommendations as set out in the approved additional bat survey.

[To ensure that protected species and their habitats are not harmed as a result of the development, in accordance with Policy 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

### **Notes to Applicant**

You are advised that the demolition and disposal of asbestos requires special measures. Further advice can be obtained from Nottinghamshire County Council on 0300 500 80 80 or at <https://www.nottinghamshire.gov.uk/waste-and-recycling/recycling-and-disposing-of-waste/asbestos-disposal-booking>

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

**20/03285/FUL – Demolition of Bungalow and erection of 7 dwellings with associated parking (re-submission 19/00791/FUL – 21 Kendal Court, West Bridgford, Nottinghamshire.**

### **Updates**

Additional representations were received from objectors and these were circulated to the Committee before the meeting.

In accordance to the Council's Public Speaking Protocol for Planning Committee, Mr R Newton (Objector) and Councillor P Gowland (Ward

Councillor) addressed the Committee.

## **Comments**

The Committee considered the parking to be inadequate for the number of dwellings and that the proposal would add increased pressure on existing parking for the residents of Kendal Court. The Committee considered that the proposal represented overdevelopment of the site and expressed concerns that the scale and mass of the proposal would have a detrimental effect on the amenities for residents at 10-12 Kendal Court and to the towpath, hedgerow and wildlife biodiversity associated with the area.

## **DECISION**

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

1. Due to the proposed scale and siting of the development the proposal would have significant oppressive and overbearing impact upon both the Kendal Court street scene and environment experienced along the Grantham Canal tow path and therefore would be contrary to policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy which requires development proposals to, inter alia, “make a positive contribution to the public realm and sense of place” and that “Development must have regard to the local context including valued landscape/townscape characteristics”. The proposal would also be contrary to Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies which requires, inter alia that “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”. Policy 1 also requires that “developments should not lead to an over intensive form of development or be overbearing in relation to neighbouring properties”.
2. The development as proposed, due to its height and position within the site, would cause significant detriment to the outlook of the occupiers of neighbouring dwellings, namely 10-12 Kendal Court, which would severely harm their amenity. This is contrary to Policy 10 (Design and Enhancing Local Identity) of Rushcliffe Local Plan Part 1: Core Strategy and Policy 1 (Development Requirements) of Rushcliffe Local Plan Part 2: Land and Planning Policies which require that there is no significant adverse impact upon the amenity, particularly residential amenity of adjoining properties.
3. The density and scale of development proposed on this modest parcel of land would represent over development of the site and would consequently, lead to poor level of amenity for future occupiers, including through a lack of adequate private amenity space, as well as providing inadequate levels of parking for future occupants and potentially impacting on existing levels of valuable parking provision for existing residents. The development would therefore be contrary to Policy 10 (Development Requirements) of the Rushcliffe Local Plan Part 2 Policy 1: Core Strategy, which requires, inter alia, that “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". The proposal is also contrary to Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies which requires that "developments should not lead to an over intensive form of development". The development would also fail to comply with the Council's adopted Residential Design Guide Supplementary Planning Document which advocates for minimum garden sizes for residential dwellings.

4. The proposal would, by reason of the resultant scale, density and appearance, result in a development which would not be in keeping or sympathetic to the pattern of surrounding development and the character and appearance of the area, adversely impacting on the environs and views along the Grantham Canal, and would therefore be contrary to Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies which require developments to have regard for the local characteristics and amenities of the area.

Councillor P Gowland re-joined the meeting at this point.

**20/00719/FUL – Erection of 43 no. retirement apartments for older people, guest apartment, community facilities, access, car parking and landscaping (resubmission) – Land at Manor Park, Ruddington, Nottinghamshire.**

#### **Updates**

In accordance with the Council's Public Speaking Protocol for Planning Committee Mr M Shellum (Applicants Agent) and Councillor M Gaunt (Ward Councillor) addressed the Committee.

#### **DECISION**

**THE EXECUTIVE MANAGER - TRANSFORMATION IS AUTHORISED TO GRANT PLANNING PERMISSION SUBJECT TO THE PRIOR SIGNING OF A SECTION 106 AGREEMENT AND THE FOLLOWING CONDITIONS**

1. The development must be begun not later than 28 February 2023.

[To comply with Section 91 of the Town and Country Planning Act 1990, as amended by the Planning & Compulsory Purchase Act 2004. The time limit is less than the standard three years due to the viability considerations associated with the application].

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

- JBA 19 - 111 - SK01 (Landscaping Strategy)
- 30042RT - PL101 (Site Location Plan)
- 30042RT - PL102 (Site Plan/ Roof Plan)
- 30042RT - PL103 (Site Plan/ Ground Floor Plan)
- 30042RT - PL104 (Ground Floor Plan)
- 30042RT - PL105 (First Floor Plan)
- 30042RT - PL106 (Second Floor Plan)
- 30042RT - PL107 (Roof Plan)
- 30042RT - PL108 (North and East Elevations Sheet 1)
- 30042RT - PL109 (South and West Elevations Sheet 2)
- 30042RT - PL110 (Courtyard Elevations Sheet 3)
- 30042RT – PL120/1 (Contextual Elevation)

Received on 26 March 2020;

- And JBA-19-111-02 Rev A (Detailed Soft Landscape Proposals), received on 15 January 2021.

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

3. Each unit of the development hereby permitted shall be occupied only by:
  - a) persons over 60 years of age;
  - b) persons living as part of a single household with such a person or persons;
  - c) persons who were living in the unit as part of a single household with such a person or persons who have since died.

[In order to support the considerations of the viability assessment which effectively reduced the level of financial obligations required from this development based on the demographic of the proposed occupiers and subsequently to prevent the sale of these units on the open market to any individual and to comply with policy 43 (Planning obligations Threshold) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

4. The development shall not be brought into use until facilities for the disposal of foul and surface water drainage have been provided, in accordance with details previously submitted to and approved in writing by the Borough Council.

[To ensure that adequate drainage facilities are provided in connection with the development and to comply with policy 18 of the Rushcliffe Local Plan Part 2 – Land and Planning Policies].

5. Prior to the installation of security lighting/floodlighting, details of any such lighting shall be submitted to and approved in writing by the Borough Council, together with a lux plot of the estimated illuminance.

Any such scheme shall have regard to The Bat Conservation Trust Bats and artificial lighting guidance note (2018). The lighting shall be installed only in accordance with the approved details and retained as such for the life of the development.

[To protect the amenities of the area, non-designated biodiversity assets and the wider ecological network in compliance with policies 1 and 38 of the Rushcliffe Local Plan Part 2 – Land and Planning Policies].

6. Before the use is commenced, a scheme providing for the adequate storage of refuse from this use shall be submitted to and approved in writing by the Borough Council. The agreed details shall be implemented before the development is brought into use and thereafter retained for the lifetime of the development in accordance with the approved details.

[To protect the amenities of the area and to comply with Policy 1 of the Rushcliffe Local Plan Part 2 – Land and Planning Policies].

7. The proposed access road, service areas and car parking areas shall be provided in hard wearing materials in accordance with details submitted to and approved in writing by the Borough Council and the car parking spaces shall be clearly marked out, before the development is first occupied. The approved access, service and parking areas shall be retained for that purpose thereafter for the life of the development.

[In the interest of highway safety and to comply with policy1 of the Rushcliffe Borough Local Plan Part 2 – Land and Planning Policies].

8. During the construction phase there shall be no delivery/collection of goods, materials or arrival/departure of personnel visiting/working on the site during the hours the James Peacock Infant and Nursery School is open for the dropping off and collection of pupils (8:00 am till 9:00am and 3:00pm until 4:00). Details of the management of which shall be submitted to and approved in writing by the Borough Council prior to the commencement of any development of the site. The approved management plan shall be implemented in full and adhered throughout the construction phase of the development hereby approved.

[In the interest of highway safety and to comply with policy1 of the Rushcliffe Borough Local Plan Part 2 – Land and Planning Policies. The management of deliveries to the site needs to be agreed before work commences on site to ensure appropriate measures are in place during the construction phase].

9. The landscaping scheme hereby approved shall be carried out in accordance with drawing JBA 19-111-02 (Detailed Soft Landscaping Proposals), received on 15 January 2021. The scheme shall be carried out in the first tree planting season following the substantial completion of the development and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next

planting season with others of similar size and species.

[In the interests of amenity and to comply with policy 1 of the Rushcliffe Borough Local Plan Part 2 – Land and Planning Policies].

10. No operations shall commence on site until the existing trees and or hedges which are to be retained have been protected in accordance with PL003 Rev B- Tree Protection Plan and this 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.

[To ensure existing trees are adequately protected during the development and to comply with policies 1 and 37 of the Rushcliffe Local Plan Part 2 – Land and Planning Policies].

11. 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 a satisfactory development in the interests of visual amenity and to comply with policy 1 of the Rushcliffe Local Plan Part 2 – Land and Planning Policies].

12. The development shall only be carried out in accordance with details of finished ground and floor levels in relation to an existing datum point, existing site levels and adjoining land which shall be submitted to and approved in writing by the Borough Council before the development commences and the development shall only be undertaken in accordance with the details so approved.

[To ensure a satisfactory development in the interests of visual amenity and to comply with policy 1 of the Rushcliffe Local Plan Part 2 – Land and Planning Policies. This condition needs to be discharged before development commences to ensure that the development can be undertaken having regard to the existing and intended finished ground and floor levels].

13. Prior to their construction, full details of the proposed Substation and Buggy Store shall be submitted to and approved by the Borough Council and the buildings will be thereafter constructed in accordance with the approved details.

[To ensure a satisfactory development in the interests of visual amenity and to comply with policy 1 of the Rushcliffe Borough Local Plan Part 2 – Land and Planning Policies].

14. Prior to the development progressing beyond ground floor slab level, a statement of Biodiversity Net Gain from the development shall be submitted to the Borough Council for approval. Any approved mitigation and enhancement scheme, which must include installation within buildings and on retained trees (including Swallow/swift and sparrow cups/boxes) and hedgehog corridors, shall thereafter be implemented prior to the first occupation of any unit and retained for the lifetime of the development.

[To ensure that adequate compensatory measures are carried out and to comply with policy 17 of the Core Strategy and policy 38 of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

15. Prior to the commencement of any works on site, an Ecological Method Statement shall be submitted to and approved in writing by the Borough Council and Good practise construction methods should be adopted including:

- Advising all workers of the potential for protected species. If protected species are found during works, work should cease until a suitable qualified ecologist has been consulted.
- No works or storage of materials or vehicle movements should be carried out adjacent to 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.

Any approved scheme shall be adhered to thereafter until the development is complete.

[To ensure that adequate compensatory measures are carried out and to comply with policy 17 of the Core Strategy and policy 38 of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

16. No development shall take place until the details of a Construction Management Plan is submitted and approved in writing by the Local Planning Authority. The plan shall have full regard to the Ecological Method Statement required by condition 15 above, and shall include:

- Access and parking of vehicles of site operatives and visitors;
- Loading and unloading of plant and materials;
- Storage of plant and materials used in constructing the development;
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- Wheel washing facilities;
- Measures to control the emission of noise, dust, dirt and vibration during construction;
- A scheme for recycling/disposing of waste resulting from construction works;
- Hours of operation (including demolition, construction and deliveries);
- A scheme to treat and remove suspended solids from surface water run-off during construction;
- An earthworks strategy to provide for the management and protection of soils including handling, stripping and stockpiling and reuse;
- The siting and appearance of contractors compounds including heights of stored materials, boundaries and lighting together with measures for the restoration of the disturbed land and noise mitigation;
- Scheme for temporary signage and other traffic management measures, including routing and access arrangements. The agreed access shall be provided before development commences; and
- The routing of deliveries and construction vehicles to/from the site, to limit where practicable approach to the site from the west along Bunny Lane, and any temporary access points.

The development shall be carried out in full accordance with the approved Construction Method Statement throughout the construction period.

[In order to minimise the amount of mud, soil and other materials originating from the site being deposited on the highway; to prevent inadequate parking, turning and manoeuvring for vehicles; inadequate materials storage and to ensure adequate recycling of materials in the interests of highway safety, visual amenity and environmental management to comply with Policy 1 of the Rushcliffe Borough Local Plan Part 2: Land and Planning Policies. This is a pre commencement condition to ensure that the amenity of existing occupiers are protected during construction and to ensure regard is had to the existing on-site wildlife].

17. Prior to the construction of the building proceeding above foundation level, a scheme for the provision of electric vehicle charging points to serve the development shall be submitted to and approved by the Borough Council. If this is not technically feasible, then it must be demonstrated why the positioning of such apparatus to the external fabric of the building or the provision of a standalone vehicle charging



points would not be possible or Page 7 of decision 19/01616/FUL would have an adverse visual impact on the development or street scene. Thereafter, none of the apartments shall be occupied until such time that the electric vehicle charging points have been installed in accordance with the approved 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 permission is subject to an Agreement made under the provisions of Section 106 of the Town & Country Planning Act 1990 (as substituted by the Planning & Compensation Act 1992) relating to provision of on-site affordable housing and contributions towards essential infrastructure. Any payments will increase subject to the provisions set out in the Agreement.

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

It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such, you should undertake every effort to prevent it occurring.

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

The Borough Council and Nottinghamshire County Council are keen to encourage the provision of superfast broadband within all new developments. With regard to the condition relating to broadband, it is recommended that, prior to development commencing on site, you discuss the installation of this with providers such as Virgin and Openreach Contact details: Openreach: Nicholas Flint 01442208100 nick.flint@openreach.co.uk Virgin: Daniel Murray 07813920812 daniel.murray@virginmedia.co.uk.

The Committee agreed to defer the remaining items to the next Planning Committee, as there would not be sufficient time to consider these applications, due to the meeting having to close at 10.30pm.

The meeting closed at 10.11 pm.

CHAIRMAN

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**MINUTES  
OF THE MEETING OF THE  
PLANNING COMMITTEE  
THURSDAY, 22 APRIL 2021**  
Held at 6.30pm via Zoom

**PRESENT:**

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

**ALSO IN ATTENDANCE:**

Councillors R Walker, L Way

**OFFICERS IN ATTENDANCE:**

L Ashmore	Executive Manager - Transformation
T Coop	Democratic Services Officer
N Cox	Principal Planning Officer
A Pegram	Service Manager - Communities
R Sells	Solicitor
L Webb	Democratic Services Officer

**APOLOGIES:**

There were no apologies

**13 Minutes Silence**

The Committee took part in a minutes silence in memory of David Mitchell the Executive Manager – Communities who had passed away recently.

**14 Declarations of Interest**

There were no declarations of interest.

**15 Planning Applications**

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

**20/03030/FUL – Proposed residential development for 3 dwellings with associated garages and off-road parking – Land North Of 18 Gladstone Avenue Gotham Nottinghamshire**

**Updates**

In accordance with the Council's public speaking protocol for planning committee, Neil Asher (Objector) and Cllr Rex Walker (Ward Councillor)

addressed the Committee.

## **Comments**

The Committee considered the application and raised concerns regarding access, parking and believed that the design and layout of the dwellings would be detrimental to the current street scene.

## **DECISION**

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

1. Gladstone Avenue has a strong building line and uniform appearance and scale of existing dwellings within the street scene and the proposed dwellings, by reason of their design, appearance, inclusion of car ports and set back from the highway, would not be in keeping with prevailing pattern and character of development in the immediate area. The proposal would therefore be harmful to the character and visual amenities of the area, contrary to Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and Policies 1 (Development Requirements) and 11 (Housing Development on Unallocated Sites within Settlements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies, and the guidance contained within the National Planning Policy Framework, specifically Chapter 12 - Achieving Well Designed Places.
2. The proposed dwellings, by reason of their size and scale, together with their proximity and orientation in relation to 8 Gladstone Avenue, would result in unacceptable levels of overshadowing and appear overbearing, which would be harmful to the living conditions of the occupiers of this neighbouring property. The proposal would therefore be contrary to Policies 1 (Development Requirements) and 11 (Housing Development on Unallocated Sites within Settlements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies, and the guidance contained within the National Planning Policy Framework, specifically Chapter 12 - Achieving Well Designed Places.
3. Notwithstanding the tracking diagrams submitted in support of the application, it is considered that, by reason of the narrowness of Gladstone Avenue and the presence of on-street parking, further restricting the available width of carriageway, vehicles would, in reality, experience difficulties entering and exiting the parking areas to the frontage of the properties. This is likely to result in further on-street parking, exacerbating the current parking congestion along the road and further restricting access for residents vehicles. The proposal would therefore be contrary to Policies 1 (Development Requirements) and 11 (Housing Development on Unallocated Sites within Settlements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies, and the guidance contained within the National Planning Policy Framework, specifically Chapter 9 - Promoting Sustainable Travel.

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

**20/01974/FUL - Demolition of existing rear garage outbuilding and erection of new dwelling and 20/01988/RELDEM - Demolition of existing rear garage outbuilding – 48 Main Street, East Leake, LE12 6PG**

### **Updates**

In accordance with the Council's public speaking protocol for planning committee, Paula Clarke (Applicant) Cllr Eleanor Robinson (Objector – East Leake Parish Council) and Cllr Lesley Way (Ward Councillor) addressed the Committee.

### **DECISION**

#### **20/01974/FUL**

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

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

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

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

Existing Location Plan & Site Plan revision 02 dated 17 Dec 2020

Proposed Location Plan and Site Plan revision 06 dated 23 March 2020

Proposed Highways - Access, Visibility and Existing Parking revision 05 dated 18 March 2021

Proposed Highways - Drive and Parking revision 04 dated 8 Feb 2021

Proposed Elevations revision 08 dated 31 Dec 2020

Proposed Plans revision 07 dated 31 Dec 2020

Proposed Building Scale and Massing Comparison revision 03 dated 31 Dec 2020

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

3. The dwelling hereby permitted shall not be constructed above damp proof course level until details of the facing and roofing materials to be used on all external elevations, together with details of the door and window frames, have been submitted to and approved in writing by the Borough Council. The dwelling shall only be constructed in accordance with the materials so approved.

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

4. The dwelling hereby approved shall not be constructed above damp proof course level until a hard and soft landscaping scheme for the site, including details of the boundary treatment to all the site boundaries, has been submitted to and approved in writing by the Borough Council. The hard landscaping shall be completed prior to the occupation of the dwelling hereby approved. The soft landscape planting shall be completed no later than the first planting season following occupation of the dwelling hereby approved.

[To ensure the appearance of the development is satisfactory, preserves the character of the Conservation Area, and protects the living conditions of neighbouring occupiers. To comply with Policy 10 (Design and Enhancing Local Identity) of the Local Plan Part 1: Rushcliffe Core Strategy and Policies 1 (Development Requirements) and Policy 28 (Conserving and Enhancing Heritage Assets) of the Local Plan Part 2: Land and Planning Policies].

5. The dwelling hereby approved shall not be occupied until the access has been surfaced in a hard-bound material for a minimum distance of 5m to the rear of the highway boundary. The hard-bound surfacing shall thereafter be retained for the life 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 approved not be occupied until the existing dropped kerb vehicular footway crossing has been widened in accordance with the Highway Authority specification.

[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].

7. The dwelling hereby approved not be occupied until the parking and turning provision as shown on the approved plans referred to under condition 2 of this approval, has been provided. The parking and turning provision shall thereafter be retained as such for the life 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].

8. The dwelling hereby approved shall not be occupied until the access driveway, as shown on the approved plans referred to under condition 2 of this approval, has been constructed with provision to prevent the unregulated discharge of surface water from the driveway to the public highway. The provision to prevent the unregulated discharge of surface water to the public highway shall thereafter be retained for the life 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].

9. The development shall not be constructed above damp proof course level until a scheme for the provision and implementation of surface water run-off limitation measures has been submitted to and approved in writing by the Borough Council. The dwellings shall not be brought into use until the approved scheme has been implemented.

[To ensure that adequate surface water drainage provision is secured for the site, in accordance with Policy 18 (Surface Water Management) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

10. The development shall not commence until details of the finished ground and floor levels of the proposed dwellings, in relation to an existing datum point, existing site levels and adjoining land, shall be submitted to and approved in writing by the Borough Council. The development shall only be undertaken in accordance with the details so approved.

[This is a pre-commencement condition to ensure that the dwelling hereby approved is constructed at an appropriate level, in the interests of visual and residential amenity, in accordance 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].

11. Development shall not commence until a Contaminated Land Report has been submitted to and approved in writing by the Borough Council. As a minimum, this report will need to include a Desktop Study. Where the Desktop Study identifies potential contamination, a Detailed Investigation Report will also be required. In those cases where the Detailed Investigation Report confirms that "contamination" exists, a remediation report and validation statement will also be required. In such instances, 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.

[This is a pre-commencement condition to ensure that the site is suitably free from contamination in order to protect the living conditions of future residents, and to comply with Policy 40 (Pollution and Land Contamination) of the Local Plan Part 2: Land and Planning Policies.]

12. The dwelling hereby approved shall not be constructed above damp proof course level until a scheme for the provision of an electric vehicle charging point has been submitted to and approved by the Borough Council. The scheme shall provide details of the provision of an electric vehicle charging point to serve the development on site. Thereafter, unless it has been demonstrated that the provision of an electric vehicle charging point is not technically feasible, the dwelling shall not be occupied until such time as the site has been serviced with the appropriate electric vehicle charging infrastructure, in accordance with the approved scheme. The electric vehicle charging infrastructure shall thereafter be retained and maintained for the lifetime of the development.

[To ensure the development is capable of promoting sustainable modes of transport and to comply with Policy 41 (Air Quality) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

13. 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].

14. Development shall not commence until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The statement shall provide for:
  - a) the means of access for construction, delivery and workers traffic;
  - b) parking provision for construction traffic, site operatives and visitors;
  - c) the loading and unloading of materials;
  - d) the storage of plant and materials;
  - e) the hours of operation

[This is a pre-commencement condition to ensure that the site can be developed in a safe manner and limit the impacts upon residential amenity and highways safety throughout the construction phase , in accordance with Policy 1 (Development Requirements) of the Rushcliffe Local Plan 2: Land and Planning Policies].

15. The development hereby approved shall be carried out in accordance with the recommendations as set out in section H of the Ecological Appraisal WCL/EA/7920 dated 2nd September 2020.



[To ensure that protected species and their habitats are enhanced as a result of the development, in accordance with Policy 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the Local Plan Part 2: Land and Planning Policies].

16. The dwelling hereby approved shall not be constructed above damp proof course level until details of two integrated bat boxes to be fitted to the eastern and western elevations of the dwelling hereby approved, have been submitted to and approved in writing by the Borough Council. The approved bat boxes shall be installed within the fabric of the new dwelling during its construction, and retained and maintained as such thereafter.

[To ensure that protected species and their habitats are enhanced as a result of the development, in accordance with Policy 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the Local Plan Part 2: Land and Planning Policies].

17. The residential annex contained within the dwelling hereby approved, shall not be occupied at any time other than for residential purposes which are ancillary to the residential use of the main dwelling house and shall not be sub-let or sold separately.

[It is not considered that the site is suitable to accommodate two independent dwellings in terms of the means of access, internal parking and turning areas and outdoor amenity space, having regards to Policy 10 (Design and Enhancing Local Identity) of the Local Plan Part 1: Rushcliffe Core Strategy and Policy 1 (Development Requirements) of the Local Plan Part 2: Land and Planning Policies].

18. Development shall not commence until, a Tree Protection Plan detailing the methods by which existing trees on the site will be protected during construction, shall be submitted to and approved by the Borough Council. The plan shall include details of the proposed pile and beam foundations of the proposed dwelling. The tree protection measures shall be provided before work commences on site and the development works shall only be carried out in accordance with the approved plan. No spoil, materials or vehicles shall be stored within the area of tree protection.

[This is a pre-commencement condition to ensure that appropriate controls are secured prior to development commencing, to protect the health of existing trees and to comply with Policy 37 (Trees and Woodland) of the 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). 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.

The development makes it necessary to amend a vehicular crossing over a footway 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 or at licenses@viaem.co.uk to arrange for these works to take place.

It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring.

During and post construction, a sensitive lighting scheme should be implemented to prevent disturbance to commuting and foraging bats in the local area. Lighting should be directed away vegetative features within the site and along boundaries, and light overspill of over 1lux should be avoided within these vegetated areas.

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

You are reminded that the site is located within the East Leake Conservation Area and permission would be required for the demolition of any gate, wall or fence or other means of enclosure with a height of one metre or more if next to a highway, or a height of two metres elsewhere.

You are advised that the site is within a designated Conservation Area and any trees are therefore protected. Prior to undertaking any works to any trees you should contact the Borough Councils Landscape Officer on 0115 914 8558.

Condition 13 requires the new dwelling to meet the higher 'Optional Technical Housing Standard' for water consumption of no more than 110 litres per person per day. The developer must inform their chosen

Building Control Body of this requirement as a condition of their planning permission.

## **20/01988/RELDEM**

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

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

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

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

Existing Location Plan & Site Plan revision 02 dated 17 Dec 2020

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

3. Prior to the commencement of demolition, a method statement detailing techniques for the control of noise, dust and vibration during demolition shall be submitted to and approved by the Borough Council. The demolition works shall only be carried out in accordance with the approved method statement.

[This is a pre-commencement condition to ensure that appropriate controls are secured prior to demolition commencing, to protect the amenities of surrounding residents and to comply with Policy 1 (Development Requirements) and Policy 40 (Pollution and Land Contamination) of the Local Plan Part 2: Land and Planning Policies].

4. If the demolition of the outbuilding does not take place within 12 months of the date of this decision, an additional survey to determine if bats are roosting within the building shall be carried out, and the results and recommendations of which shall be submitted to the Borough Council for approval. The demolition of the outbuilding shall thereafter be carried out in accordance with the recommendations as set out in the approved additional bat survey.

[To ensure that protected species and their habitats are not harmed as a result of the development, in accordance with Policy 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the Local Plan Part 2: Land and Planning Policies].

5. Prior to the commencement of demolition, a Building Recording Exercise of the building (to a detailed level 2 record, in accordance with guidance provided in Understanding Historic Buildings: A guide to good recording practice), shall be carried out, submitted to and approved in writing by the Borough Council.

[To ensure a detailed record of the building is obtained and to comply with policy 11 (Historic Environment) of the Rushcliffe Local Plan Part 1: Core Strategy and 28 (Conserving and Enhancing Heritage Assets) of the Rushcliffe Local Plan Part 2: Land and Planning Policies. A pre-commencement condition is required to ensure an accurate record of the building can be obtained].

Councillor Thomas rejoined the committee at this point.

**20/02655/FUL - Change of use of buildings to five flats and alterations including partial demolition of existing modern extensions and erection of two storey and single extensions. (Resubmission) - Allen Vending Supplies Ltd, 27 High Street, Ruddington, Nottinghamshire, NG11 6DW Updates**

There were no updates and no speakers on this item.

**Comments**

Additional conditions were proposed regarding the retention of the hoist feature on the front elevation of the building fronting Kirk Lane and also requiring the submission of details of the means of partial demolition of part of the west elevation of the building whilst maintaining its structural integrity.

**DECISION**

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

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

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

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

Site Plan, drawing number SP01  
Site Plan, drawing number SP02  
Proposed Ground Floor Plan, drawing number 03, revision B  
Proposed First Floor Plan, drawing number 04, revision B  
Proposed Elevations, drawing number 06, revision B  
Proposed Rear Elevations, drawing number 07, revision C  
Roof Plan, existing and proposal, drawing number 08  
Courtyard Sectional Elevation, drawing number 09  
Sectional Elevations (proposed), drawing number 10, revision A  
Sectional Elevations (proposed), drawing number 11, revision A  
Block Plan, drawing number 12  
Sectional Elevations (proposed), drawing number 14  
Schematic Explanation of proposal, drawing number 15, revision A

Proposed Rear Elevations, drawing number 15, revision C

[For the avoidance of doubt and to comply with policy 10 of the Core Strategy and policy 1 of the Local Plan Part 2.]

3. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to the Local Planning Authority for approval. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:
  - i. the parking of vehicles of site operatives and visitors
  - ii. loading and unloading of plant and materials
  - iii. storage of plant and materials used in constructing the development
  - iv. measures to control noise, dust and vibration during construction.

[To prevent any adverse impact on the highway network and protect the amenities of neighbouring residential properties, in accordance 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. This is a pre-commencement condition to ensure that adequate measures are in place prior to work commencing on site].

4. No construction of the external walls of any new extensions to the existing buildings 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 Borough Local Plan Part 2: Land and Planning Policies].

5. Prior to their installation, detailed plans of any new doors, windows and any other openings to be installed within the buildings, together with details of proposed finishes, shall be submitted to and approved in writing by the Local Planning Authority. All new windows and doors on the Kirk Lane and High Street frontages of the building shall be installed to open inwards only. The development shall be carried out in accordance with the approved details.

[In the interest of pedestrian safety and to ensure the appearance of the development is satisfactory and to, 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 Borough Local Plan Part 2: Land and Planning Policies].

6. Prior to occupation of any of the dwellings hereby approved, a sound insulation scheme to effectively reduce the transmission of noise from external sources shall be submitted to and approved by the Local Planning Authority. It shall have regard to both BS 8233:2014 Sound Insulation and Noise Reduction for Buildings stating all assumptions made.

If required a complementary ventilation scheme shall also be submitted to and approved by the Local Planning Authority. This scheme shall be designed to

ensure that the windows can remain closed. This will retain the integrity of the noise insulation scheme, whilst ensuring the provision of the ventilation required by the Building Regulations.

The upper limit for living rooms shall be an LAeq, 16h of 35dB, and for bedrooms an internal LAeq,8h of 30dB and an LAm<sub>ax</sub> of 45dB. Furthermore, the Noise Rating Curve of 30 shall not be exceeded in any octave band.

The agreed details shall be fully implemented prior to occupation of any of the dwellings.

[To protect the amenities of future occupiers of the development, in accordance with policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and policy 1 (Development Requirements) and policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

7. Prior to occupation of any of the dwellings hereby approved details of a scheme to achieve a net gain in biodiversity, for example the provision of bird and/or bat boxes, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented prior to any part of the development being brought into use and shall be 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].

8. Prior to occupation of any of the dwellings hereby approved details of a refuse collection point shall be submitted to and approved in writing by the Local Planning Authority. The development shall then take place in accordance with the approved details and the refuse collection point shall be provided prior to occupation of any of the flats and thereafter retained for the lifetime of the development.

[To prevent bins from being stored on the highway on collection days, to comply with policy 1 of the (Development Requirements) of the Rushcliffe Borough Local Plan Part 2: Land and Planning Policies.]

9. No part of the development hereby permitted shall be brought into use until the existing site access that has been made redundant and as shown on plan reference Proposed Ground Floor Plan, drawing number 03, revision B, dated 12/2018 is permanently closed and the access crossing reinstated as footway in accordance with details to be first submitted to, and approved in writing by, the Local Planning Authority

[To protect the structural integrity of the highway and to allow for future maintenance, to comply with policy 1 of the (Development Requirements) of the Rushcliffe Borough Local Plan Part 2: Land and Planning Policies].

10. No part of the development hereby permitted shall be brought into use until the details of the provision of Electric Vehicle Charging Points has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be installed prior to occupation of any of the dwellings hereby approved and the charging points shall be retained 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 and policy 41 (Air Quality) of the Rushcliffe Borough Local Plan Part 2: Land and Planning Policies]

11. No part of the development hereby permitted shall be brought into use until the parking/turning areas are provided in accordance with the submitted plan reference Proposed Ground Floor Plan, drawing number 03, revision B, dated 12/2018. The parking/turning areas shall be maintained in a 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.

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

12. No part of the development hereby permitted shall be brought into use until the cycle parking provision, as indicated on drawing reference Proposed Ground Floor Plan, drawing number 03, revision B, dated 12/2018 has been provided. The cycle stands shall be covered and lockable for security and that area shall not be used thereafter for any purpose other than the parking of cycles.

[To promote sustainable travel, in accordance with policy 2 (Climate Change) of the Rushcliffe Borough Local Plan Part 1: Core Strategy and policy 1 of the (Development Requirements) of the Rushcliffe Borough Local Plan Part 2: Land and Planning Policies].

13. The approved flats shall be 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 Rushcliffe Local Plan Part 2: Land and Planning Policies]

14. The hoist feature within the gable on the front elevation of the building which fronts Kirk Lane shall be retained and maintained in accordance with details to be submitted to and approved by the Borough Council prior to work commencing on the conversion of this building. Thereafter, the hoist feature shall be retained for the lifetime of the development.

[To preserve reference to the historic use of the building, in the interests of the character and appearance of the building and area in general and to comply with policy 1 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 28 (Historic Environment) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

15. Prior to any work commencing on the conversion of the building fronting Kirk Lane, a scheme detailing the techniques to be used and precautions to be taken in the removal of the lower section of the western elevation to create the undercroft car parking spaces, whilst maintaining the structural integrity of the remainder of the building, shall be submitted to and approved by the Borough Council. Thereafter, the work shall be carried out strictly in accordance with the approved scheme. In the event that any damage is sustained to the building, full details of any necessary repairs shall be submitted to and approved by the Borough Council. Thereafter, the repairs shall be carried out in accordance with the approved details prior to occupation of any of the units within the development.

[To preserve the significance of the non-designated heritage asset, in the interests of the character and appearance of the Conservation Area and to comply with Policy 1 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 28 (Historic Environment) 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 development makes it necessary to reinstate the existing vehicular crossing over a footway of the public highway to a footway. These works shall be carried out to the satisfaction of the Highway Authority. You are therefore required to contact the County Council's Highway Management Team on 0300 500 8080 to arrange for these works to be carried out.

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 13 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.

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 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.

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.

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

The meeting closed at 9.18 pm.

CHAIRMAN

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**Planning Committee**

**Thursday, 13 May 2021**

**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>

<b>Application</b>	<b>Address</b>	<b>Page</b>
<a href="#">20/00810/FUL</a>	Overgrown Acres, Cotgrave Road, Normanton On The Wolds, Nottinghamshire	45 - 72
	Seasonal change of use, erection of 3 tipis each 10.3 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	
<hr/>		
<a href="#">21/00414/FUL</a>	1 Green Leys, West Bridgford, Nottinghamshire	73 - 80
	Two storey side and rear extension, single storey rear extension and new front porch	
<b>Ward</b>	Compton Acres	
<b>Recommendation</b>	Planning permission be granted subject to conditions	
<hr/>		
<a href="#">20/03176/FUL</a>	19 Damson Road, East Leake, Nottinghamshire	81 – 90
	Erection of detached double garage	
<b>Ward</b>	East Leake	
<b>Recommendation</b>	Planning permission be granted subject to conditions	
<hr/>		

Application	Address	Page
<a href="#">21/00680/FUL</a>	Playing Fields, corner of Boundary Road and Loughborough Road, West Bridgford, Nottinghamshire Upgrade/remodel existing bike track	91 - 101
<b>Ward</b>	Musters	
<b>Recommendation</b>	Planning permission be granted subject to conditions	

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



scale 1:2000

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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

## BACKGROUND

1. Planning permission was granted for the development outlined below on 20 October 2020. The decision was challenged by way of judicial review on the ground (in essence) that in determining whether to grant planning permission the Council failed to accord substantial weight to the object of protecting the Green Belt from the harm that would be caused by the applicant's scheme, which falls within the National Planning Policy Framework's definition of "inappropriate" development in the Green Belt. The claim for judicial review also alleged the conclusion that very special circumstances weighed in favour of granting planning permission was flawed because it failed to identify and grapple with the harm that was said to be outweighed. Criticism was also made of the reliance on paragraph 83 of the Framework, which the Council judged to weigh in favour of the scheme. Counsel advised that a claim for judicial review would be likely to succeed. Therefore, the Council consented to judgment, which resulted in the decision being quashed. The matter is therefore remitted to the Planning Committee so that it may be redetermined.

## THE SITE AND SURROUNDINGS

2. 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.
3. 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

4. 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.
5. 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.
6. 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.
7. 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.
8. 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.
9. 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.
10. 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.
11. 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.
12. 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.

13. The applicant has clarified that one 'event day' could include the hire of the site for up to 46 hours, for example to allow for setting up the day before a wedding/event and allowing for guests to stay in the bridal suite until the day after a wedding. However, the 'event day' would only comprise one day of an event with music and/or a licensed bar. To ensure this would be the case, the applicant states that gates would be locked at 8pm on a 'setting up' or 'close down' day. If two consecutive events were proposed or a single event over two days (for example with music and/or a bar), then this would count as 2 'event days' out of the annual total of 28 that is being applied for.

## **SITE HISTORY**

14. 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.
15. U1/92/0875/P- Form new vehicular access. Approved in 1992.
16. 93/00852/FUL- Retention of earth banks (as part of overall landscaping scheme). Refused in 1993.
17. 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.
18. 16/01507/FUL - Conversion and extension of agricultural barn to farm dwelling. Withdrawn 2016.
19. 17/01050/FUL - Conversion of agricultural building to dwelling. Approved in 2017.
20. 17/02503/FUL - Conversion of existing barn to single dwelling. Approved in 2017.

## **REPRESENTATIONS**

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

21. The Ward Councillor (Cllr Mason) objects to the proposal for reasons of noise, traffic, access and environment.
22. Cllr Mason provided further comments, expanding on the above points:
23. 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.

24. 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.
25. Environment - Not considered that the site is suitable for outdoor events regardless of the time of day.

### **Town/Parish Council**

26. 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.
27. 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**

28. 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.

29. 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.
30. 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.
31. 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.
32. 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.
33. 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.
34. 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.

35. 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 dismantle temporary structures limits the number of events that can be run. Based on the assessment provided, 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.
36. 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**

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

Noise/disturbance:

- a. Proposed use would be over summer months - impact on neighbouring gardens.
- b. Noisiest aspects of the proposal (dance floor and bars) would be nearest to residents on Cotgrave Road/Lane.
- c. Previous experience of music already being played until midnight.
- d. Concern about the site being used as a caravan park- guests could carry on partying past midnight.
- e. Concern that noise could spread over 2-3 days.
- f. Noise- LAmax sound power level from 100 people is likely to be around 100db - 110db. Noise increases with larger numbers attending, alcohol will increase levels.

- g. Activities relating to each event would be spread over 3 days due to set up and dismantling time, clearing glass etc. may take place beyond suggested hours.
- h. Do not accept the claims of the acoustic study that suggests noise levels are likely to be within acceptable levels.
- i. The time during which music may play seems excessive, with a licensed bar between the hours of 12.00-23.45, recorded music 15.00-23.59 and live music 19.00-23.00. Many local residents are elderly or families with young children.
- j. suggestion of camping on site would add to disturbance from occupants and vehicles entering/exiting.
- k. Many of the 28 events could be multi-day, resulting in noise nuisance for a significant proportion of the year.
- l. Antisocial behaviour from drinking.
- m. The report prepared by NoiseAir dated 20 March 2020, included a number of tests involving taking readings, but none were taken to the north or north west of the site, there are a number of houses on Cotgrave Lane that are likely to be affected that were not measured.
- n. Tests were on the assumption that sound amplification would be provided, however guests may bring their own which would not be controllable.
- o. Tipis have little/no sound insulation, nuisance to residents.
- p. Sound travels long distances i.e. from events in Tollerton 1.5km away.
- q. The noise assessment was carried out in October which is different to the timing of the proposed events. It assessed noise levels for a couple of hours over a lunchtime period on a Saturday, not for the length of time that an event would take place.
- r. Noise assessment did not account for noise from a number of sources - cars, crowd noise, disco, generators.
- s. Would like it to be reduced in scale, volume limits and a cut off time on noise to be put in place.
- t. The claim of aircraft noise in the evening is false. The argument that the location is already noisy and therefore the proposal would not further harm the tranquillity is flawed.
- u. Guests will not arrive in a phased manner, most will arrive and leave at a similar time, noise impact of cars and taxis late at night when Cotgrave Road is quiet.

- v. Hard to see how noise will be controlled, the threat of banning a group would not act as a deterrent given that clients would not normally visit the same place twice.
- w. Guests may wander around other properties/fields.
- x. The EHO has considered the impact of noise in terms of sound levels, rather than the nature of the sound, its context and time of day which can have an impact even at low levels.
- y. No reference has been made to the Noise Policy Statement for England which states subjective experience of residents should be given significant weight
- z. No reference to NPPF guidance on noise- the proposal would fall into the 'Significant Observed Effect Level' of noise disruption

#### Highways:

- aa. Increased traffic from guests and suppliers, highway safety impact. There have been numerous traffic accidents on Cotgrave Road.
- bb. Access close to a busy and dangerous junction, additional traffic would increase risks to highway safety. Traffic entering or exiting the site could further obscure views from the T junction.
- cc. Concerns regarding vehicles entering/exiting the site on a blind crest. Concerns regarding blind bend. Slowing down and turning into the site could create a potential hazard to other road users. Turning onto the road is dangerous for those not familiar with the area.
- dd. Not suitable for guests to walk along the highway as it is narrow, no lighting at night.
- ee. Close proximity of residents to site entrance, noise and traffic pollution with movements late at night.
- ff. Turning traffic could block one lane of Cotgrave Road, some taxis and hired buses may even park in Cotgrave Road to drop off or pick up their passengers.
- gg. A previous application to turn the site into a caravan park for touring caravans was rejected in part on the grounds that Cotgrave Road carries a significant amount of traffic and that the hump in the road just beyond the Cotgrave Lane turning means that the Cotgrave Lane/Cotgrave Road junction can be difficult, especially for vehicles turning right out of Cotgrave Lane.
- hh. No street lighting- increased risk of accidents at night/in poor weather.
- ii. Signage not in keeping with the environment and is a distraction.
- jj. Road is used by many cyclists, increased risk to cyclists due to higher volumes of traffic and parking.



- kk. Heavy goods vehicles use the roads to access nearby Swingler's site.
- ll. Car reliant, lack of frequent bus service or safe cycle paths.
- mm. Large volumes of guests in convoy could cause queueing to turn into the site. Cars coming over the brow of the hill may not see the queue in time to slow down.
- nn. Issues around ownership of part of the entrance or 'adopted verge', there are no guarantees of reasonable maintenance to the entrance, impact on visibility.
- oo. Question whether there are any issues with the proposed number of parking spaces.
- pp. Traffic count report completed in 2007 preceded housing development in the vicinity and so its accuracy should be questioned.
- qq. Traffic report is limited in its scope in terms of time window, type of event, refers to an older style English wedding rather than other types of events.
- rr. Traffic survey carried out during Covid is not representative. Highway report not representative of lockdown and the current and potential change in traffic usage such as increased cycling.
- ss. Highway report does not consider impact of seasons on visibility, visibility splay was not evaluated at a time of active growth of verge vegetation. Reduced roadside mowing could compound the issue.
- tt. Incident of cars queuing on the highway waiting to turn into the site due to the gates being closed
- uu. The highway report does not appear to reflect the highway issues in reality.
- vv. Potential conflict with heavy goods vehicles from Swingler's site
- ww. Does the traffic review include journeys for set up and assembly/dismantling before and after events?

Green Belt/Visual Impact:

- xx. Inappropriate development in Green Belt, semi-rural character with no established entertainment business or venues.
- yy. Could set a precedent for commercial development in the Green Belt, changing the open character, detrimental environmental effects.
- zz. Possibility of the site being further developed over and above the current proposal.

- aaa. Green Belt justification - not a diversification of a farming business but a change of use.
- bbb. Benefit in terms of 'promoting healthy communities in the green belt' as claimed - it does not involve any sport or exercise that is the clear intention of this policy.
- ccc. Tipis will remain for the duration of the season rather than 28 days - visual impact.
- ddd. Visual impact of parking on site.
- eee. Would not comprise 'outdoor recreation' or 'outdoor sports' as exceptions to inappropriate development in the Green Belt.
- fff. Erection of tipis for 5 months a year would harm the openness of the Green Belt.
- ggg. Visual impact of wedding/ event paraphernalia such as buses, bouncy castles etc.
- hhh. Change of use of the dwelling to support weddings/events would contribute towards development that would change the use of the pasture and result in a loss of openness. Harm not outweighed by very special circumstances.
- iii. Establishing a double hedge screen with a row of evergreens would be harmful to the openness of the Green Belt.
- jjj. The double hedge would not overcome the intrusion of the development on the open character of the Green Belt.
- kkk. Tipis would be erected during the time of year when people are most likely to go for walks in the area.
- lll. Wooden floors of the tipi's would be a permanent fixture, harm to openness of the Green Belt.
- mmm. Not all of the harm has been properly considered, including other non-Green Belt harms arising.

Other:

- nnn. Proposals in the past relating to change of use for dwellings in the OS Plots 5530 and 5923 alongside Cotgrave Road have been refused because of the adverse impact on Cotgrave Road residents.
- ooo. The following refused applications should be referred to: 96/01102/FUL (Playing field with amenities) and U1/92/0668/P (Touring Caravan Site with amenities).
- ppp. No benefit to local business.

- qqq. Numbers attending this site would likely increase beyond predicted figures.
- rrr. Waste removal - application states that it is the responsibility of suppliers - potential noise from glass bottles and cans.
- sss. Concerned that the dwelling approved in 2017 is being used for commercial gain.
- ttt. The 2017 application set clear boundaries between domestic and agricultural land, this now seems mixed up.
- uuu. The officer report for the 2017 residential conversion stated no objection provided it did not lead to further development. Understood that the conversion was allowed under very special circumstances.
- vvv. Disruption to wildlife, potential for littering, waste and campfires.
- www. Health and safety considerations if the land is being used for grazing and then events.
- xxx. The original permission for the conversion of the agricultural building to residential use was on the basis that it would only be for purposes ancillary to the host dwelling.
- yyy. A bridal suite is not an appropriate use of the dwelling, because it goes against the original permission that was granted for designated residential curtilage.
- zzz. Object to the applicant's proposal to have a site manager and live elsewhere.
- aaaa. Question whether normal residential occupancy of the dwelling is possible if it has to be cleared for wedding events.
- bbbb. Even if the use of the land were possible under permitted development, this would not apply to the dwelling.
- cccc. Engineering works through the laying of grass reinforcement matting has already been carried out, not within permitted development.
- dddd. The change of use permitted and authorised by the GPDO is not permanent, however there are various physical alterations to the site that are permanent.
- eeee. Impact on wildlife, which has increased on land to the rear of the site since Covid.
- ffff. Question whether additional events could be held under permitted development by erecting the tipis in a different paddock.
- gggg. The applicant defines an event day as one where more than 20 people will be hosted with music/licensed bar, does that mean that gatherings of 20 or less would not count as event days?

- hhhh. Unclear whether items/structures associated with events would be permanently stored on site.
  - iiii. Query how items/structures for events will be delivered/removed from site and frequency of deliveries for events.
  - jjjj. Would event preparation time be considered as part of the length of time stated for the change of use of the land.
  - kkkk. The 28 day 'fall back position' should be given limited weight as this would include substantial time to build and remove tipis and the wooden base.
38. 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.
39. One member of public submitted comments in support of the application, commenting that the use provides jobs and income for local businesses, therefore supporting the local community.

## **PLANNING POLICY**

40. 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**

41. The site is located in the Green Belt. Paragraph 134 of the NPPF sets out 5 purposes of Green Belt. In this case, the relevant purpose is to protect the countryside from encroachment. Paragraph 143 states inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 requires "substantial weight" to be given to any harm to the Green Belt, and very special

circumstances will not exist unless any harm caused by reason of inappropriateness, and any other harm caused by the proposal is clearly outweighed by other considerations.

42. Paragraph 145 states, that with some exceptions, the construction of new buildings in the Green Belt will be inappropriate development. 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.
43. It is also relevant to take account of the provisions of section 6 of the NPPF (Building a Strong, Competitive Economy), especially that part entitled '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**

44. 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.
45. 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.
46. 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.
47. 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**

48. 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) Green Belt.
  - b) Impacts upon neighbouring amenity in terms of noise and disturbance
  - c) Highway safety

### **Green Belt**

49. The site is located in the Green Belt. The tipis are not insubstantial structures, they do not fall within any exception to Green Belt policy under paragraphs 145 and 146 of the Framework. Therefore, the proposal is for inappropriate development in the Green Belt. That is deemed to be harmful. That harm would arise primarily from urban encroachment in the countryside and reduced openness. Therefore, planning permission may not be granted unless there are very special circumstances for doing so.

### **Other potential harm arising**

#### Residential amenity

50. 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.
51. 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.

52. 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 LAmax noise); and,
  - Noise breakout from guests walking to the car park area.
53. 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.
54. 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.
55. 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.
56. 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.
57. The Noise Policy Statement for England (NPSE) refers to the Significant Observed Adverse Effect Level (SOAEL), this being the level above which significant adverse effects on health and quality of life occur as a result of noise impacts. The NPSE states that it is not possible to have a single objective noise-based measure that defines SOAEL that is applicable to all sources of noise in all situations. Consequently, the SOAEL is likely to be different for different noise sources, for different receptors and at different times. It is thus acknowledged that noise impacts on neighbouring amenity should be considered not just in terms of sound levels, but also the nature of the sound, its context and time of day. Such issues are difficult to quantify through a NIA alone and it is for this reason that noise monitoring surveys are requested by the EHO for the first 3 wedding events should planning permission be granted. The applicant intends to complete monitoring as per the noise management

plan for all events. Given the proximity of the site to residential properties it is recommended that if planning permission were granted, this should be on a temporary basis to monitor and review the effectiveness of noise mitigation measures. The applicant has agreed to a temporary permission until the end of the next season (September 2021) should planning permission be granted.

58. The Environmental Health Officer has confirmed that they consider applications in terms of whether it would cause a statutory noise nuisance or an adverse impact on residential amenity. She agrees that statutory noise nuisance is a higher threshold and therefore if applications were solely considered on statutory nuisance, they would be recommending approval on a good number of applications where there may be an adverse impact on residential amenity. The best example in this case would be that if concentrating solely on statutory nuisance, consideration would be given to only the entertainment system and the resultant noise levels at the residential receptors and whether the increase in noise level is likely to cause sufficient interference with the enjoyment of the resident's property. To define statutory nuisance in a case like this there would have to be an increase in noise levels. Therefore, they have considered statutory noise nuisance and residential amenity, hence the reason for requesting the noise assessment to include all noise sources associated with the development including noise from guests and noise from vehicles. All the noise sources when operational are not predicted to increase the background noise levels and therefore it was concluded that the noise is unlikely to be a statutory noise nuisance and unlikely to have an adverse impact on residential amenity.
59. Fears and concerns by members of public may constitute a material consideration if they relate to a matter that in itself is material. In this instance the perception of noise and disturbance should not be discounted and therefore the possibility of harm should not be ruled out. Thus, the public opposition arising is a material consideration that should have weight applied and thus considered as part of the 'harm' arising.
60. Representations received in respect of the application have raised concerns about the potential impact of the development on health and wellbeing, which is a material planning consideration. These factors may include impacts on sleep, the enjoyment of private amenity space, and impacts on the overall quality of life. Whilst noise assessments have been carried out, noise impacts are subjective in nature. Paragraph 006 of the Planning Practice Guidance on Noise states that there are a number of factors that require consideration including:
  - the source and absolute level of the noise together with the time of day it occurs. Some types and level of noise will cause a greater adverse effect at night than if they occurred during the day – this is because people tend to be more sensitive to noise at night as they are trying to sleep. The adverse effect can also be greater simply because there is less background noise at night;
  - for a new noise making source, how the noise from it relates to the existing sound environment;
  - for non-continuous sources of noise, the number of noise events, and the frequency and pattern of occurrence of the noise;
  - the spectral content of the noise (i.e. whether or not the noise contains particular high or low frequency content) and the general character of



- the noise (i.e. whether or not the noise contains particular tonal characteristics or other particular features), and;
    - the local arrangement of buildings, surfaces and green infrastructure, and the extent to which it reflects or absorbs noise.
61. Whilst the application has been subject to noise assessments and mitigation measures are proposed, the impact on health and wellbeing can only be assessed through the monitoring of events and the evaluation of feedback from local residents.
62. In summary, it is considered that noise and disturbance impacts would be managed through both physical measures such as acoustic screening and the use of a zonal speaker array, combined with management of the impacts through measures such as a noise management plan and monitoring. It is accepted that the measures may not prevent a degree of harm arising to the amenities in the vicinity and thus potential impacts on health and wellbeing, it is for this reason that a temporary permission is proposed to allow for the monitoring and review of the real- life operation of the development and to inform what measures may be required if a temporary permission is granted then an application for permanent permission is made..

## Highways

63. 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.
64. 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.
65. A neighbour has raised a concern regarding a recent incident where the gates were closed, leading to turning vehicles waiting on the highway. The incident regarding the closed gate is a management issue relating to visitors to the site and it is unclear whether the incident was connected to an organised event. The proposal would provide more stringent controls through the submitted Highway Report which states that the gates shall be left open and monitored by security staff during events.
66. With reference to neighbour concerns relating to vehicle movements arising from the setting up and close of events, the applicants Highway Report notes that the seasonal retention of tipis would reduce vehicle movements compared to a scenario where they are assembled and dismantled between events.
67. With regard to traffic generation, the Highway Authority note that the impact of the events would occur at off-peak times. The Borough Council concurs with the view of the Highway Authority that the level of traffic anticipated is unlikely to result in a severe impact on the public highway The concerns regarding a

potential conflict with the heavy goods vehicles associated with the nearby Swingers site are noted, however events taking place at the application site would likely be outside of weekday working hours. The Highways Authority as the competent authority do not object to the proposal. For this reason, officers are of the view that the proposal would not result in an unacceptable level of harm in terms of highway safety and amenity.

68. An application to discharge conditions was submitted under planning reference 20/02968/DISCON, which included details of a noise management plan. This application was submitted pursuant to the permission which has now been quashed. However, the 'controls' section of the management plan states that no guests are to leave the venue on foot; however, it is alleged in letters of representation that marketing material promotes access to the site by bus. The closest frequent bus service serves Cotgrave which implies that guests may access the site on foot along Cotgrave Road. Whilst it would not be reasonable to prevent people from accessing the site on foot (for example local residents), it is unlikely to be a frequent occurrence due to the distance of approximately 2.2km between the application site and the closest Cotgrave Connection bus stop. Furthermore, it should be noted that the discharge of conditions application referred to and the contents of the management plan have not yet been agreed and as the original permission has now been quashed, it may be necessary for the applicant to resubmit these details in the event that permission is granted for the seasonal use of the site for events.

#### Visual amenity

69. In terms of visual impact, views into the site are screened by a belt of mature trees running along the north and north east corner of the site. A row of trees along the Cotgrave Road frontage and further band of trees along the south side of the access drive would provide additional screening of the tipis. The tipis would be sited in the top paddock close to the existing dwelling, limiting their prominence from the open countryside to the south. Given the seasonal nature of the tipis, these would be taken down over the winter months when leaf cover and therefore screening would be less. When the tipis are dismantled out of season, the bases would be retained on the site, however, given that these do not project significantly above ground level, it is not considered that they would have a significant impact or cause unacceptable visual harm to the amenities or openness of the area. Impacts may arise from other structures/facilities associated with the use, such as the catering facilities, toilets and car parking. However, these would again be temporary in nature and not considered to have a significant impact on the surrounding area.
70. It is also proposed to erect an acoustic barrier adjacent to the site of the tipis as part of the noise mitigation measures. A condition is recommended requiring the submission of the final details of the barrier, however, this is likely to take the form of a structure similar to a close boarded fence. This would be partially screened by the belt of trees along the frontage of the site and could be finished in a colour which would further reduce its impact.

#### Ecology

71. The Environmental Sustainability Officer considers it unlikely that protected species would reside within the site, although the site may be used for foraging. It is considered that impacts can be mitigated through appropriate avoidance

measures, which should be set out in a site management plan. This could be secured by way of a condition should planning permission be granted. It is the view of the officer that the proposal would not result in harm in terms of ecology and biodiversity.

### **Very special circumstances**

72. The legislation does not specify what may amount to a 'very special circumstance' (VSCs), although case law provides some direction in relation to such matters. Ultimately, it is for the decision maker to determine if very special circumstances exist and whether these outweigh any harm to the Green Belt, or any other harm resulting from the proposal. Consideration will need to be given as to whether the following factors amount to VSCs and whether the harm to the Green Belt, and any other harm resulting from the proposal is outweighed in this instance.

### **Employment**

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

and exploits any opportunities to make the location more sustainable. Paragraph 83 is worded positively – in that “*planning policies and decision should enable....*”, it does not specifically preclude any type of development, and arguably paragraph 84 goes on to provide greater clarity in its recognition that sites may need to be in locations not well served by public transport.

76. It is considered that the development is acceptable in terms of visual amenity and highway impacts. The applicant proposes several biodiversity enhancements detailed further in this report. Therefore, the site accords with paragraph 84 of the NPPF and the proposal would provide tourism/ leisure, employment and rural diversity benefits, it is considered that this should be given weight as a material consideration weighing in favour of the grant of permission.

#### Temporary nature of the impacts and visual screening

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

#### Community and Health benefits

78. In addition to weddings, the applicant has indicated that they intend to host a diverse range of events and activities on the site that would include charity and community events. The applicant states in an email dated 9 March 2021 that they have secured a contract to partner with an organisation to host community therapy sessions, including support for vulnerable children and young persons and mental health issues, delivered by qualified therapists. The aim therefore is to use the tipis and surroundings to provide a safe and secure environment. The events would run on a weekend on a monthly basis during the tipi season. The use of the site for community therapy sessions and the associated mental health benefits are therefore considered to weigh in favour of granting planning permission.

#### Biodiversity net gain

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

## Balancing exercise

80. The tipis and bases are judged to have a relatively limited impact on the openness of the Green Belt. Nevertheless, that harm must be, and is, accorded substantial weight. The other kinds of harm that are caused by the scheme must also be placed in the balance. However, the proposal gives rise to a range of benefits including economic benefits through employment generation and rural diversification, community and health benefits, biodiversity net gains, and the limited public visibility of the development. Taken together, it is considered that these constitute VSC which outweigh the harm arising from the proposal by reason of “inappropriateness” and other harm that is identified.

## Permitted Development

81. In considering what works could be carried out under permitted development, the land could potentially be used on a temporary basis for hosting events for up to 28 days a year under Schedule 2 Part 4 Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO). (Note that for a temporary period permitted development rights have been amended to effectively allow land to be used for any purpose for up to 56 days). Permitted development rights would only apply if the tipis and any associated base were dismantled between events and not in situ for longer than the above time period. As the application proposes the retention of a permanent base for the tipis, permitted development rights could not be relied upon. Nevertheless, if there were no fixed structures, the applicant could, in theory host weddings and other events on the land for 28 days under Permitted Development without the controls such as noise mitigation measures and monitoring that are proposed in the current application.
82. 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. No events shall take place until such time that a management plan has been approved in writing by the Borough Council. The management plan shall include details of noise monitoring to be undertaken, required by condition 12, which would be sought for a minimum of the first three wedding events following the grant of planning permission and shall also include the hours of use, times of amplified/live music, controls to be put in place when guests are leaving the premises e.g. ensure no congregating guests, details of signs to be displayed on the premises (including number, content and location) to remind patrons/visitors that the venue is located close to other residential properties and to minimise disturbance when leaving the premises, particularly late at night, vehicles leave the premises in an orderly manner and during the evening entertainment that there are no groups of guests congregating near to any residential dwellings. The use hereby approved shall only be carried out in accordance with the approved noise management plan.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## Notes to Applicant

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

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

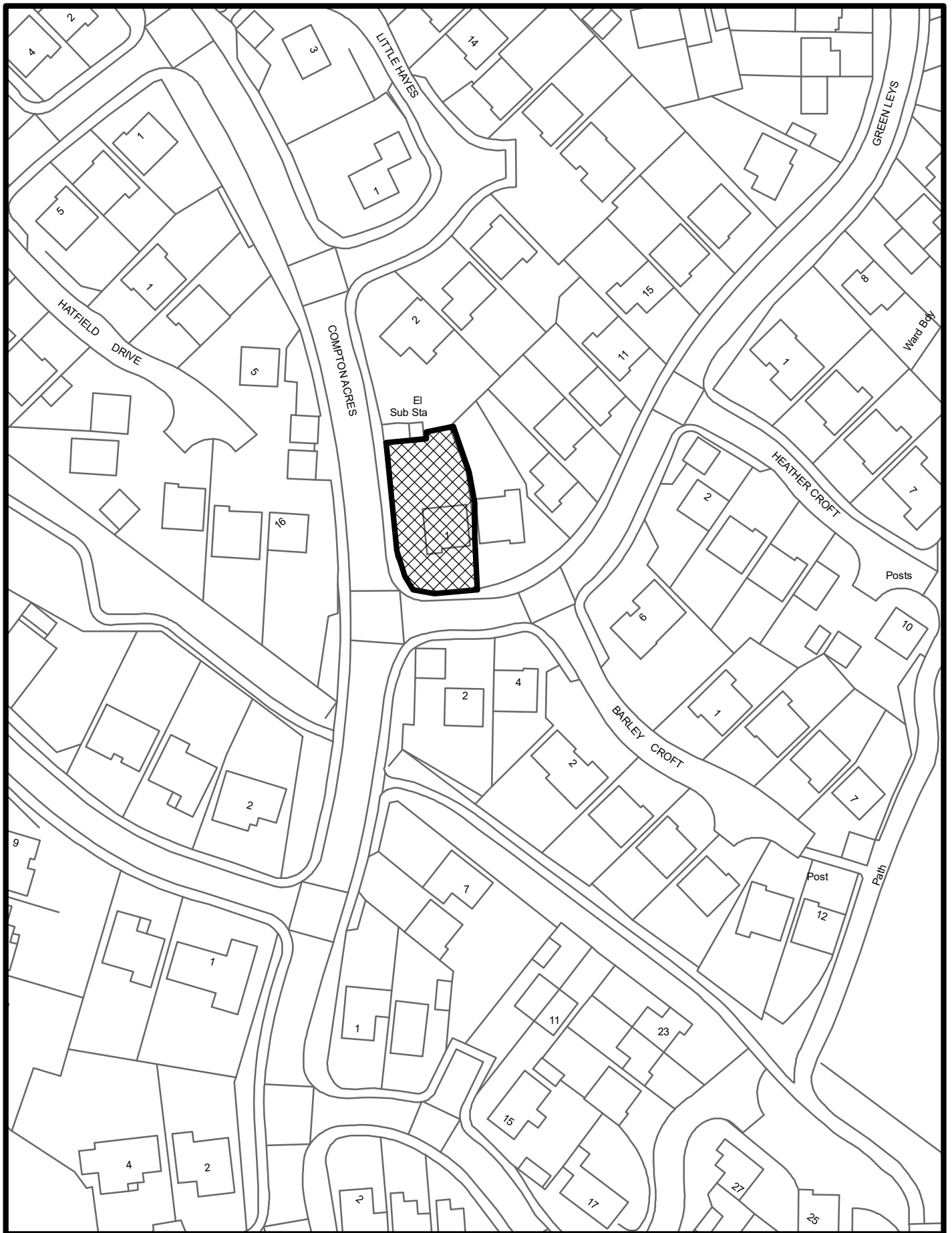
- The use of external lighting (during construction and post construction) should be appropriate to avoid adverse impacts on bat populations, see [http://www.bats.org.uk/pages/bats\\_and\\_lighting.html](http://www.bats.org.uk/pages/bats_and_lighting.html) for advice and a wildlife sensitive lighting scheme should be developed and implemented.
- The maximum usage of the site, times of use and noise control measures should be conditioned.
- A basic metric biodiversity net gain assessment should be provided as recommended in section T2.8.1 on page 124 of CIRIA (2019) Biodiversity Net Gain – Principles and Guidance for UK construction and developments.
- Permanent artificial bat boxes / bricks and wild bird nests should be considered on adjacent retained trees.
- New wildlife habitats should be created where appropriate, including wildflower rich neutral grassland, hedgerows, trees and woodland, wetlands and ponds.
- Any existing hedgerow / trees should be retained and enhanced, any hedge / trees removed should be replaced. Boundary verges should be retained and enhanced.



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

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

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**Application Number: 21/00414/FUL**  
**1 Green Leys, West Bridgford**



scale 1:1000

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# 21/00414/FUL

**Applicant** Mr Habib Ali

**Location** 1 Green Leys West Bridgford Nottinghamshire NG2 7RX

**Proposal** Two storey side and rear extension, single storey rear extension and new front porch

**Ward** Compton Acres

## THE SITE AND SURROUNDINGS

1. The application property comprises of a detached dwelling constructed of red brick with a red tiled roof, positioned within a corner plot at the junction of Green Leys and Compton Acres.
2. To the front of the property is a lawn with a driveway leading to a single integral garage, bounded by a 1m high hedge. The side garden area is enclosed by a 1.8m high brick wall and the rear garden area is enclosed by walls and close boarded fencing.
3. The surrounding area comprises of a housing development constructed in the 1980's and is characterised by detached dwellings of a similar design and appearance as the application property. An electricity sub-station is located beyond the northern garden boundary.

## DETAILS OF THE PROPOSAL

4. The application seeks planning permission for the erection of a two storey side and rear extension, a single storey rear extension, and a new front porch.
5. Revised plans were received during the consideration of the application, setting the first floor of the two storey side extension back 1m from the front elevation, and down from the roof ridge. The plans also indicated 3 off-street car parking spaces to the front garden area.
6. The proposed extensions would provide the following accommodation; a family room, utility and snug at ground floor and two additional bedrooms with en-suite bathrooms at first floor.
7. An existing conservatory to the rear elevation would be removed as part of the proposals.

## SITE HISTORY

8. None relevant.

## **REPRESENTATIONS**

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

9. One Ward Councillor (Cllr D G Wheeler) objects to the application and agrees with the comments made by the neighbour opposing the application.
10. One Ward Councillor (Cllr A Phillips) objects to the application on the grounds that the north facing rear elevation of number 3 Green Leys would be severely disadvantaged by this application if it were to go ahead. The properties were built stepped to take advantage of limited sunlight so if allowed it would cause shadowing and loss of light.

### **Town/Parish Council**

11. Not applicable.

### **Statutory and Other Consultees**

12. None.

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

13. One representation has been received from the owner occupiers of 3 Green Leys, objecting to the application on the following grounds:
  - a. Overshadowing and loss of light to rear garden and rear windows.
  - b. Overbearing impact.
  - c. Over-development of the site resulting in on-street car parking close to a junction.
  - d. Impact on sewer pipe located to the rear of the properties.
  - e. Impact on trees.
  - f. Impact on highway safety during construction.

## **PLANNING POLICY**

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

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

15. The following sections in the National Planning Policy Framework (NPPF) are of relevance:
  - Chapter 2 - Achieving Sustainable Development
  - Chapter 12 - Achieving Well Designed Places

## Relevant Local Planning Policies and Guidance

16. The following policies within LPP1 are of relevance:

- Policy 1 - Presumption in Favour of Sustainable Development
- Policy 10 - Design and Enhancing Local Identity

17. The following policies of LPP2 are of relevance:

- Policy 1 - Development Requirements

## APPRAISAL

18. In terms of the design of the proposed extensions and their impact upon the character and appearance of the street scene and the wider Compton Acres estate, the host property is located on the corner of Green Leys with Compton Acres and is partly screened by boundary hedge, wall and small trees. The proposed two storey side extension would replace an existing single storey element currently containing a garage and utility room. The proposed two storey side extension would measure 4.1m in width, compared to the existing single storey element which measures 2.5m in width. A distance of over 4.5m would be maintained between the side elevation and the side boundary with the public footpath. Given this separation distance, together with the existing boundary treatment, the proposed two storey side extension would not appear overly intrusive when viewed from Compton Acres.
19. During the consideration of the application, revised plans were submitted by the agent showing the first floor element of the two storey side/rear extension set back 1m from the existing front elevation, which in turn, would lower the ridge of the roof of the extension below that of the host property. This would result in the proposed extension having a more subservient appearance, with the original dwelling remaining the predominant feature, as required by guidance in the Residential Design Guide. In terms of design details, the roof would be gabled to reflect the roof design of the existing dwelling, the proportion and location of proposed window openings would reflect the existing fenestration.
20. The single storey rear extension would be screened from public views by the host property and the proposed two storey side/rear extension, and its monopitch roof design would not be harmful to the appearance of the host property or the wider estate.
21. The proposed front porch is very modest in size and scale, and comprises of glazed panels sitting flush between the two bay windows and under the roof canopy. It would not detract from the character or appearance of the host property or the surrounding area.
22. The agent has confirmed that the extensions would be constructed in materials which match the existing. A condition is recommended which would ensure that the extensions are constructed in brick and tile to match the existing materials. In general, the additions are considered to be sympathetic to the host property and character of the area and, therefore, compliant with the criteria in Policy 1 of LPP2, in particular the requirement that 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.

23. In terms of the impacts upon the living conditions of neighbours, objections have been received from the adjacent property to the east 3 Green Leys, raising, amongst other things, issues of overshadowing/loss of light/overbearing impact. The proposed single storey rear extension would be located only 826mm from the shared boundary with no.3. Although it would project 3.8m in depth, due to the slight staggering of the two properties, the rear extension would project approx. 2.8m beyond the rear elevation of no.3. The highest part of the monopitch roof would not therefore be visible when viewed from the immediate rear of no.3. Given the limited projection of the proposed extension past the rear elevation of no.3 and its shallow monopitch roof, it is not considered that this element would appear overbearing nor result in unacceptable levels of overshadowing. It is also a consideration that there is a 'fall back position' afforded by permitted development rights, which allow for single storey extensions to the rear of detached properties of up to 4m in depth.
24. The two storey rear extension would also project 3.8m beyond the rear elevation of the host property, but again, would only project approximately 2.8m beyond the rear elevation of no.3. The two storey extension would be located to the west of this property, but would be positioned 7m from the shared side boundary with no.3. The pitched roof of this element would also be set down from the main ridge, and slope away from the shared boundary. Given the limited rear projection, the 7m distance from the side boundary, together with the lower sloping roof, it is not considered that the proposed two storey rear extension would appear overly dominant or intrusive. The presence of this two storey rear element may result in a loss of direct sun light to a small section of the rear garden area of no.3 in the later part of the day during the winter months, however it is not considered that this loss of light would result in significant harm to the living conditions of no.3.
25. The two storey side/rear extension would also bring the two storey element of the host property 3.8m closer to the northern boundary of the site, beyond which is a small electricity sub-station. Beyond the sub-station is 2 Little Hayes, a two storey detached dwelling which is positioned at an angle within its plot, resulting in the rear elevation facing in a south easterly direction. A separation distance of over 21m would be maintained between the rear elevations of both properties. As a result of this separation distance and the angles involved, the proposed extension would not appear overbearing in relation to this neighbouring dwelling, result in overshadowing, or unacceptable levels of overlooking from the additional first floor bedroom window.
26. The two storey side/rear extension would also bring the two storey element of the host property 4.4m closer to 16 Hatfield Drive, a two storey dwelling located to the west, on the opposite side of Compton Acres. A separation distance of over 21m would be maintained between the two properties, therefore the extension would not appear over bearing. The side elevation of this neighbouring property is blank, the side elevation of the proposed extension would also be blank, save for a utility door at ground floor and two en-suite bathroom windows at first floor. Given the separation distance involved, across a road, it is not considered that the proposal would result in unacceptable overlooking to the neighbouring property.



27. To the south of the application site, on the opposite side of the estate road is 2 Green Leys, a detached two storey dwelling with an attached double garage to the front elevation. Whilst the proposed two storey side/rear extension would also increase the number of bedroom windows facing this neighbouring property, a separation distance of 25m would be maintained between the front elevations of the two properties. As a result, the proposed extension would not result in harm through overshadowing, overlooking, nor appear overbearing.
28. In terms of an over-development of the site, the proposed extension would, in part, replace an existing single storey element containing a garage and a utility room. Although a utility room is proposed in the new extension, a garage is not. However, during the consideration of the application, the agent amended the proposed plans to indicate the provision of three off-street car parking spaces to the front of the property, the provision of which could be secured by condition. The property would continue to benefit from a large private rear garden area, adequate to serve the enlarged 5 bedroom dwelling. As a result, the proposed extensions would not result in an over-development of the site and would provide adequate off-street car parking for a dwelling of this size.
29. In terms of the other issues raised by the objectors; the existence of a sewer within the rear garden area would be a matter to be addressed under Building Regulations or through an appropriate agreement with Severn Trent as necessary. The trees to the side of the site comprise of conifers and small ornamental trees, which if lost, would not be harmful to the visual amenities of the public realm. Any obstruction of the junction by contractors vehicles during the construction phase may be a matter for the Police.
30. The application was not the subject of pre-application discussions, however, negotiations have taken place during the consideration of the application to address issues of design and off-street car parking provision, which has led to a more acceptable scheme. Despite the objections raised by Ward Members and the neighbouring resident, after careful consideration, it is not considered that the proposed extensions would be significantly harmful to the living conditions of the occupiers of 3 Green Leys, nor harm the character or appearance of the host property or the wider area. The proposal would therefore accord with Policy 10 (Design and Enhancing Local Identity) contained within The Rushcliffe Local Plan Part 1: Core Strategy (LPP1) and Policy 1 (Development Requirements) of the Local Plan Part 2: Land and Planning Policies (LPP2), and is recommended for approval, subject to conditions.

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

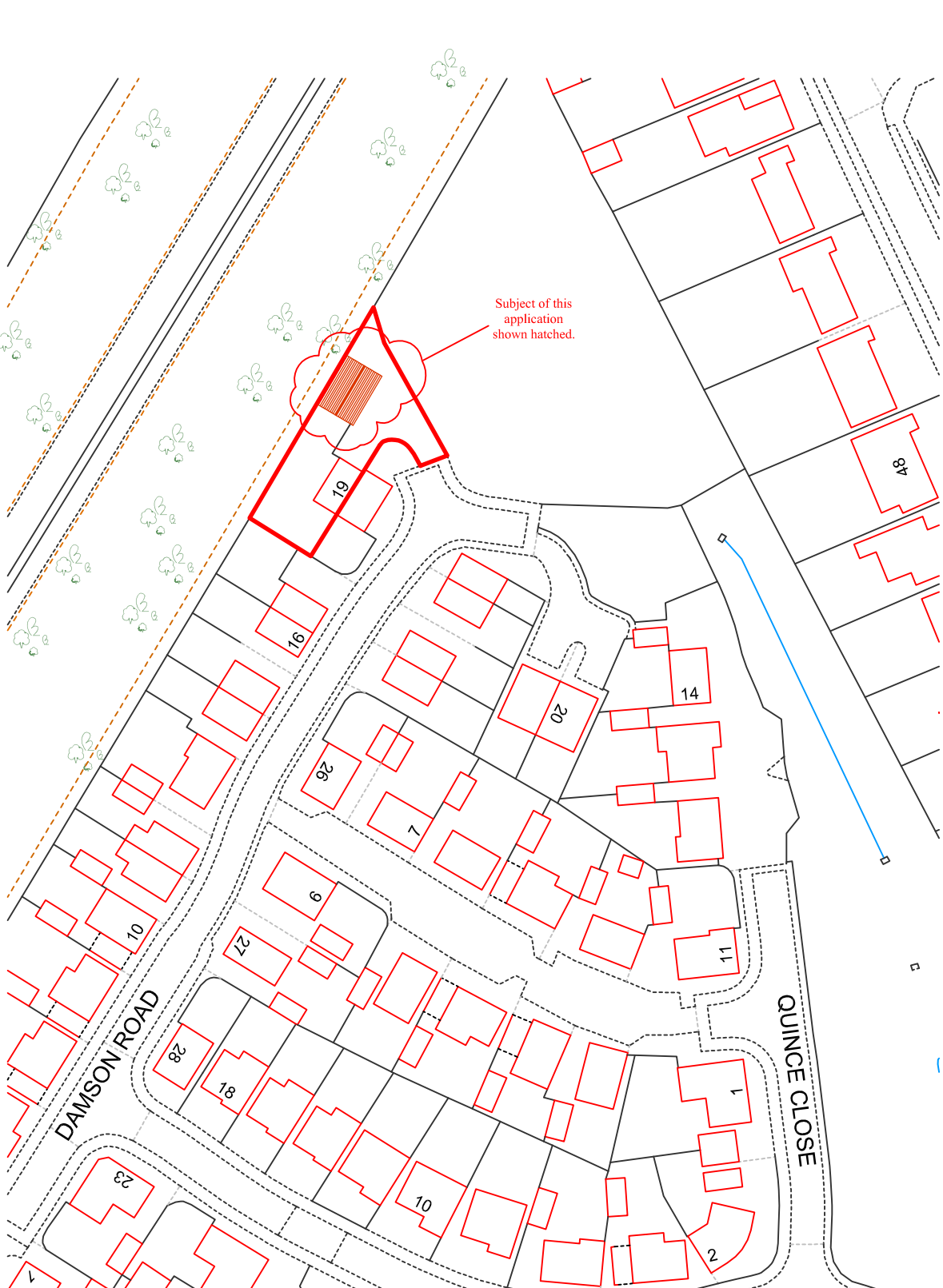
[For the avoidance of doubt and to comply with Policy 1 (Presumption in Favour of Sustainable Development) of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land & Planning Policies].

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

[To ensure the appearance of the development is satisfactory having regard to policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)].

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

[To prevent an increase in on-street car parking, in the interests of highway safety having regard to Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).]



Subject of this application shown hatched.

Application Number: 21/03176/FUL  
19 Damson Road, East Leake  
(do not scale)

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**20/03176/FUL**

**Applicant** Thomas Macfarlane & Isobel Holmes

**Location** 19 Damson Road East Leake Nottinghamshire LE12 6QY

**Proposal** Erection of detached double garage

**Ward** Leake

## **THE SITE AND SURROUNDINGS**

1. The application relates to a two storey semi-detached dwelling located at the end of a cul-de-sac within a modern residential development on the western edge of East Leake (approved under 13/02259/REM). The dwelling is currently served by a large drive running from the turning head. The site abuts an area of open green space to the east. There is a railway cutting to the rear serving the heritage railway line.

## **DETAILS OF THE PROPOSAL**

2. The application seeks planning permission for the erection of a double garage measuring 6.7 metres in width, 5.1 metres in depth with a height of 5.6 metre to the ridge, to be positioned 0.3 metres from the rear (west) boundary and 3 metres from the northern boundary. The facing and roofing materials would match the dwelling.
3. The originally submitted plans proposed a 9.4 metre wide garage, however the application plans were amended during the consideration of the application to reduce the width of the garage.

## **SITE HISTORY**

4. No relevant planning history.

## **REPRESENTATIONS**

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

5. One Ward Councillor (Cllr Thomas) objects to the application, commenting that; *“When this estate was built there was considerable discussion about the positioning of the house of 19 Damson Close, given the proximity to the railway cutting. The final position was agreed as I recall after some sort of engineering assessment. This was the closest the building could be positioned due to the possibility of destabilising the cutting itself and in time possible danger to the house. The garage site is closer than this to the cutting and I suggest that an appropriate technical opinion is obtained about the stability of the cutting and that the railway operator is also consulted.*
6. *This is a large double garage, larger than others on the estate, which puts the building out of character with its surroundings. It stands alone rather than being closely associated with the house, as others are on this estate. It is for a 2*

*bedroom house that has two parking space allocated. The footprint of the garage is larger than that of the house. It is larger than a standard sized double garage. The development plans show an open area with landscaping here, contributing to the open space provision for the estate, and the open aspect rather than an enclosed private space. Is permission needed for change of use from open space to private garden? Should permission be granted I request a condition to ensure that the building is only used for garaging and storage of garden equipment in conjunction with this property alone, and that any future business or residential use of the building would require further planning permission.”*

7. Cllr Thomas submitted a further objection in response to the revised plans, commenting that *“The reduced size is an improvement, but it is still significantly larger (height, width and depth) than other garages on the site (see drawings in application 14/02313/FUL). My other comments stand.”*
8. One Ward Councillor (Cllr Shaw) objects on the basis that *“this is a substantial tandem double garage which will dominate the site and as such is considered to be totally inappropriate.”*
9. Cllr Shaw commented further in response to the revised plans, objecting and noting that *“Whilst it is pleasing that the size of the proposed garage has been reduced, it remains out of character with the other properties in this street.”*

#### **Town/Parish Council**

10. East Leake Parish Council objected to the originally submitted plans on grounds that the garage would be considerably larger than those on the rest of the estate, out of keeping and there are already two parking spaces outside the house. Proximity to the cutting could lead to destabilisation and risk to property. The large roof space will cause a lot of water to go into the system, query where this would go. They submitted further comments wishing to seek reassurance that, if approved, the garage will not be used for commercial purposes.

#### **Statutory and Other Consultees**

11. The Nottinghamshire County Council as Highway Authority does not object.
12. Network Rail commented that the adjacent railway is maintained by Great Central Railway.
13. Great Central Railway object to the application, commenting that the line carries both Commercial Freight and Heritage trains. The close proximity of the new building to the top of the embankment gives concern regarding the possibility of destabilisation to the integrity of the structure of the embankment which is the basis of the objection. It is questioned where the rainwater from the new building would go as this could also lead to problems with the embankment.

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

14. Comments have been received from three neighbours/members of public objecting with the comments summarised as follows:

- a. Out of scale and out of keeping with surroundings.
  - b. Alleged use of property for commercial vehicles/concern about commercial use.
  - c. Garage at odds with the size of the property.
  - d. Could set a precedent.
  - e. Amended proposal still out of scale with the property and surrounding houses.
15. Comments have been received from two neighbours/members of public in support with comments summarised as follows:
- a. Garage would make property look more compete.
  - b. Disagree that the garage would be out of scale as it is a large plot.
  - c. Many properties with similar garages.
  - d. Design and materials would reflect those used on the estate.
  - e. Not an issue provided it is not used solely for running a business.

## **PLANNING POLICY**

16. The Development Plan for Rushcliffe consists of The Rushcliffe Local Plan Part 1: Core Strategy (LPP1) and the Local Plan Part 2: Land and Planning Policies (LPP2), which was adopted on 8 October 2019. The East Leake Neighbourhood Plan also forms part of the development plan for the area. Other material considerations include the 2019 National Planning Policy Framework (NPPF), the National Planning Practice Guidance (the Guidance), and the 2009 Rushcliffe Residential Design Guide.

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

17. The relevant national policy considerations for this proposal are those contained within the NPPF (2019) and the proposal shall be considered within the context of a presumption in favour of sustainable development as a core principle of the NPPF. In accordance with paragraph 11c), development proposals that accord with an up-to-date development plan shall be approved without delay.
18. 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.

## Relevant Local Planning Policies and Guidance

19. LPP1 Policy 1 reinforces the need for a positive and proactive approach to planning decision making that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. The proposal falls to be considered under LPP1 Policy 10 of (Design and Enhancing Local Identity). The development should make a positive contribution to the public realm and sense of place, and should have regard to the local context and reinforce local characteristics. Section 2 of this policy sets out the design and amenity criteria that development should be assessed against.
20. The proposal falls to be considered under Policy 1 (Development Requirements) of the LPP2, specifically the following criteria: 2) ensuring a suitable means of access without detriment to highway safety, with parking in accordance with Highway Authority requirements; and 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. It should not lead to an over intensive form of development, be overbearing in relation to neighbouring properties, nor lead to undue overshadowing.
21. The East Leake Neighbourhood Plan forms part of the Development Plan for Rushcliffe and is therefore a material consideration in decision making. Paragraph 30 of the NPPF states that once a neighbourhood plan has been brought into force, the policies it contains take precedence over existing non-strategic policies in a local plan covering the neighbourhood area, where they are in conflict; unless they are superseded by strategic or non-strategic policies that are adopted subsequently. The proposal falls to be considered under section 2.4 (Issues of Building Standards and Design) and Policy E1 (Containment of the Built Environment).

## APPRAISAL

22. The application site is located at the end of a cul-de-sac within a modern estate, abutting an area of public open space to the north. The proposed garage would be sited on the driveway forward of the application property. The garage would be sited 9.5 metres from the frontage of the adjoining neighbour at 18 Damson Road at the closest point. Due to the position broadly to the north of this neighbour, there would not be a significant overshadowing impact. This neighbour has ground and first floor windows in the northern elevation, however given the offset position of the garage and the separation distance from these windows, it is not considered that there would be an undue overbearing impact.
23. The main considerations raised in letters of representation relate to the visual appearance of the garage and the potential impact on the stability of the railway embankment to the rear (west).
24. In terms of visual amenity, the originally submitted plans proposed a garage measuring 9.4 metres in width. Following consultee comments regarding the scale of the garage, discussions took place with the applicant's agent and the plans were revised to reduce the width to 6.7 metres. In considering the built form within the Woodgate Road estate, the scale of the garage would be akin



to garage type LCC5 approved as part of the original housing development (planning reference 14/02313/FUL).

25. In considering East Leake Neighbourhood Plan Policy E1 (Containment of the Built Environment), the site is located close to identified Ridge A, however the garage would be built on level ground and it would not impact on views out of the village towards open countryside, given its location within the Woodgate Road development.
26. The proposed garage would be positioned approximately 13 metres from the side turning head, therefore views of the garage from Damson Road would be largely confined to the turning head itself and longer distance views from the end of Quince Close to the east. The garage would however be clearly visible from the adjacent open space immediately to the north. It would however be set back a minimum of 3 metres from this adjacent open space and thus it is not considered that it would appear overly dominant in the context of the adjacent two storey host property. The garage would be sited on the existing driveway hardstanding and would not encroach on this green space.
27. The overall built form and materials would reflect the appearance of the existing properties and it is not considered that it would harm the visual amenities of the area. In considering part 2.4 of the East Leake Neighbourhood Plan (Issues of Building Standards and Design), it is considered that the proposal would be well designed and would not detract from the character of East Leake.
28. In terms of the consultee concerns relating to the stability of the adjacent railway embankment, advice has been sought from Building Control (East Midlands Building Consultancy) who consider that there are ways to construct the garage safely so that it will not impact on the stability of the bank. They suggest that a foundation below the angle of repose or angle of frictional retained material would be suitable, and a suitable design would not destabilise the railway embankment. The footprint of the proposed garage is of a size that would attract a need for approval under the Building Regulations and this would include ensuring the foundations are of an appropriate design/depth. Therefore, a note to applicant is recommended to ensure that the proximity of the garage to the top of the railway embankment is taken into account in the design of the foundations.
29. With regard to surface water drainage, the applicant's agent has confirmed that this will be disposed of to the existing storm water drain. No details of the means of disposal of surface water were provided with the application and, therefore, a condition is recommended to address this issue.
30. The Highways Authority do not object to the proposal. The proposal would not compromise the existing parking situation.
31. The application was not the subject of pre-application discussions. The scheme however is considered acceptable and no discussions or negotiations with the applicant or agent were considered necessary, resulting in a recommendation to grant planning permission.

## RECOMMENDATION

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

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

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

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

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

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

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

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

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

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

[To ensure a satisfactory standard of development in terms of the disposal of surface water, to minimise the risk of flooding elsewhere and to ensure that the development does not adversely impact on the stability of the adjacent railway embankment, having regard to Policy 2 (Climate Change) of the Rushcliffe Local Plan Part 1: Core Strategy (2014), Policies 17 (Managing Flood Risk) and 18 (Surface Water Management) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)].

## Notes to Applicant

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

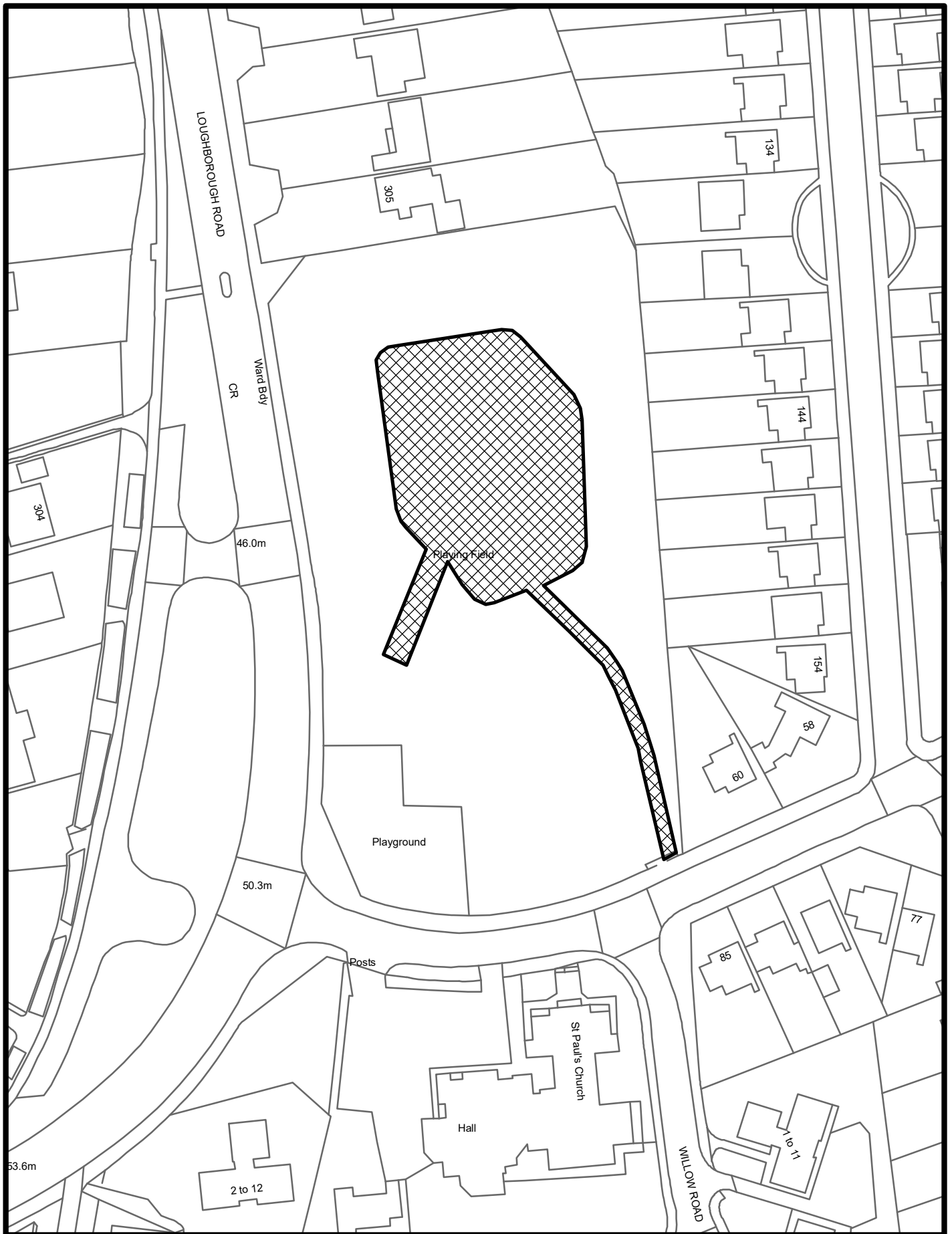
about CIL can be found on the Borough Council's website at <https://www.rushcliffe.gov.uk/planningandgrowth/cil/>

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

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

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

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**Application Number: 21/00680/FUL**  
**Playing Fields, corner of Boundary Road & Loughborough Road**  
**West Bridgford**

scale 1:1000

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# 21/00680/FUL

**Applicant** Rushcliffe Borough Council

**Location** Playing Fields Corner Of Boundary Road And Loughborough Road  
West Bridgford Nottinghamshire

**Proposal** Upgrade/remodel existing bike track

**Ward** Musters

## THE SITE AND SURROUNDINGS

1. The 1675sq.m Park site is located at the corner of the road junction between Boundary Road and Loughborough Road. It is an existing park with a bike track and a small contained play area having a railing and hedge boundary and gated access to the north west and south east of the site.
2. Boundary Road play area was refurbished in 2009 with equipment for children aged 0-12. The focal point of the site is a large mound with stepping stones, boulders and a climbing wall, in addition there are also a Gyrospiral seesaw, Speed Gyro roundabout, springers, a cable way and pod swing.
3. Residential properties on Repton Road (136 – 152) and 58 and 60 Boundary Road back onto the site on its eastern boundary, having a variety of boundary treatments. The properties are at an elevated position to the application site. To the North is 305 Loughborough Road, across Loughborough Road to the west are numbers 304 - 310 and 21 and 23 Swithland Drive. St Pauls Church and Hall are located to the south of the site on the opposite side of boundary Road.

## DETAILS OF THE PROPOSAL

4. The proposal is to upgrade the existing bike track with a more modern bike track facility. It is proposed to provide a learn to ride area and intermediate pump track allowing for progression of all ages and skill levels. The learn to ride area and start hill and berms (corners) of the intermediate pump track are proposed to be finished in asphalt with the remainder finished in crushed stone. All backs of berms and side slopes of features would be finished in grass.
5. Plans have been provided to indicate the location and design of the proposed bike track together with section drawings that indicate profile changes to the existing land level of up to 1.5m in places on the main track and 0.8m on the learn to ride track, with associated amended adjacent land gradients and landscaping. The submitted sections are shown flat to work with the existing ground level heights. There is no intention for these to be brought level but always to work with the current heights shown from the existing ground level. The sections relate to the markers A through E on the drawing 17-002 (07)001 PL2 TRACK PLAN. Drawing 17-002 (06)001 PL2 SITE PLAN shows a 10m clear radius from the existing teen shelter.

## SITE HISTORY

6. No site history.

## REPRESENTATIONS

### Ward Councillor(s)

7. One Ward Councillor (Cllr Major) supports the application commenting; *“I think this is a welcome addition to the park and will encourage positive use of the space within the community. It's difficult to tell exactly from the drawings but I would hope that the materials proposed will serve to blend into the environment whilst being robust enough to survive intensive use and weathering. I trust the officer will interrogate this as part of the process. I do wonder if there needs to be more formal designated paths from the main park entrances at both the bottom onto Loughborough Road and at the top onto Boundary Road to avoid a muddy mess from bikes rolling across the grass, particularly during the winter months. While I'm loathed to cover more green space with structured paths, having the only one leading from the playground may mean larger bikes being taken through the play area unnecessarily. I would ask the officer to look at this specifically but in principle I am very supportive of the plans.”*
8. One Ward Councillor (Cllr Jones) supports the application commenting; *“This is a welcome plan and well designed plan to replace the crummy wooden humps. Installing a robust pump track will attract more positive users of the park, many with parents. The location is sufficiently distant from properties adjoining the park. I appreciate this is a costly investment and requires removal of fencing and barrier to enable the contractors vehicle in. I suggest that Officers respond as best they can if there are any repeats of reported anti-social behaviour in the Park.”*

### Statutory and Other Consultees

9. The Council's Sustainability Officer commented that they *“note the applicant has stated no important biodiversity or geological conservation features are present on site or nearby; and are likely to be affected by the proposals. No ecological survey is likely to be required. The site consists of amenity improved grassland and hardstanding, occasional trees and hedgerow. The site is surrounded by urban gardens and roads. It is not expected nearby Local Wildlife Sites (nearest 500m) will be impacted. No protected or priority species are identified. No priority habitats are identified. The development provides opportunities for ecological enhancement. The favourable conservation status of Protected Species is unlikely to be impacted by this development.”*
10. The Council's Environmental Health Officer has no objection subject to an informative/condition on construction hours.
11. Nottinghamshire County Council as Lead Flood Risk Authority has provided general recommendations for all developments.
12. Nottinghamshire County Council as Highway Authority have no objections.
13. Sport England have commented *“The proposed development does not fall within either our statutory remit (Statutory Instrument) or non-statutory remit*



*therefore Sport England has not provided a detailed response in this case, but would wish to give the following advice to aid the assessment of this application.*

14. *The proposal involves sports facilities or facilities which encourage active recreation. Sport England supports the principle of facilities which encourage people who are inactive to be active and proposals which are in accordance with both government's Sporting Futures Strategy and Sport England new Strategy. Our New Strategy 'Uniting the Movement' is a 10-year vision to transform lives and communities through sport and physical activity. We believe and will advocate sport and physical activity has a big role to play in improving the physical and mental health of the nation, supporting the economy, reconnecting communities and rebuilding a stronger society for all. We will be a catalyst for change and join forces on 5 issues which includes connecting communities, connecting with Health and Wellbeing and Active Environments. In line with the Government's NPPF (including Section 8) and PPG (Health and wellbeing section), we consider that the proposal will provide opportunities for people to lead healthy lifestyles and create healthy communities."*

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

15. Six representations supporting the proposal have been received raising the following matters:
- a. Fully supportive of the plans for the new pump track and believe it will be a wonderful asset to the area for local children.
  - b. It will provide an excellent facility to the local area.
  - c. There are no current similar facilities available to this neighbourhood without travel along main roads with no cycle path provision and replaces the previously ill-designed humps.
  - d. The proposed plans leaves a good area for games on the field and is distanced from the neighbouring properties with consideration given to the aesthetics from these overlooking properties.
  - e. With additional investment in the park, it will become more cared for by users as other well-maintained parks in the area demonstrate.
  - f. It will massively increase the value of the park and use by local people in what is currently a grass area that I underused.
  - g. The nearest bike track of this sort is at Queen's Drive park and ride and this new site will mean that many families can access a track on foot and by bike without having to drive.
  - h. The park is well-used particularly by younger children and those exercising their dogs.
  - i. The existing 'obstacle course' has been popular and an upgrade of the facilities would no doubt enhance its use.

- j. The general upkeep of the space has deteriorated with the removal of a dedicated litter-pick on a regular basis and the additional planting of trees has resulted in a collection of 'stumps' as teenagers have systematically destroyed the majority of them.
  - k. The teenage shelter is a magnet for an unruly element who climb on the structure, set fire to the plastic surfaces and abuse the facility, often accompanied by loud music.
  - l. If the bike track is to be improved then the opportunity should be taken to shift the shelter away from the road. The surface around it should be modified.
  - m. In terms of the bike track itself, what steps will be taken to 'proof' the facility from the attentions of the youths who regularly ride petrol-driven trail bikes/scooters in the park now as well as the local 'crew' who now own electrically propelled skateboards, balance boards and scooters?
  - n. Given the number of very small children using the playground area and the park for a kick-about, it is inevitable that serious injury will result from a collision with a powerful and weighty machine if they are allowed to access the track.
  - q. Could the newly created police depot 'adopt' the park and oversee its safe use? or first aid facilities should be freely available at the station and promoted near the track.
16. One resident considers that the existing facility does not require any upgrade. It will cause many problems for the local community – currently noise, destruction of trees, anti-social activities and vandalism.

## **PLANNING POLICY**

17. The Development Plan for Rushcliffe consists of The Rushcliffe Local Plan Part 1: Core Strategy (LPP1) and the Local Plan Part 2: Land and Planning Policies (LPP2). Other material considerations include the 2019 National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (the Guidance).

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

18. The relevant national policy considerations for this proposal are those contained within the National Planning Policy Framework (NPPF) and the proposal should be considered within the context of a presumption in favour of sustainable development as a core principle of the NPPF. The following sections of the NPPF are relevant to this application.
- Section 8 - Promoting healthy and safe communities
  - Section 12 - Achieving well-designed places
  - Section 15 -Conserving and enhancing the natural environment

## Relevant Local Planning Policies and Guidance

19. The following LPP1 policies are considered to be of relevance to this application:
- Policy 1 - Presumption in Favour of Sustainable Development
  - Policy 2 - Climate Change
  - Policy 10 - Design and Enhancing Local Identity
  - Policy 16 - Green Infrastructure, Landscape, Parks and Open Spaces
20. The following LPP2 policies are considered to be of relevance to this application:
- Policy 1 - Development Requirements.
  - Policy 32 - Recreational Open Space
  - Policy 33 - Local Green Space
  - Policy 34 - Green Infrastructure and Open Space Assets
21. Leisure Facilities Strategy 2017-2027

## APPRAISAL

22. Planning permission is sought for improvements to the existing bike track at the recreational park on Boundary Road. It is considered to be a sustainable form of development and acceptable in principle subject to other material planning considerations.

### Amenity/design

23. The proposal is to improve and enhance the existing bike track within the central part of the park area. The topography of the site slopes down from Boundary Road towards number 305 Loughborough Road. This property has first floor windows facing the site across its flat roof garage and driveway. The boundary comprises of a fence. The distance from the application site to this property boundary is around 25m, this includes the landscape/recontouring elements and so the track itself would be approximately 35m from this boundary.
24. The application site is around 18m from the rear boundary of 150 Repton Road and approximately 13m to the rear boundary of 146 Repton Road. The corresponding tracks are thus located further away. Loughborough Road and Boundary Road separates the site from properties to the south and west.
25. The small learn to ride track for the younger age range is proposed to be to the south of the site with the larger main pump track for older users towards the north. The section plans indicate that at its highest the proposal would be 1.5m and that the land would be graduated towards the edges of the site at a gradient of 1:5. It is intended to follow the levels of the Park and not level off the site. As no topographical details have been submitted with the application a condition is recommended in requiring submission of details of existing and proposed land levels.

26. As a result of the design, distances and positioning of adjacent properties and boundary treatment it is not considered that the development would have any undue impacts on these nearby residential properties and the proposal is considered to comply with Policy 1 (Development Requirements) of the LPP1, in particular criteria which requires that there is no significant adverse impact upon amenity, particularly residential amenity of adjoining properties by reason of the type and levels of activity on the site.

#### Footpath/connectivity

27. A Ward Councillor has requested that consideration be given to more formal designated paths from the main park entrances at both the bottom onto Loughborough Road and at the top onto Boundary Road to avoid a muddy mess from bikes rolling across the grass, particularly during the winter months.
28. The agent has confirmed by email that *“linking paths fall outside the scope of the current planning application and the track has been designed based on the existing facility which has been in place for the last 15 years, following resident, user and Cllr feedback. It is really important to maintain the area of greenspace to the south of the bike track allow for informal football and cricket to take place. The newly created path from the play area is to allow for parent/carers with buggies or those with mobility issue to be able to access the learn to ride track with toddler and infants with balance bikes, etc.*
29. *The Council would monitor the performance of the track and could provide a linking path from the north western entrance at a later date if required but based on consultation and trying to balance the facility and the natural environment is it not deemed necessary at this time.”*
30. The application does include a temporary roadway from the south of the site but this is to allow for construction, a further path is proposed connecting the existing play area. It is considered that connectivity can be satisfactorily reviewed and should additional paths be required it could be undertaken by the Council under permitted development.

#### Increased/Nature of use/Litter and anti-social activity

31. Concern has been raised by residents regarding the current activities of teenagers currently using the park and how the proposal may result in further anti-social activities, litter and general issues with upkeep.
32. The agent has confirmed in an email that the litter collection schedule at Boundary Road Park has not been reduced however, there has been an increase in usage and associated littering during the Covid 19 lockdown period. Additional litter picks have occurred and the litter picking schedules will be reviewed. The Council has the ability to adjust as necessary for any increased usage created by the redevelopment. The Borough Council has also joined forces with Waste Investigations Support and Enforcement (WISE) who have the ability to issue fixed penalty notices for littering and Boundary Road Park has been added to their monitoring.
33. It is understood that a replacement tree planting scheme for the damaged trees is currently being developed by the Borough Council Landscape Officer in consultation with the Community Facilities Manager, local Ward Councillor and

residents. The planting scheme is scheduled to take place in the next planting season in late autumn/winter. It sits outside the scope of this application. The agent has confirmed that; *“the siting and location of the replacement trees will be carefully considered so that they are not located close to the existing teen shelter to mitigate the risk of damage in the future.”*

34. The agent has confirmed that; *“This track will be an attraction for all ages including teenagers therefore the shelter location complements the bike track design and is the reason the track has been designed around it. Community safety research has shown that teen-shelter work most effectively when they are located adjacent to an ancillary facility in an open environment with clear sight lines. The greater use the track gets the easier the area will self-police opposed to having a shelter elsewhere in isolation. We have no Police or ASB reports with the facilities proximity to the road but a well-used track will help mitigate this and as a local authority would be able to take action if this risk was realised in the future.”*
35. It is envisaged that; *“A fun enjoyable track for all ages will attract actual users to the facility continuing the self-policing aim of the site. The fully asphalted beginner track will give scooter users a smooth rollable surface to enjoy and progress skills before moving onto a BMX bike or similar for the main track. This additional element will attract parent/carer who will be able to observe and self-police the teen facility.”*
36. *“There will always be the possible damage from scooter wheels on the stone surface finish of the main track but again this comes down to users wanting to keep it as well maintained as possible and the Council’s continued maintenance. The contract we have with the successful tenderer covers the maintenance of the track for 12 months and it will then be added to our annual maintenance schedule for structured maintenance, similar to how the successful tenderer carries out work at the larger Country Park facility in Ruddington.”*
37. *“The Borough Council has invested heavily in its skatepark facilities in recent years most notably at the Hook Skate Park in Lady Bay and is currently redeveloping the skate park facility at the nearby Rushcliffe Country Park site in Ruddington, it has also provided grants for skate park across the borough. These recreation opportunity create opportunity for skateboard and scooter for which this facility is not designed.”*
38. *“Regarding anti-social behaviour and inappropriate use of the parks facilities. It will be monitored on an on-going basis through our facilities management teams and if any incidents of anti-social behaviour arise they will be investigated by our ASB teams in the usual way. The park is accessible 24hrs per day and whilst we have no intention to restrict access as a responsible authority, should these issues arise we could closely monitor the park and could reduce opening times by locking the gate access points on a temporary basis if required.”*
39. It is considered that the proposal accords with local policy and can effectively be managed and monitored by the Council. It is considered that the proposed development would not have any detrimental impact on the character of the area or boundary treatment to the overall site, with the development sitting within an existing facility and not therefore being alien to the character of the

area. It is therefore considered that the proposal complies with Policy 10 (Design and Enhancing Local Identity) of the LPP1 and Policy 1 (Development Requirements) of the LPP2.

### Ecology

40. The Council has a duty to consider the potential impacts of a proposal on wildlife. The Sustainability Officer advises that; *“the favourable conservation status of Protected Species is unlikely to be impacted by this development.”* It is therefore considered that the 3 tests are not applicable for the assessment of this application and that the development will not have an adverse impact on wildlife in the vicinity.

### Conclusion

41. It is considered that the proposal would not have any overriding adverse impact on the appearance of the site. Approval would support the existing business activity and provide a valuable leisure service to the local community. The proposal is therefore considered to accord with the policies set out in the Local Plan Part 1 and 2 and the relevant guidance within the NPPF. Approval of the application is therefore recommended.
42. The application was not the subject of pre-application discussions. The scheme however is considered acceptable and no discussions or negotiations with the applicant or agent were considered necessary resulting in a favourable recommendation.

## **RECOMMENDATION**

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

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

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

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

[For the avoidance of doubt having regard to Policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)].

3. The development shall be undertaken in accordance with the materials specified in the submission for the hardsurfaced areas.

[To ensure the appearance of the development is satisfactory having regard to policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)].

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

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

### **Notes to Applicant**

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

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

Please be advised that all applications approved on or after the 7th October 2019 may be subject to the Community Infrastructure Levy (CIL). Further information about CIL can be found on the Borough Council's website at:

<https://www.rushcliffe.gov.uk/planningandgrowth/cil/>

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

1. The development should not increase flood risk to existing properties or put the development at risk of flooding.
2. Any discharge of surface water from the site should look at infiltration – watercourse – sewer as the priority order for discharge location.
3. SUDS should be considered where feasible and consideration given to ownership and maintenance of any SUDS proposals for the lifetime of the development.
4. Any development that proposes to alter an ordinary watercourse in a manner that will have a detrimental effect on the flow of water (eg culverting / pipe crossing) must be discussed with the Flood Risk Management Team at Nottinghamshire County Council.

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