

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 dismount temporary structures limits the number of events that can be run. Based on the assessment provide, the level of parking is considered acceptable. In terms of traffic generation, the impact of the events will occur at off-peak times, and the level anticipated is considered unlikely to result in a severe impact on the public highway. The access will need to be surfaced in a hard-bound material for the first 10m to the rear of the highway boundary, and suitably drained to prevent the unregulated discharge of surface water from the driveway to the public highway. There is no highway objection subject to the conditions listed in their consultee response.
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 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.