

**22/00809/FUL**

**Applicant** Tim Mackeller

**Location** Land At Church Farm Gotham Road Kingston On Soar  
Nottinghamshire

**Proposal** The construction, operation and decommissioning of a solar photovoltaic (PV) farm and associated infrastructure, including inverters, substation compound, security cameras, fencing, access tracks and landscaping.

**Ward** Gotham

## **LATE REPRESENTATIONS FOR COMMITTEE**

1. **NATURE OF REPRESENTATION:** Amendments to Minutes
- RECEIVED FROM:** Planning Manager- Development

### **SUMMARY OF MAIN POINTS:**

Following the issuing of the minutes of the November Planning Committee meeting, Councillors Jones and Thomas felt that the minutes relating to the above application did not represent comments of members, in that Condition 14 did not contain a specific request that details of the following be submitted for approval;

- the proposed agricultural use of the site
- provisions made within the fencing enclosing the site to allow mammals to cross the site,
- that pesticides or herbicides should not be used on the site and
- that chemical cleaners should not be used to clean the solar panels.

The condition has been amended as highlighted below to reflect those requirements.

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

*The content of the LEMP shall include the following:*

- a) Description and evaluation of features to be managed.*
- b) Ecological trends and constraints on site that might influence management.*
- c) Aims and objectives of management.*
- d) Appropriate management options for achieving aims and objectives.*
- e) Prescriptions for management actions.*
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).*
- g) Details of the body or organisation responsible for implementation of the plan.*
- h) Ongoing monitoring and remedial measures.*
- i) Details of how the land shall be used for agricultural purposes through the life of the development,*
- j) Details of what provisions will be made within any fencing enclosing the site for mammals to cross the site,*
- k) Details of how the site shall be managed without the use of pesticides or herbicides;*
- l) Details of means of cleaning the panels (which should exclude the use of chemical cleaners).*

*The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The Landscape and Ecology Management Plan shall be implemented prior to the first use of the hereby approved development and thereafter maintained for the lifetime of the development.*

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

*In addition to this a further note has been added regarding the developer advising contractors to follow the submitted routing plan for the site:*

*Informative:*

*The applicant is advised that all contractor attending the site should be made aware of the traffic routing plan to be followed.*

## **PLANNING OFFICERS COMMENTS:**

The minutes have been amended and as the application has been referred to the Sec of State for Leveling Up, Housing and Communities for consideration, the amendment has been submitted to him for consideration.

A full set of amended minutes are attached.

## **MINUTES OF THE MEETING OF THE Planning Committee Thursday, 10 November 2022**

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

### **PRESENT:**

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

### **ALSO IN ATTENDANCE:**

Councillors J Stockwood, A Phillips, R Jones

### **OFFICERS IN ATTENDANCE:**

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

### **APOLOGIES:**

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

### **Declarations of Interest**

There were no declarations of interest.

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

The minutes of the meeting held on 13 October 2022 were approved as

a true record of the meeting and were signed by the Chairman.

## **Planning Applications**

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

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

## **Updates**

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

## **Comments**

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

## **DECISION**

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

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

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

2. The development hereby permitted shall not exceed the limits contained within the approved Development Zone Plans Plan Reference RNC010-DZ-01 Rev 06.

[To ensure the development is carried out in accordance with the details hereby approved and to comply with Policy 1 (Development

Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy.]

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

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

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

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

5. The development hereby approved is for a period of 40 years electricity generation, after which electricity generation is to cease, the solar panels and all ancillary infrastructure are to be removed from the site and the land is to be restored to its former condition. The site operator shall provide a minimum 4 weeks notice in writing to the Local Planning Authority, of the date of commissioning of the facility Within 6 months of following the operational use of the site hereby approved commencing, a Decommissioning Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall include the timing for decommissioning of all, or part of the solar farm if it ceases to be operational, along with the measures, and a timetable for their completion, to secure the removal of panels and any foundations or anchor systems, plant, fencing, equipment and landscaping initially required to mitigate the landscape and visual impacts of the development. In addition, a decommissioning traffic management plan and access route including provision for addressing any abnormal wear and tear to the highway and a decommissioning plan to address noise and dust shall be submitted and agreed in writing with the local planning authority. The subsequent decommissioning of the site shall be carried out in accordance with the agreed details within 6 months of the expiry of this permission or within 6 months of

the cessation of the production of electricity production (which ever is sooner). The applicant should provide the Local Planning Authority with not less than one week's notice in writing of the cessation of the production of electricity and the intended date for commencement of decommissioning works under the terms of this permission.

[To ensure that the local planning authority can retain control over use of the land in the long term and to ensure the removal of the equipment when electricity is no longer being generated on the site in the interests of the visual amenities of the area and to ensure safe and free flow of traffic and the protection of the amenities of surrounding properties during decommissioning having regard to Policy 10 (Design and Enhancing Local Identify) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policies and Policy 1 (Development Requirements), 37 (Trees and Woodlands) and 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Chapter 15 (Conserving and Enhancing the Natural Environment) of the National Planning Policy Framework. This is a pre commencement condition required to ensure that the nature of the site of temporary solar farm is ensured to be restored and all equipment removed.]

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

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

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

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

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

access to the array by birds who might be attracted to the warmth and safety of the array to roost or nest.

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

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

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

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

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

- a) An accurate survey of all existing trees and other natural features showing those to be retained and those to be removed;
- b) Detailed plans showing the location of all new trees and shrubs to be planted, including the number and/or spacing of shrubs in each shrub bed or hedgerow.
- c) A schedule of the new trees and shrubs (using their botanical/latin names) to be planted including their size at planting (height or spread for shrubs, height or trunk girth for trees);
- d) Plans showing the proposed finished land levels/contours of landscaped areas;
- e) Details of all proposed hard surfaces areas, retaining structures, steps, means of enclosure, surface finishes and any other hard landscaping features;
- f) Details of the protection measures to be used of any existing landscape features to be retained.
- g) A timetable for implementation
- h) On-going management plan to ensure maintenance of any approved landscaping (including who will be responsible for the continuing implementation, phasing arrangements)
- i) Updated security fence details showing a strip of land outside the

site as per the ecological mitigation

[The approved Landscape Scheme must be carried out and completed in accordance with the approved details as submitted with the landscape and biodiversity strategy plan to ensure the development creates a visually attractive environment and to safeguard against significant adverse effects on the landscape character of the area having regard to Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014); Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Chapter 12 (Achieving Well-designed Places) of the National Planning Policy Framework.]

11. If, within a period of 5 years of from the date of planting, any tree or shrub planted as part of the approved Landscape Scheme is removed, uprooted, destroyed, dies or become diseased or damaged then another tree or shrub of the same species and size as that originally planted must be planted in the same place during the next planting season following its removal.

[To ensure the development creates a visually attractive environment and to safeguard against significant adverse effects on the landscape character of the area having regard to Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014); Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Chapter 12 (Achieving Well-designed Places) of the National Planning Policy Framework.]

12. The development shall be undertaken in accordance with the approved mitigation and enhancement measures and/or works and shall be carried out in accordance with the details contained in Biodiversity Net Gain Report by Ecology Resources dated April 2022 and any subsequently approved details and all features shall be retained in that manner thereafter.

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



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

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

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

The content of the LEMP shall include the following:

- m) Description and evaluation of features to be managed.
- n) Ecological trends and constraints on site that might influence management.
- o) Aims and objectives of management.
- p) Appropriate management options for achieving aims and objectives.
- q) Prescriptions for management actions.
- r) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- s) Details of the body or organisation responsible for implementation of the plan.
- t) Ongoing monitoring and remedial measures.
- u) Details of how the land shall be used for agricultural purposes through the life of the development,
- v) Details of what provisions will be made within any fencing enclosing the site for mammals to cross the site,
- w) Details of how the site shall be managed without the use of pesticides or herbicides;
- x) Details of means of cleaning the panels (which should exclude the use of chemical cleaners).

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented

so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The Landscape and Ecology Management Plan shall be implemented prior to the first use of the hereby approved development and thereafter maintained for the lifetime of the development.

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

15. Construction times (including deliveries) shall be limited to the following hours:

- 08:00 - 18:00 Monday to Friday; and
- 08:00 - 13:00 Saturday.
- None on Sundays or Bank Holidays

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

[To protect the amenities for the duration of the construction of the development hereby permitted, having regard to having regard to Policy 10 (Design and Enhancing Local Identify) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).]

16. The development hereby permitted must not commence, including any enabling works, until a Construction Environmental Management Plan (CEMP) has first been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall have regard to the Flood Risk Assessment condition 30, Landscape Scheme condition 10 and LEMP condition 14 and provide for:

- a) the location and appearance of any site compound/material storage areas, including heights of any cabins to be sited and details of any external lighting;

- b) measures to control the emission of smoke, dust and dirt during the construction/installation of solar panels and for the life of the development.
- c) measures for the storage/recycling/disposal of waste resulting from the construction works;
- d) any hoarding to be erected/ security fencing

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

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

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

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

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

[To ensure that any archaeological items and/or features are recorded in a manner proportionate to their significance and to make the recorded evidence (and any archive generated) publicly accessible, having regard to Policy 11 (Historic Environment) of the

Rushcliffe Local Plan Part 1: Core Strategy (2014); and Policies 28 (Historic Environment: Conserving and Enhancing Heritage Assets) and 29 (Development Affecting Archaeological Sites) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Chapter 16 (Conserving and enhancing the historic environment) of the National Planning Policy Framework. This is a pre commencement condition required to ensure that historic assets are protected and or recorded prior to loss or damage once the development is undertaken.]

19. No development or preliminary groundworks shall take place outside the archaeological areas until a programme of archaeological evaluation has been secured in accordance with the approved WSI.

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

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

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

21. A mitigation strategy detailing the excavation/ preservation shall be

submitted to and approved in writing by the Local Planning Authority following the completion of the archaeological evaluation.

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

22. No development of preliminary groundworks must commence on those areas containing archaeological deposits within the site until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been approved in writing by the local planning authority.

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

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

[To ensure that any archaeological items and/or features are recorded in a manner proportionate to their significance and to make the recorded evidence (and any archive generated) publicly accessible, having regard to Policy 11 (Historic Environment) of the Rushcliffe Local Plan Part 1: Core Strategy (2014); and Policies 28

(Historic Environment: Conserving and Enhancing Heritage Assets) and 29 (Development Affecting Archaeological Sites) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Chapter 16 (Conserving and enhancing the historic environment) of the National Planning Policy Framework. This is a pre commencement condition required to ensure that historic assets are protected and or recorded prior to loss or damage once the development is undertaken.]

24. The development hereby permitted must not commence until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The statement shall address the following:
- a) The routing of deliveries and construction vehicles to site.
  - b) Details of arrangements for co-ordinating and controlling delivery vehicles.
  - c) Site set-up and layout plans
  - d) Parking arrangements for site operatives and visitors
  - e) Loading and unloading of plant and materials
  - f) Storage of plant and materials used in constructing the development.
  - g) On-site turning facilities for all vehicles.
  - h) Wheel washing facilities

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

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

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

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

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

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

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

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

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

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

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

30. The development shall be carried out in accordance with the submitted flood risk assessment (ref; PFA Consulting dated March 2022) and the following mitigation measures it details:

- a) The minimum panel level for the development parcels in the flood zones shall be set at 1.4m above ground level within these flood zone areas, reducing to 0.9m above ground level in areas of very low risk, as stated in paragraph 4.78 of the FRA.
- b) The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

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

## NOTES TO APPLICANT

## East Midlands Airport

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

## Sustainability Officer:

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

- If works have not commenced by June 2023 an update ecological survey is required.
- A demonstrated biodiversity net gain should be provided where possible as recommended by CIRIA (2019) Biodiversity Net Gain - Principles and Guidance for UK construction and developments, with the means to implement in the long term. This should be based on the recommendations of the consultant ecologist (See section 6.2, 6.3 and 7 of the EA and the supplied Biodiversity Enhancements plan) and be supported by a landscape and ecological management plan..
- An ecological construction method statement incorporating reasonable avoidance measures (RAMs), should be agreed and implemented including the good practice points below and any supplied by the consultant ecologist (See section 6.3 and 7 of the EA and the supplied Biodiversity Enhancements plan).
- The use of any external lighting (during construction and post construction) should be appropriate to avoid adverse impacts on bat populations, see <https://www.bats.org.uk/news/2018/09/new-guidance-onbats-and-lighting-for-advice-and-a-wildlife-sensitive-lighting-scheme/> for advice and a wildlife sensitive lighting scheme should be developed and implemented.
- Permanent artificial bat boxes / bricks and wild bird nests should be installed on retained trees.
- New wildlife habitats should be created where appropriate, including wildflower rich neutral grassland, hedgerows, trees and woodland, wetlands and ponds.
- Any existing hedgerow / trees should be retained and enhanced, any hedge / trees removed should be replaced. Any boundary habitats should be retained and enhanced.
- Where possible new trees / hedges should be planted with native



species (preferably of local provenance and including fruiting species). See

<https://www.rushcliffe.gov.uk/conservation/treeshedgesandlandscaping/landscapingandtreeplanting/plantingonnewdevelopments/> for advice including the planting guides (but exclude Ash (*Fraxinus excelsior*)).

- Sustainable Urban Drainage schemes (SUDs) where required should be designed to provide ecological benefit.
- Good practise construction methods should be adopted including:
  - Advising all workers of the potential for protected species. If protected species are found during works, work should cease until a suitable qualified ecologist has been consulted.
  - Measures to ensure that the roof liners of any building do not pose a risk to roosting bats in the future should be taken.
  - No works, fires or storage of materials or vehicle movements should be carried out in or immediately adjacent to ecological mitigation areas or sensitive areas (including ditches).
  - All work impacting on vegetation or buildings used by nesting birds should avoid the active bird nesting season, if this is not possible a search of the impacted areas should be carried out by a suitably competent person for nests immediately prior to the commencement of works. If any nests are found work should not commence until a suitably qualified ecologist has been consulted.
  - Best practice should be followed during building work to ensure trenches dug during works activities that are left open overnight should be left with a sloping end or ramp to allow animal that may fall in to escape. Also, any pipes over 200mm in diameter should be capped off at night to prevent animals entering. Materials such as netting and cutting tools should not be left in the works area where they might entangle or injure animals. No stockpiles of vegetation, soil or rubble should be left overnight and if they are left then they should be dismantled by hand prior to removal. Night working should be avoided.
  - Root protection zones should be established around retained trees / hedgerows so that storage of materials and vehicles, the movement of vehicles and works are not carried out within these zones.
  - Pollution prevention measures should be adopted

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

Highways:

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

The applicant is advised that all contractor attending the site should be made aware of the traffic routing plan to be followed.

### Others

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

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

### **Updates**

There were no updates for this application.

### **DECISION**

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

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

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

2. The development hereby approved shall be used for the use applied for and not for any other purposes.

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

### Note to Applicant

Having regard to the above and having taken into account matters raised there are no other material considerations which are of significant

weight in reaching a decision on this application.

### **Planning Appeals**

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

The meeting closed at 4:32pm

**22/01046/FUL**

**Applicant** Buckingham

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

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

**Ward** Lady Bay

## **LATE REPRESENTATIONS FOR COMMITTEE**

2. **NATURE OF REPRESENTATION:** A further 14 letters of objection

**RECEIVED FROM:** Local residents

### **SUMMARY OF MAIN POINTS:**

- a) The building should be protected as it has a historic value as a site where Ibuprofen was invented – scientific discovery should be celebrated, not destroyed. A blue plaque should be there to commemorate the site's use as a former Boots Laboratory.
- b) Ask Planning Committee to consider other apartment projects underway in the local area including Station Street, Waterway Street, Meadow Lane and Portside Street – questions whether property type proposed is appropriate, desirable and needed in Lady Bay?
- c) Conversion of existing building/retention of building would be preferable and more sustainable.
- d) Demolition will release massive carbon emissions, contrary to Rushcliffe's targets on carbon neutrality.
- e) Insufficient capacity at local primary school for any new children moving to area.
- f) Additional pressure on existing services such as doctors and dentists.
- g) Air pollution.
- h) An awful design in a Victorian neighbourhood – out of character/ugly/unsuitable/industrial - Learn from past misguided

1960s/70s mistakes e.g., Broadmarsh Centre, Victoria Centre, St Ann's, Meadows, Maid Marian Way. 'Modern' does not equate necessarily with style and quality.

- i) Parking issues – insufficient for levels of development and will exacerbate existing issues, especially at busy times such as during football/cricket etc.
- j) Overdevelopment in terms of number, mass and scale.
- k) Loss of privacy.
- l) Highway safety.
- m) Traffic congestion.
- n) Noise and general pollution during construction.
- o) Loss of privacy.

#### **PLANNING OFFICERS COMMENTS:**

- a) Officers discussed the matter with the Team Manager – Planning, Monitoring and Implementation (Mr Bate) who advised that The Royal Society of Chemistry (who are responsible for blue plaques in this instance) would appear to disagree that the Rutland Road site was where the discovery was made. As part of the Chemical Landmark Scheme (CLS), an initiative of The Royal Society of Chemistry, which recognises sites where the chemical sciences have made a significant contribution to health, wealth, or quality of life a blue plaque has been placed at the BioCity City site (as the site of the Lab where it was developed) and one at the Boots Factory in Beeston as the place it was first mass produced as an over-the-counter medicine.

Mr Bate advises that whilst the Boots Team did some work in a lab on Rutland Road from 1953 to 1958 (prior to the discovery of Ibuprofen, but whilst working on the same goal – an improved form of aspirin), they were working there because the Boots labs in Nottingham City had been destroyed by wartime bombing and hadn't yet been rebuilt – that's the labs the team moved to on Pennyfood Street, which are now the BioCity Site. The new Labs were reopened in 1960 and Ibuprofen was first made in December '61.

Mr Bate advises that from his research, work on the project have been done at Rutland Road but what became Ibuprofen wasn't actually developed until after the move back to Nottingham City. In short, ibuprofen was never made in Rutland Road although some of the work leading to its eventual development was done there. This research by Mr Bate would correlate with the fact that The Royal Society of Chemistry did not deem the Rutland Road site worthy of a blue plaque. Mr Bate has also advised that whilst he has not been inside the building, given its most recent usage and likely levels of internal alteration (i.e., it is no longer laboratories internally) and its architectural credentials it is not likely to be

considered suitable for listing.

- b) Member's attention is drawn to these developments, all of which are in Nottingham City Council's jurisdiction. As covered in the report officers are treating the development as dwellings, not apartments, but note that the site immediately adjoining the application site does contain apartments.
- c) Members are advised that you have a duty to determine the application before you, and that the application must be assessed against the relevant planning policies (nationally and locally) taking into account all material planning considerations.
- d) The Borough Council's Team Manager for Environment advises that redeveloping this site would not be unreasonable in terms of carbon emissions. As confirmed in the bat survey photos, the roof is asbestos sheeting, and it can be clearly seen from Street View that it is a solid wall property. To bring the existing building up to a modern insulation standard, would require vast works, one being to remove and safely dispose of the roof and replace it with a new one. The walls would also need a lot of works that would require a large array of raw materials to insulate them.

The objectors concerns that the proposal could be perceived as a 'releasing massive carbon emissions', are noted, however this building is reaching the end of its life due to the materials it is made from. Therefore, to bring it up to a modern standard would require a very similar amount of materials as the proposal and as a result, starting again would not be far more carbon emitting.

Whilst the Team Manager for Environment could not ascertain what the proposed building materials are, they advise it is reasonable to presume that they would be to the latest regulations (building regs) along with at least a modern gas condensing boiler unit. This alone would be a vast annual carbon saving compared to the existing running of the poorly insulated site. They conclude that the current proposal also has the added safety benefits to the community of removing the asbestos roof from the current building.

The architect also advised that during their initial appraisal of the client's brief and the site itself, refurbishment was considered and discounted for several contributing factors, including but not limited to:

- *"Residential use was fundamental to the client brief. Providing suitable accommodation with a refurbishment project raised the below issues:*
  - *With the given floor area of the existing, provision of a sufficient number of parking spaces would not be*

*practicable. To make adequate provision would certainly have required at least partial demolition in and of itself or else an under-provision. Any such demolition to provide additional parking adversely affected the street-scene by cluttering it with cars parked directly adjacent to the footway. (It is maybe worth noting here that a number of new build options for more typical block-type apartment schemes or traditional vernacular houses were also discounted during our feasibility stage for this reason... Car-dominated Street frontages are to be avoided wherever possible in our view and the existing context already suffers with car-dominated streets... The undercroft parking is not a cheap approach, but one that we pushed from a design perspective to ensure that there was enough parking provision without contributing to car-dominated streets).*

- *Given the position and orientation of the main body of the building in particular, conversion for residential use would have led to units having what were in our view a sub-standard contextual relationship with poor outlook/access to natural daylight (particularly at 1F level). Only through a new massing approach could we look to improve contextual relationships and outlook/daylighting.*
  - *Conversion made it impossible for us to provide meaningful outdoor amenity space for residential units, which we believe to be essential even for smaller apartments. The amount of outdoor amenity space provided by the proposed (both private and shared) far outweighed that of all other options explored.*
- *Given that the site is in a flood risk zone, only a replacement building can truly address long term flood resilience on an extended timeline of 100+ years. Conversions do not need to address these matters in the same way.*
- *The existing overall massing is composed of a somewhat ad-hoc assemblage of multiple buildings of varying age and quality. Resultant conversion would in-fact have involved significant demolition in real-terms to provide consistent floor levels, adequate access/unit sizes and additional structure.*
- *Something we considered when it comes to carbon specifically is 'embodied vs operational carbon'. Although a carbon calculation is not a regulatory requirement and therefore was not carried out, our view is that the significant reduction in operational carbon for the proposed and the extended potential service life of a flood resilient development is appropriate over the long term.*
- *The commenter refers to the existing building as 'a sustainable property', which is not necessarily representative of the building*

*fabric, which is predominantly uninsulated, has elements of asbestos and carries the associated operational carbon of a commercial rather than residential premises.”*

- e) Whilst the level of development falls below the threshold for requesting S106 contributions, The County Council, as Education Authority, have a legal obligation to provide for the education needs of all children in the Borough and the population growth generated by such developments should be included in their annual forecasting.
- f) Whilst the level of development falls below the threshold for requesting S106 contributions, The Clinical Commissioning Group (CCG) have an obligation to provide for the health/welfare needs of the Rushcliffe population and the population growth generated by such developments should be included in their annual forecasting.
- g) Members are advised that Environmental Health do not object to the proposal on air quality grounds and a construction management plan to protect residential amenity forms part of the conditional recommendation.
- h) Issue has been covered in the agenda report.
- i) Issue has been covered in the agenda report and Members are advised that the Highway Authority do not object to the proposal, the level of parking provision or the access arrangements to the underground garage.
- j) Issue has been covered in the agenda report.
- k) Issue has been covered in the agenda report.
- l) Issue has been covered in the agenda report and Members are advised that the Highway Authority do not object to the proposal.
- m) Issue has been covered in the agenda report and Members are advised that the Highway Authority do not object to the proposal.
- n) Issue has been covered in the agenda report and Members are advised that Environmental Health do not object to the proposal and a construction management plan condition and an informative note regarding working hours is attached to the recommendation.
- o) Issue has been covered in the agenda report.

3. **NATURE OF REPRESENTATION:**      Typographical errors



**RECEIVED FROM:**

Case Officer

**SUMMARY OF MAIN POINTS:**

Paragraph 13 of the report refers to a “*floor*” risk assessment, this should read “*flood*” risk assessment.

*Paragraphs 31, 38, 42 and 43 refer to “Oakfield” (singular) Road, which should be “Oakfields” (plural) Road.*

**PLANNING OFFICERS COMMENTS:**

Officer apologises.