

22/00011/FUL

Applicant Mr and Mrs S Carr

Location Agricultural Barn On Land North Of Back Lane Willoughby On The Wolds Nottinghamshire

Proposal Proposed residential use of existing agricultural building to create 1no. dwelling, includes creation of residential curtilage and parking.

Ward Keyworth And Wolds

THE SITE AND SURROUNDINGS

1. The application relates to an agricultural barn situated within the open countryside to the south of Willoughby On The Wolds. The barn comprises a portal framed building clad in corrugated metal with a fibre-cement sheet roof and fibre cement cladding to the end gables. The barn is orientated side-on to the highway. The site is bound by a post and rail fence with hedgerow/trees along the front boundary providing a degree of screening.
2. The site is accessed off Back Lane which is a classified highway. The access comprises an agricultural field gate with a rough gravel highway verge crossing.
3. Within the barn an internal blockwork wall has recently constructed up to eaves height and a concrete slab floor has been laid. As these works are internal and do not affect the external appearance of the building, they do not constitute material development.

DETAILS OF THE PROPOSAL

4. The application seeks planning permission for the conversion of a barn to a four-bed dwelling along with the formation of an associated residential curtilage and parking.
5. The existing framework and roof covering is to be retained. The elevations would be faced in stained vertical timber boarding affixed to the internal blockwork walls. Windows are proposed in all four elevations with a large window in the rear elevation filling an existing opening. Doors are proposed in the front and road-side elevation along with a garage door to the front, to be clad in timber. Two parking spaces are proposed to the front (west) of the building with a modest garden area to the north.

SITE HISTORY

6. 16/01299/PAQ- Change of use of agricultural building to residential dwelling. Prior approval refused.
7. 17/02273/PAQ- Proposed change of use of existing agricultural barn to dwelling. Prior approval refused.

8. 20/01028/PAQ- Change of use of existing agricultural building to dwellinghouse. Prior approval refused. Appeal dismissed.

REPRESENTATIONS

Ward Councillor(s)

9. One Ward Councillor (Cllr Edyvean) objects to the application, commenting that he can see no new details from the last application which was turned down. Even if the application were considered, the relevant legislation suggests that such buildings cannot be considered for conversion within 10 years of construction. This building was substantially modified in 2019 and as such no permission could be granted prior to 2029.
10. The Ward Councillor submitted further comments maintaining his objection. It is understood that the NPPF only allows for the conversion of farm buildings built over 10 years ago, the building in its current form was only completed in 2019 and therefore should not be considered suitable for change of use to residential. It is not considered that the application meets the criterion set out in Policy 22 3a of the LPP2. Allowing development will significantly impact on the nature of the countryside as well as having an impact on surrounding habitat and biodiversity. The barn sits in a large plot which if allowed to become a domestic curtilage will make a huge difference to the appearance of the existing countryside. In LPP2 justification for policy 22, under 6.13 it clearly states that any development should not unduly impact on the character and appearance of the countryside, this application clearly does impact. Whilst in an open field, its proximity to the existing village boundary may be used in the future to extend said existing boundary. If development were to go ahead what is to stop alterations that would further impact on the character and appearance of the countryside.

Town/Parish Council

11. The Parish Council object to the application as it is outside the village development area and if passed would lead to further development along Back Lane.

Statutory and Other Consultees

12. The Highway Authority (Nottinghamshire County Council) - refer to standing advice.
13. The Borough Council's Environmental Sustainability Officer (ESO) notes that a summary of findings letter with regard bats has been supplied, with a survey carried out in December 2021. This is outside of the optimum season for bat surveys but it can be used to identify where further surveys are likely to be required. The survey appears to have been carried out in accordance with good practice and is in date. It identified no physical evidence or field signs of protected species within the survey area and demonstrates that harmful impacts on protected or priority species, habitats or sites are unlikely.
14. The Borough Council's Environmental Health Officer (EHO) does not object. Should planning permission be granted, a condition is recommended in

relation to contaminated land as detailed in the consultee response. An informative note regarding construction working hours is recommended.

Local Residents and the General Public

15. Five representations received in objection with comments summarised as follows:
 - a. No change from the previously refused applications
 - b. No direct pedestrian access to the village, no pavements
 - c. Potentially dangerous location for cars to pull in/ out of
 - d. Busy lane that has seen several serious accidents
 - e. Could set a precedent for other buildings on this side of the village, no genuine need for more houses.
 - f. Land has not been farmed unsure how the application could be for an agricultural dwelling
 - g. Would amend the boundary of the village/ extend the envelope
 - h. Understood the applicant does not farm the land or live in the village
 - i. Existing barn the only building to have been on the site and it is a genuine barn only ever used for agricultural purposes
 - j. A building designated for agricultural purposes would change to one designated for domestic occupation
 - k. Could enable applicants to return at a later date with applications to build further domestic dwellings in an agricultural field
 - l. A potential large addition to the number of houses would change the nature of the community
 - m. There are existing brownfield sites within the village envelope that could be developed.

16. One representation received neither objecting to nor supporting the application with comments summarised as follows: Whilst there is no real objection to the conversion of the building to a dwelling, which would be a visual improvement, there is a concern that it could set a precedent for other similar structures in the area, which in the case of this application do not meet the criteria of government guidelines as outlined in the previous applications. The barn is not known to have been used for agriculture for a number of years, yet an internal wall was built a few years ago, forming the basis of the claim as a viable reason for the conversion to be approved. It is understood that this period needs to exceed 10 years.

17. One representation received in support with comments summarised as follows: Current building not visually attractive, would be nice to see it sympathetically converted to an attractive residence. The proposal would surely enhance views from residential properties compared to the current building.

PLANNING POLICY

18. The Development Plan for Rushcliffe consists of The Rushcliffe Local Plan Part 1: Core Strategy (LPP1) and the Local Plan Part 2: Land and Planning Policies (LPP2). Other material considerations include the National Planning Policy Framework (NPPF) (2021), the National Planning Practice Guidance (the Guidance), and the Rushcliffe Residential Design Guide.

Relevant National Planning Policies and Guidance

19. The relevant national policy considerations for this proposal are those contained within the NPPF (2021) and the proposal shall be considered within the context of a presumption in favour of sustainable development as a core principle of the NPPF. In accordance with paragraph 11c), development proposals that accord with an up-to-date development plan shall be approved without delay. The proposal falls to be considered under section 12 of the NPPF (Achieving well- designed places) and it should be ensured that the development satisfies the criteria outlined under paragraph 130. Development should function well and add to the overall quality of the area, not just in the short term but over the lifetime of the development. In line with paragraph 134, permission should be refused for development that is not well designed, especially where it fails to reflect local design policies and government guidance on design.
20. Paragraph 80 of the NPPF state that planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the circumstances listed under this policy apply.

Relevant Local Planning Policies and Guidance

21. Policy 1 of the LPP1 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 Policy 10 of the LPP1 (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 shall be assessed against.
22. In considering the sustainability of the location for development, the proposal falls to be considered under LPP1 Policy 3 (Spatial Strategy). This policy identifies the settlement hierarchy for sustainable development which should be focused on the main built up area of Nottingham; and six Key Settlements identified for growth.
23. 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. It should not lead to an over intensive form of development, be overbearing in relation to neighbouring properties, nor lead to undue overshadowing or loss of privacy.
24. Paragraph 6.10 of the LPP2 states that Policy 22 (Development within the Countryside) applies to development outside of the physical edge of the listed settlements. Policy 22 (2) lists appropriate forms of development in the countryside. Development falling within one of these listed forms of

appropriate development will be permitted where the criteria listed under Policy 22 (3) are met.

25. Although the roof and steel frame would be retained, the proposal involves various internal and external alterations to the barn, sited in a rural location, thus the potential for roosting bats needs to be assessed. Paragraph 12.23 of the LPP2 states that "Applications which may affect priority habitats or species, or nationally or internationally protected species will require an Ecological Impact Assessment (EclA), which will usually be supported by a preliminary ecological appraisal (also known as an extended phase 1 habitat survey) and/or protected species survey, all of which should be carried out prior to determination".
26. Other relevant policies from the LPP2 are:
 - Part 5 (Climate Change, Flood Risk and Water Management)
 - Policy 12(3) (Housing Standards)
 - Policy 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network)
 - Policy 39 (Health Impacts of Development)
 - Policy 40 (Pollution and Land Contamination)

APPRAISAL

27. The site falls within open countryside to the south of Willoughby on the Wolds. The proposal falls to be considered under LPP2 Policy 22 (Development within the Countryside). Part 2 of this policy sets out appropriate forms of development which includes "d) the re-use and adaptation of buildings for appropriate uses, including housing".
28. The consideration therefore is whether the scale of the works proposed would constitute what could reasonably be considered the adaptation of an existing building, or whether they would be tantamount to rebuilding.
29. Prior approval was sought in 2017 for the conversion of the building to a dwelling (17/02273/PAQ). The conversion works would have comprised the removal of cladding, support railing and roof purlins, and the construction of external walls and roof envelopes, which the submitted structural report stated would provide structural rigidity and the lateral bracing of the building. It was considered that the building at the time was not capable of conversion to a dwelling without the carrying out of operational development tantamount to the construction of a new dwelling.
30. Subsequently a concrete slab floor was laid, and an internal blockwork wall was constructed up to approximately the eaves height of the building. A subsequent prior approval application was submitted in 20/01028/PAQ, that application was refused prior approval and the subsequent appeal was dismissed on the basis that internal enabling works had taken place to facilitate the residential conversion of the building, prior to the submission of the prior approval application. As such, the Inspector considered that an application for prior approval under 'Class Q' was no longer an appropriate approach and alternative mechanism should be sought i.e. a full planning application.

31. Although the construction of internal blockwork walls and a concrete floor could be considered 'pre-emptive' works for the residential conversion of the building, these are internal works which are confirmed as 'exempt' operations at section 55(2)(a) of Town and Country Planning Act (1990) (TCPA) and therefore do not comprise material development, and as such do not require planning permission. There has been no recent external alteration of the building.
32. The current application seeks the recladding of the barn in place of the existing sheet metal and fibre cement cladding. The existing roof covering would be retained. There would be no extension of the building. Due to the previously constructed internal blockwork walls and slab floor, it is considered that the building would be capable of conversion using the existing steel frame without the need for rebuilding. This is clarified in the submitted structural report which states that "140mm thick concrete blockwork walls line the perimeter of the building, which are tied into the steel frame for structural stability".
33. It is therefore considered that the proposal would constitute the re-use and adaptation of a building as an appropriate form of development in the countryside under Policy 22(2)(b) of the LPP2.
34. Development in accordance with Policy 22(2) falls to be considered under Policy 22(3). This sets out several stipulations that development in the countryside shall accord with, whereby it shall be ensured:
 - a) the appearance and character of the landscape, including its historic character and features such as habitats, views, settlement pattern, rivers, watercourses, field patterns, industrial heritage and local distinctiveness is conserved and enhanced;
 - b) except for replacement dwellings, conversions and changes of use, it does not constitute isolated residential development which is separated from the physical edge of the settlement;
 - c) it does not create or extend ribbon development;
 - d) built development is well integrated with existing buildings, where appropriate; and
 - e) the development will not seriously undermine the vitality and viability of existing district and local centres, and centres of neighbourhood importance.
35. The proposal would result in an isolated dwelling in the open countryside, however in considering criteria b) above, the proposal is for the residential conversion of an existing building rather than the erection of a new dwelling.
36. The barn would not be enlarged, and the existing roof covering would be retained. The replacement of the corrugated metal and fibre cement cladding with stained vertical timber would represent a visual enhancement. The vertical timbers would be reflective of the Yorkshire Board cladding commonly found on agricultural buildings and there would be fairly minimal openings on the road-facing elevation. The plans show a large window in the rear elevation and a garage door in the front elevation which would infill existing openings. The rear (north) facing elevation would feature a number of windows but they would have limited public visibility. Overall it is considered that the agricultural form and heritage of the building would be

maintained and that it would conserve the rural landscape in line with LPP2 Policy 22(3).

37. The agent has confirmed that a simple post and rail fence boundary treatment would be utilised to define the plot curtilage as it is not considered that a typical domestic close-boarded fence or similar would be appropriate in this rural location. Details of the boundary treatment could be secured by way of a condition should planning permission be granted, to avoid the garden area appearing overly domestic. The size of the curtilage for the plot would also appear proportionate to the building and would not extend to any significant extent so as to erode the rural amenities of the area. In this regard it is also proposed that permitted development rights be removed for extensions and outbuildings, to avoid the proliferation of domestic structures in the rural landscape, and also to protect the agricultural character of the site. The removal of permissive rights pertaining to the erection of boundary treatments is also considered prudent to protect the rural amenities of the area.
38. Paragraph 80 of the NPPF identifies that Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more circumstances apply. In considering paragraph 80 part 'c' of the NPPF, the submitted planning statement states that the building was constructed for agricultural purposes, however it is no longer needed for its intended use following the sale of agricultural land. The proposal would result in the re-use of this now redundant building that would provide for an enhancement of its immediate setting. As such the development would comply with the requirements of paragraph 80 of the NPPF.
39. In relation to potential impacts on the amenities of any neighbours the site is located in the open countryside approximately 90 metres from the closest properties on Brook Farm Court to the north, and approximately 145 metres from the closest properties to the west on Back Lane. It is not considered that the proposal would unduly impact on the amenities of these closest properties given the separation distances involved.
40. In relation to access, highway safety and parking the Highway Authority refer to their standing advice. The proposal would provide a garage parking space and two designated external parking spaces. The level of parking provision would be commensurate to the size of the dwelling as per the highway authority standing advice. The dwelling would use the existing access which requires upgrading to meet Highway Authority standards. Should planning permission be granted, further details of the proposed driveway access could be sought by way of conditions to ensure compliance with access design guidance.
41. With regards to ecology a bat survey has been carried out by a licenced ecologist with a summary of findings submitted as part of the application. The survey was conducted outside of the optimum season for bat surveys but it can be used to identify where further surveys are likely to be required. The survey appears to have been carried out in accordance with good practice and is in date. The building was assessed as providing 'negligible' potential to support a bat roost. No evidence of bat utilisation was identified, and no further ecological surveys are considered necessary. The development

provides opportunities for ecological enhancements to be secured by way of a condition should planning permission be granted.

42. Due to the previous agricultural use of the site, there is the potential for contamination to be present. Should planning permission be granted, the Environmental Health Officer recommends a Preliminary Risk Assessment contaminated land report shall be submitted to and approved in writing by the Borough Council prior to commencement.
43. The proposal would comprise the repurposing of an existing building which is considered capable of conversion and therefore a residential development in this location would comply with Policy 22(2) of the LPP2. In considering the criteria listed under Policy 22(3), it is not considered that the proposal would harm the landscape character given that there would be no enlargement of the building and the nature of the conversion proposed. The replacement of the metal/ fibre cement cladding with vertical timber would represent a visual improvement whilst retaining the overall agricultural appearance of the building.
44. It is considered that the development accords with the general national and local planning policies considered above and accordingly it is recommended that the application is approved.
45. The application was not the subject of pre-application discussions. The scheme however is considered acceptable and no discussions or negotiations with the applicant or agent were considered necessary.

RECOMMENDATION

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

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 17.039 S03.01 (Proposed Floor Plan and Elevations) received on 5 January 2022; and 17.039 S01.02 Rev B (Location and Proposed Layout Plan), received on 23 March 2022.

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

3. Prior to development progressing beyond the removal of the existing cladding, a Preliminary Risk Assessment (PRA) shall be submitted to and approved in writing by the Borough Council. Where the PRA identifies potential unacceptable risks associated with the contaminant linkages present in the initial CSM, the development (excluding any demolition) hereby permitted must not commence until a written report of the findings of any exploratory Site Investigation (SI) with either a generic and/or detailed

quantitative risk assessment of those findings has been submitted to and approved in writing by the Borough Council.

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

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

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

[To make sure that the site, when developed is free from contamination, in the interests of public health and safety and to comply with policy 1 of the Rushcliffe Borough Local Plan Part 2 - Land and Planning Policies].

4. Where a RS is required by condition 3, the development hereby permitted must not be occupied or first brought into use until the site has been remediated in accordance with the approved RS and a written Verification Report (VR) confirming that all measures outlined in the approved RS have been successfully carried out and completed has been submitted to and agreed in writing by the Local Planning Authority. The VR must include, where appropriate the results of any validation testing and copies of any necessary waste management documentation.

[To make sure that the site, when developed is free from contamination, in the interests of public health and safety and to comply with policy 1 of the Rushcliffe Borough Local Plan Part 2 - Land and Planning Policies].

5. Prior to the cladding of the external elevations of the building, details the facing materials to be used on all external elevations shall be submitted to and approved in writing by the Borough Council and the development shall only be undertaken in accordance with the materials so approved.

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

6. Prior to occupation of the dwelling a detailed hard and soft landscaping scheme for the site shall be submitted to and approved in writing by the Borough Council. The hard landscaping shall be carried out in accordance with the approved details and the approved soft landscaping scheme shall be carried out in the first tree planting season following the substantial completion of the development. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Borough Council gives

written consent to any variation.

[In the interests of amenity and biodiversity and to comply with Policy 17 (Biodiversity) of the Local Plan Part 1: Core Strategy and to comply with policies 1 (Development Requirements), 22 (Development Within the Countryside) and 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the Local Plan Part 2: Land and Planning Policies]

7. Prior to the occupation of the dwelling, details of ecological enhancement measures shall be submitted to and approved in writing by the Borough Council for the provision of bird/ bat boxes to be incorporated into the building and/or on retained trees. The approved ecological enhancement measures shall be installed prior to the occupation of the dwelling and thereafter retained to the approved specification for the lifetime 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].

8. Prior to any occupation of the dwelling, details of boundary treatments or means of enclosure shall be submitted to and approved in writing by the Borough Council. The approved boundary treatments shall provide for the complete delineation of the site boundaries as per the approved site plan and shall be implemented in full in accordance with the approved details prior to the occupation of the building. Thereafter the boundary treatment shall be retained to the approved specification.

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

9. Prior to the occupation of the dwelling, a scheme for the provision of electric vehicle charging points shall be submitted to and approved by the Borough Council. The scheme shall provide details of the provision of electric vehicle charging points to serve the dwelling. Thereafter, the dwelling shall not be occupied until such time as it has been serviced with the appropriate electric vehicle charging infrastructure, where practicable, in accordance with the agreed scheme and the apparatus shall be retained for the lifetime of the development.

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

10. The dwelling hereby permitted shall not be occupied until the existing access has been upgraded in accordance with details to be first submitted to and approved in writing by the Borough Council. The upgraded access shall be widened in accordance with Highway Authority specifications, surfaced in a hard- bound material for a minimum distance of 5m to the rear of the highway boundary, constructed with provision to prevent the unregulated discharge of surface water from the driveway to the public highway, and fronted with an appropriate dropped- kerb access.

[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].

11. Prior to the occupation of the development the parking and turning provision shall be provided in accordance with the approved site plan. These provisions shall thereafter be retained for the lifetime of the development.

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

12. The development hereby permitted shall be brought into use until an appropriate visibility splay has been provided, details of which shall be first submitted to and approved in writing by the Borough Council. Thereafter the area within the agreed splays shall be kept free of all obstructions, structures or erections exceeding 0.6 metres in height above carriageway level

[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].

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

[To ensure the proper drainage of the site and to accord with the aims of Policy 2 (Climate Change) of the Local Plan Part 1 Rushcliffe Core Strategy].

14. Prior to installation of any external lighting, a bat-sensitive lighting scheme should be submitted to and approved in writing by the local planning authority. The lighting scheme should be in accordance with Conservation Trust (2018) "Bats and artificial lighting in the UK. The lighting scheme shall be implemented in accordance with the approved details and retained to this specification thereafter.

[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].

15. This permission does not authorise any further demolition and/or re-building of the buildings to be converted than that identified in the submitted structural report (Dragon Structural Ltd Engineering Consultants - 19-293). For the avoidance of doubt this includes only the following works:

- External re-cladding of the existing walls;
- Insertion of windows and doors and any internal walls;
- Installation of services;
- Provision of insulation within the building envelope;

[To ensure the works are completed as conversions to comply with Policy 1 (Development Requirements) and Policy 22 (Development Within the Countryside) of the Local Plan Part 2: land and Planning Policies].

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

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

17. Notwithstanding the provisions of Schedule 2, Part 1 Class A; B; C; D; E and G of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any Order revoking or re-enacting that Order with or without modification) there shall be no enlargement or alteration of the proposed dwelling(s), or erection of any outbuildings without the prior written approval of the Borough Council.

[The development is of a nature whereby future development of this type should be closely controlled and to comply with Policy 1 (Development Requirements), Policy 22 (Development Within the Countryside) of the Local Plan Part 2: land and Planning Policies]

18. Notwithstanding the provisions of Schedule 2 Part 2 Class A of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no fence, wall, or other built form seen as a means of enclosure other than those shown on the approved plans shall be erected or planted on the site without the prior written approval of the Borough Council.

[The development is of a nature whereby future development of this type should be closely controlled and to comply with Policy 1 (Development Requirements), Policy 22 (Development Within the Countryside) of the Local Plan Part 2: land and Planning Policies]

Note-

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.

NOTES TO APPLICANT

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

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

The Borough Council is charging developers for the first time provision of wheeled refuse containers for household and recycling wastes. Only containers supplied by Rushcliffe Borough Council will be emptied, refuse containers will need to be provided prior to the occupation of any dwellings. Please contact the Borough Council (Tel: 0115 981 9911) and ask for the Recycling Officer to arrange for payment and delivery of the bins

The provision of a vehicular footway crossing requires works within the public highway on land outside your control. You are therefore advised to contact the Highways Area Office by telephoning 08449 808080 to arrange for these works.

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

The proposed works require the removal of asbestos cement sheeting. You are advised that the demolition and disposal of asbestos requires special measures. Further advice can be obtained from Nottinghamshire County Council: <https://www.nottinghamshire.gov.uk/waste-and-recycling/recycling-and-disposing-of-waste/how-to-recycle-or-dispose-of-common-waste-items/asbestos>

No removal of hedgerows, trees or shrubs shall take place between 1st March and 30st September inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

- 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.
- A simple biodiversity net gain assessment (demonstrating gains over losses) should be provided.
- An ecological construction method statement incorporating reasonable avoidance measures (RAMs) including any recommendations by the consultant ecologists, should be agreed and implemented
- Permanent artificial bat boxes / bricks and wild bird nests should be installed within buildings and on retained trees, plus hedgehog corridors and 'bug hotels' suitable for bees and other insects are recommended.
- 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:
 - Advising all workers of the potential for protected species. If protected

species are found during works, work should cease until a suitable qualified ecologist been consulted.

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