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Date:

4 October 2017

To all Members of the Council

Dear Councillor

A meeting of the **Planning Committee** will be held on Thursday 12 October 2017 at 6.30 pm in the Council Chamber, Rushcliffe Arena, Rugby Road, West Bridgford to consider the following items of business.

Yours sincerely



Deputy Monitoring Officer

## AGENDA

1. Apologies for absence and substitute Members
2. Declarations of Interest
  - a) Under the Code of Conduct
  - b) Under the Planning Code
3. Minutes of the Meeting held on Thursday 14 September 2017 (pages 1 - 22).
4. Planning Applications

The report of the Executive Manager - Communities is attached (pages 23 - 104).
5. Appeal Decisions

Planning Appeal Decisions are attached for information only (pages 105 - 106).

### Membership

Chairman: Councillor R L Butler  
Vice-Chairman: Councillor J A Stockwood  
Councillors B R Buschman, J N Clarke, M J Edwards, J E Greenwood,  
R M Jones, Mrs M M Males, S E Mallender, Mrs J A Smith and J E Thurman



Rushcliffe  
Borough Council

Rushcliffe Community  
Contact Centre

Rectory Road  
West Bridgford  
Nottingham  
NG2 6BU

#### In person

Monday to Friday  
8.30am - 5pm  
First Saturday of  
each month  
9am - 1pm

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#### Telephone:

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#### Email:

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[www.rushcliffe.gov.uk](http://www.rushcliffe.gov.uk)

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Council  
Rushcliffe Arena  
Rugby Road  
West Bridgford  
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NG2 7YG



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Rushcliffe  
Borough Council

**MINUTES  
OF THE MEETING OF THE  
PLANNING COMMITTEE  
THURSDAY 14 SEPTEMBER 2017**

Held at 6:30 pm in the Council Chamber, Rushcliffe Arena, Rugby Road,  
West Bridgford

**PRESENT:**

Councillor R L Butler (Chairman)  
Councillor J A Stockwood (Vice-Chairman)

Councillors B R Buschman, J N Clarke M J Edwards, J E Greenwood,  
R M Jones, Mrs M M Males, S E Mallender, Mrs J A Smith and J E Thurman

**ALSO IN ATTENDANCE**

Councillors K P Beardsall, N A Brown, T Combellack, G Davidson, E A Plant,  
S J Robinson, Mrs M Stockwood, R G Upton and J G A Wheeler.

25 Members of the public

**OFFICERS IN ATTENDANCE**

M Elliott	Constitutional Services Team Leader
M Marshall	Principal Area Planning Officer
I Norman	Legal Services Manager
A Pegram	Service Manager – Communities

**APOLOGIES FOR ABSENCE**

There were no apologies for absence

**14. DECLARATIONS OF INTEREST**

17/01803/GDOTEL – Playing Field East of Leisure Centre (Madison Park,  
Cotgrave Leisure Centre – Councillor Butler declared a personal interest as he  
was a member of Cotgrave Town Council.

17/01416/FUL – 1 Church Court, Plumtree Road, Cotgrave – Councillor Butler  
declared a personal and pecuniary interest as he was the applicant.

**15. MINUTES**

The Minutes of the Meeting held on Thursday 17 August 2017 were confirmed  
as a correct record and signed by the Chairman.

## 16. PLANNING APPLICATIONS

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

**Item 1 - 17/00941/OUT - Development of the Site for up to 600 new dwellings, construction of a primary school and the creation of a community park, together with associated access, drainage, landscaping and other infrastructure works - Land at Sharp Hill Wood Melton Road Edwalton Nottinghamshire**

### UPDATES

Representations from the applicant's agent, the applicant's noise consultant, Nottinghamshire County Council as the Education Authority, the Rushcliffe Borough Council Community Development Manager and Mr R Combie as a neighbour to the site, received after the agenda had been finalised, had been circulated to members of the Committee prior to the meeting.

In accordance with the Council's Public Speaking Protocol Councillor Kevin Beardsall (ward Councillor), addressed the meeting.

### DECISION

**GRANT PLANNING PERMISSION FOR THE REASONS SET OUT IN THE REPORT SUBJECT TO THE FOLLOWING CONDITIONS.**

1. Application for approval of reserved matters must be made not later than three years beginning with the date of this permission and the development must be begun not later than the expiration of two years from the final approval of reserved matters, or in the case of approval of reserved matters on different dates, the final approval of the last such matter to be approved.

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

2. The development hereby permitted shall only be carried out in accordance with detailed plans and particulars relating to the following items and the development shall not be commenced until these details have been submitted to and approved in writing by the Borough Council.
  - A detailed layout plan of the whole site;
  - The siting, design and external appearance of the proposed buildings;
  - The means of access;
  - The finishes for the hard surfaced areas of the site;

- Sections and cross sections of the site showing the relationship of the proposed development to adjoining land and premises;
- The finished ground levels for the site and floor levels of the dwellings relative to existing levels and adjoining land;
- The means of enclosure to be erected on the site;
- Details of the proposed landscaping for the site including any trees or shrubs to be removed from the site.
- The detailed design and layout of the NEAP

[The condition needs to be discharged before work commences on site as the information was not included in the application and it is important to agree these details in the interests of visual and residential amenity, and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

3. The development shall be broadly carried out in accordance with the following drawings and documents; Indicative Site Layout drawing 30713 SK01 A, Site Location Plan 7524-L-03, Planning Statement, Design and Access Statement, Landscape and Visual Impact Assessment, Ecological Appraisal, Arboricultural Report, Transport Statement (As amended by agent letter dated 17 July 2017), Flood Risk and Drainage Report, Noise Assessment, Air Quality Assessment, Agricultural land and Soil Resources Report, Archaeology and cultural Heritage Report, Geotechnical and Contamination Report.

[For the avoidance of doubt and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

4. Vehicular use of the access junction onto Musters Road shall be limited to Buses and Emergency vehicles only. Prior to the commencement of construction of the spine road details of the design and layout and means of restricting access shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be completed prior to the road connection being made to Musters Road and shall be maintained for the life of the development.

[To promote sustainable travel and prevent the Site Access Road, / Boundary Road being used as a through route, in accordance with Policy 20 of the Rushcliffe Local Plan Part 1: Core Strategy.]

5. Development shall not begin until a phasing programme for the whole of the development and for the highways works has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved phasing programme.

[To ensure that a satisfactory means of access is provided, in the interests of road safety, and to comply with Policy GP2 (Design and amenity criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan. This is a pre-commencement condition due to the need to

ensure the development can be provided with a satisfactory and safe access throughout the construction phase.]

6. Each phase of the development hereby permitted shall only be carried out in accordance with detailed plans and particulars relating to the following items and the development shall not be commenced until these details have been submitted to and approved in writing by the Borough Council.
- a) A detailed layout plan of the phase in context with the whole site;
  - b) The siting of the proposed buildings;
  - c) The means of access;
  - d) Hard surfacing materials;
  - e) Plans, sections, longitudinal gradients and cross sections of any roads or access/ service roads or pedestrian routes within the application site, and this shall include details of drainage, sewerage and lighting;
  - f) The layout and marking of car parking, serving and manoeuvring areas;
  - g) The means of enclosure to be erected on site;
  - h) The finished ground levels for the site and floor levels of the dwellings relative to existing levels and adjoining land;
  - i) Plant and equipment and other structures;
  - j) Cycle and bin storage facilities;
  - k) The provision of bus stops and other bus infrastructure;
  - l) Details of the means of foul and surface water drainage and flood storage replacement areas together with a programme of implementation;
  - m) The siting and appearance of contractors compounds including heights of stored materials, boundaries and lighting together with measures for the restoration of the disturbed land and noise mitigation;
  - n) The location of proposed haul routes;
  - o) A scheme for signage and other measures.

[To ensure the development will be satisfactory and in the interests of visual amenity and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

7. No part of the development of any phase shall begin until details of the proposed landscaping of highway verges have been submitted and approved in writing by the Borough Council. Details shall include location, species, size, a written specification including, grass seed mix, cultivation and grass establishment as well as measures to prevent ingress of roots into the adjacent highway construction. Any trees shall be located such that they do not obscure visibility to vehicles accessing or using the adjacent highway.
- [In the interests of highway safety; and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

8. No development, including any demolition and site clearance, shall take place until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- a) the means of access for demolition and construction traffic;
  - b) parking provision for site operatives and visitors;
  - c) the loading and unloading of plant and materials;
  - d) the storage of plant and materials used in constructing the development;
  - e) the erection and maintenance of security hoarding, including decorative displays and facilities for public viewing, where appropriate;
  - f) wheel washing facilities (including full details of its specification and siting)
  - g) measures to control the emission of dust and dirt during construction; and
  - h) a scheme for recycling/disposing of waste resulting from and construction works.
  - i) the location and layout of the site compound and cabins; and
  - j. the days and times of construction activity and of materials delivery and disposal activity.
  - k. The siting and appearance of contractors compounds including heights of stored materials, boundaries and lighting together with measures for the restoration of the disturbed land and noise mitigation;
  - i. A scheme for temporary signage and other traffic management measures, including routing and access arrangements.

[In the interests of highway safety and to protect the amenities of the area and to comply with Policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan and Policy 10 of the Rushcliffe Core Strategy. This is a pre-commencement condition due to the need to establish acceptable construction methods and working arrangements before such works commence]

9. No development shall take place until a traffic management plan including lorry routing, access and signage for the construction period has been submitted to and approved in writing by the Borough Council. The agreed access shall be provided before the development commences on land to which the reserved matter relates and no other access points for construction traffic shall be provided and or used. The development shall be carried out in complete accordance with that plan unless otherwise agreed in writing by the Borough Council.

[In the interests of highway safety; and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan. This is a pre-commencement condition because of the need to ensure construction is carried out in a safe manner which minimises any harm to the amenities of nearby residents and the area in general].

10. No dwelling shall be occupied until the associated parking and maneuvering areas have been provided, drained and surfaced in accordance with the details that have been previously submitted to and approved in writing by the Borough Council. The facilities so provided shall not be used, thereafter, for any purpose other than the parking and maneuvering of vehicles, unless otherwise agreed in writing by the Borough Council.

[To ensure adequate car parking facilities are provided in connection with the development; and to comply with policies GP2 (Design & Amenity Criteria) and MOV9 (Car Parking Standards) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

11. No part of the development shall commence until a bus infrastructure delivery plan has been submitted and approved in writing by the Borough Council. No buildings shall be occupied until the required infrastructure has been provided in accordance the above plan.

[In the interest of sustainable Travel and to comply with Policy MOV2 of the Rushcliffe Non Statutory Replacement Local Plan]

12. No development shall take place until the owner or the occupier of the site has appointed and thereafter continues to employ or engage a travel plan coordinator who shall be responsible for the implementation delivery monitoring and promotion of the sustainable transport initiatives set out in the Interim Travel Plan to be approved prior to development taking place and whose details shall be provided and continue to be provided thereafter to the Local Planning Authority.

[To promote sustainable travel and to comply with Policy MOV1 of the Rushcliffe Non Statutory Replacement Local Plan].

13. The travel plan coordinator employed as required under the provisions of condition 12 shall within 6 months of occupation produce or procure a Detailed Travel Plan that sets out final targets with respect the number of vehicles using the site and the adoption of measures to reduce single occupancy car travel consistent with the Interim Travel Plan to be approved by the Local Planning Authority. The Travel Plan shall be implemented in accordance with the approved timetable and be updated consistent with future travel initiatives including implementation dates to the satisfaction of the Local Planning Authority.

[To promote sustainable travel and to comply with Policy MOV1 of the Rushcliffe Non Statutory Replacement Local Plan].

14. The travel plan coordinator shall submit reports in accordance with the Standard Assessment Methodology (SAM) or similar to be approved and to the Local Planning Authority in accordance with the Travel Plan monitoring periods. The monitoring reports submitted to the Local Planning Authority shall summarise the data collected over the monitoring period and propose revised initiatives and measures where travel plan targets are not being met including implementation dates to be approved in writing by the Local Planning Authority.



[To promote sustainable travel and to comply with Policy MOV1 of the Rushcliffe Non Statutory Replacement Local Plan].

15. No development, including site works, shall begin until a landscaping scheme, to include those details specified below, has been submitted to and agreed in writing by the Borough Council:
  - (a) the treatment proposed for all ground surfaces, including hard areas;
  - (b) full details of tree planting;
  - (c) planting schedules, noting the species, sizes, numbers and densities of plants;
  - (d) finished levels or contours;
  - (e) any structures to be erected or constructed;
  - (f) functional services above and below ground;
  - (g) all existing trees, hedges and other landscape features, indicating clearly those to be removed; and,
  - (h) a landscape management plan and schedule of maintenance.

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

[To make sure that a satisfactory landscaping scheme for the development is agreed and implemented in the interests of the appearance of the area and to comply with policy EN13 (Landscaping Schemes) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

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

[To ensure existing trees are adequately protected during the development and to comply with policy EN13 (Landscaping Schemes) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

17. Prior to the commencement of development a lighting scheme for the residential streets, Community Park and open spaces shall be submitted to and approved in writing by the Borough Council. This shall include, where appropriate, details of a lux plot of the estimated

luminance. The scheme shall be designed to minimise skyglow and lighting in areas bordering Sharphill Wood and sensitive to wildlife. The lighting scheme shall be implemented in accordance with the approved details and maintained thereafter.

[To protect the amenities of the area and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

18. No dwelling shall be occupied until an appropriate agreement under Section 278 of the Highways Act 1980 has been entered into with Highways England to facilitate improvements to A52 junctions identified in the Memorandum of Understanding September 2015 (A52/A606 Improvement Package Developer Contribution Strategy).

[To secure a proportionate contribution to improvements to the A52 and A606 in order to address the impacts of the development on the capacity of the Trunk Road network in the vicinity of the application site and to comply with Policy 20 of the Rushcliffe Core Strategy.]

19. Prior to the commencement of development details of the design, layout and specifications for the surface water drainage system shall be submitted to and approved in writing by the Borough Council.

The submitted details shall include detailed evidence in the form of fully referenced plans and calculations to demonstrate the following;

- a. All surface water outflows from the site to be restricted to the greenfield discharge rates for the mean annual flood flow from a rural catchment in m<sup>3</sup>/s with the excess flows attenuated on the sites in suitable holding ponds, tanks or similar. The drainage design standard is 100years + 30% allowance in peak flow rates to allow for climate change effects.
- b. The developer is to assess the performance of the drainage system using intense storm events ranging in length from 15 minutes to 24 hours for the 100year +30% event. This will identify where the plot drainage and highway drainage may flood in extreme events. Once identified in calculations and on a plan, the developer is to identify how these flows are to be directed overland towards the surface water attenuation system. The site layout, levels, highway and drainage design should enable pluvial overland flows to be intercepted and directed away from dwellings, sensitive infrastructure and 3rd parties. The flows should be directed passively towards the surface water attenuation system and should not flow across the site boundary.
- c. The developer should demonstrate that they have intercepted pluvial flows that could enter the site from 3rd party land and directed these away from properties.

No part of the development shall be occupied until facilities for the disposal of surface water drainage have been provided, in accordance with the approved details and the development shall be constructed in accordance with the approved drainage details, levels and layout.

[To prevent the increased risk of flooding and to comply with policies WET2 (Flooding) and WET3 (Ground Water Resources) of the Rushcliffe Borough Non Statutory Replacement Local Plan. This is a pre-commencement condition because it is necessary to establish construction details, including levels prior to the setting out of the site and associated highways].

20. The development shall not be brought into use until facilities for the disposal of foul water drainage, including details of the location and design of any pumping station, have been provided, in accordance with details previously submitted to and approved in writing by the Borough Council.

[To ensure that adequate drainage facilities are provided in connection with the development and to comply with policy WET3 (Ground Water Resources) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

21. Prior to the commencement of residential development an Employment and Skills Strategy for the site shall be submitted to the Borough Council for approval. This shall provide for the recruitment of people in the locality and apprenticeships for young persons for the construction phase of the development and shall include the date by which the Employment and Skills Strategy is to be implemented by the developer. The development shall thereafter be implemented in accordance with the terms of this Strategy.

[In order to promote local employment opportunities and help to provide for disadvantaged local communities in accordance with Policies 1 and 5 of the Rushcliffe Local Plan Part 1: Core Strategy. This is a pre-commencement condition because recruitment and employment takes place prior to commencement].

22. If any unexpected, visibly contaminated or odorous material or tanks or structures of any sort are encountered during development, remediation proposals shall be submitted to and approved in writing by the Borough Council, before further work is undertaken in the affected area and works shall proceed only in accordance with the agreed remediation proposals.

[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 GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

23. Prior to any works of site clearance or preparation for development a further survey shall be carried out to establish whether there are any protected species within the site and the ecological impact of the development on any such species. The results of the survey and any proposed mitigation action arising from its findings shall be submitted to and approved in writing by the Borough Council before any work is

undertaken on site. The work shall be carried out in accordance with any approved mitigation measures.

[To ensure the survey reflects the situation pertaining at the time and to comply with policies GP2 (Design & Amenity Criteria) and EN12 (Habitat Protection) of the Rushcliffe Borough Non Statutory Replacement Local Plan. This is a pre-commencement condition due to the need to ensure adequate mitigation is in place before any intrusive site works take place].

24. The development hereby authorised shall not be occupied until bat boxes and/or access points to bat roosts have been installed in accordance with details previously submitted to and approved in writing by the Borough Council. Thereafter the bat boxes and/or access points shall be permanently retained.

[To ensure that adequate compensatory measures are carried out and to comply with policies GP2 (Design & Amenity Criteria) and EN12 (Habitat Protection) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

25. The development hereby authorised shall not be occupied until bird nesting boxes have been installed in accordance with details previously submitted to and approved by the Borough Council. Thereafter, the nesting boxes shall be permanently retained.

[To ensure that adequate compensatory measures are carried out and to comply with policies GP2 (Design & Amenity Criteria) and EN12 (Habitat Protection) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

26. The dwellings facing the A52 and A606 Melton Road shall be constructed in accordance with the mitigation measures to control noise set out in sections 6 and 7 of the Noise Assessment report accompanying this application and none of the affected dwellings shall be occupied until the measures are in place.

[To protect the amenities of future occupiers and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

27. Prior to the occupation of dwellings with habitable room windows facing the Rushcliffe Academy Multi-Use Games Area a 2.5m high acoustic fence shall be constructed in accordance with the location and specifications set out in sections 6 and 7 and Figure 1 of the Assessment and with details of its design and appearance that have first been submitted to and approved in writing by the Borough Council. Thereafter, the acoustic fence shall be retained for the lifetime of the development.

[To protect the amenities of future occupiers and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

28. The Primary school site shall comprise a serviced site of 2ha in area as required under the provisions of the S106 Agreement associated with this land. Prior to commencement of construction works details of the design, appearance and layout of the building(s) and associated site, including a scheme for the provision, location and management of the associated community use element shall have been submitted to and approved in writing by the Borough Council. The School shall be constructed and operated in accordance with the approved details and scheme.

[For the avoidance of doubt, to comply with Policy GP2 (Design and Amenity Criteria) and to ensure the delivery of an appropriate community use in accordance with Policy 20 of the Rushcliffe Core Strategy]

29. The developer shall give 14 days' notice to the Borough Council prior to commencing any works on the existing site and shall afford access at all reasonable times to any archaeologist nominated by the Borough Council and shall allow them to observe excavations and record items of interest and finds.

[To ensure that any archaeological items are recorded and to comply with policies GP1 (Sustainable Development), GP2 (Design & Amenity Criteria) and EN7 (Sites of Archaeological Importance) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

### **Notes to Applicant**

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 Advanced Payments Code in the Highways Act 1980 applies and under section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the Highway Authority with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the Highway Authority as early as possible.

In order to satisfy the requirements of condition 2 the Highway Authority will need to undertake a full technical design check of the detailed design drawings. Discharge of any reserved matters conditions relating to highway layouts will not be recommended until this process is complete and full technical approval of the highways drawings has been granted. We therefore strongly recommend technical approval for your drawings is obtained from the Highway Authority prior to any formal reserved matters submission.

The applicant should manage soils on site in accordance with the Agricultural Land and Soil Resources Assessment Report accompanying the application and with the Code of Practice for Sustainable Use of Soils on Construction Sites.

The proposed vehicle restriction referred to condition 4 will require a Traffic Regulation Order (TRO) to limit use of the highway to particular types of vehicles.

An application for a TRO can be made on behalf of the developer by Nottinghamshire County Council at the expense of the developer. This is a separate legal process and the Applicant should contact the County Highway Authority for details.

This is subject to an Agreement made under the provisions of Section 106 of the Town & Country Planning Act 1990 (as substituted by the Planning & Compensation Act 1992) relating to provision of on-site affordable housing and contributions towards essential infrastructure. Any payments will increase subject to the provisions set out in the Agreement.

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

The applicant is reminded of the obligation to submit details of and to implement a Community Park Scheme in accordance with the provisions of the S106 Agreement pertaining to the land subject of this permission.

In submitting details in order to discharge conditions 24 and 25 of this permission the applicant is encouraged to incorporate bird and bat boxes into the fabric of buildings where practicable.

The details for the acoustic fencing required by condition 27 of this permission shall demonstrate that the fencing has a density greater than 10kg/m<sup>2</sup> and that it is of an overlapping design to ensure there are no gaps.

Councillor Butler who had declared an interest in the following application vacated the Chair and left the room for the consideration of the application.

Councillor Stockwood, as Vice Chairman then took the Chair for the consideration of the following application.

**Item 2 - 17/01803/GDOTEL - Erection of a 15m monopole to support 3no. telecommunications antennae for shared use by Vodafone and Telefonica, 2no. dishes and 2no. ground based equipment cabinets - Playing Field East of Leisure Centre (Madison Park) Cotgrave Leisure Centre Woodview Cotgrave**

## Updates

There were none reported.

In accordance with the Council's Public Speaking Protocol Mr Matt Pearson of Pegasus Group (agent for the applicant) and Ms Trina Fitzalan-Howard (objector), addressed the meeting.

### **THAT PRIOR APPROVAL BE GRANTED UNDER PART 16, CLASS A OF THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) (AMENDMENT) ORDER 2016, FOR THE REASONS SET OUT IN THE REPORT SUBJECT TO THE FOLLOWING CONDITIONS.**

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

[To comply with Part 16, Class A to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015].

2. The pole and antenna shroud shall have a galvanised finish and the cabinet(s) finished in a dark green colour for the lifetime of the development.

[In the interests of the amenities of the area and to comply with policy WET4 (Telecommunications) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

## Notes to Applicant

In addition to the conditions set out in this decision notice, the development will also need to comply with the relevant conditions contained in Part 16, Class A of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015.

Councillor Butler returned to the meeting as this point and retook the Chair from Councillor Stockwood.

### **Item 3 - Development of one detached dwelling house on land between 53 and 55 Park Lane, Sutton Bonington which is presently the garden of 53 Park Lane - 53 Park Lane Sutton Bonington Nottinghamshire LE12 5NQ**

## UPDATES

Representations from Councillor Andrew Brown, ward Councillor and the applicant's architect, received after the agenda had been finalised, had been circulated to members of the Committee prior to the meeting.

In accordance with the Council's Public Speaking Protocol Mr David Franklin of Sutton Bonington Parish Council (objector) and Councillor Andrew Brown (ward Councillor), addressed the meeting.

## COMMENTS

Members of the Committee were concerned about the size, scale and massing of the proposed development and felt that it would be both overbearing and out of place both in relation to the adjacent bungalow as well as in the wider street scene. They also considered that the dwelling would be overbearing on the side windows of 53 Park Lane.

## **DECISION**

### **REFUSE PLANNING PERMISSION FOR THE FOLLOWING REASONS**

1. The proposal by virtue of its height, positioning and degree of projection beyond the rear elevation of the neighbouring property at 55 Park Lane would result in an overbearing impact to the detriment of the amenities of that neighbouring property. In addition, the proposal, by virtue of its proximity to the windows in the south (side) elevation of 53 Park Lane would also have an unacceptable and overbearing relationship, detrimental to the amenities of that property. The proposal would, therefore, be contrary to Policy 10 (Design and Enhancing the Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy which specifies that development will be assessed in terms of, inter alia, the following criteria:
  - a) structure, texture and grain, including street patterns, plot sizes, orientation and positioning of buildings and the layout of spaces;
  - b) impact on the amenity of occupiers or nearby residents;
  - e) density and mix; and
  - f) massing, scale and proportion;

The proposal is also contrary to Policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan which states that planning permission for new development, changes of use, conversions or extensions will be granted provided that, inter-alia:

- (d) The scale, density, height, massing, design, layout and materials of the proposals are sympathetic to the character and appearance of the neighbouring buildings and the surrounding area. They 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 and should ensure that occupants of new and existing dwellings have a satisfactory degree of privacy.
2. The proposal would result in an over intensive development detrimental to the character and visual amenities of the area, by reason of the loss of space around and between the existing buildings. It would, therefore, be contrary to Policy 10 (Design and Enhancing the Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy which specifies that development will be assessed in terms of, inter alia, the following criteria:
    - a) structure, texture and grain, including street patterns, plot sizes, orientation and positioning of buildings and the layout of spaces;
    - b) impact on the amenity of occupiers or nearby residents;
    - e) density and mix; and
    - f) massing, scale and proportion;



The proposal is also contrary to Policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan which states that planning permission for new development, changes of use, conversions or extensions will be granted provided that, inter-alia:

- (d) The scale, density, height, massing, design, layout and materials of the proposals are sympathetic to the character and appearance of the neighbouring buildings and the surrounding area. They 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 and should ensure that occupants of new and existing dwellings have a satisfactory degree of privacy.

#### **Item 4 - 17/01619/FUL - Proposed new cottage and alterations to existing cottage - 15-17 Derry Lane Bingham Nottinghamshire NG13 8DG**

#### **UPDATES**

There were none reported.

In accordance with the Council's Public Speaking Protocol Ms Wale (the applicant), Mr Peter Johnstone (objector) and Councillor George Davidson (ward Councillor), addressed the meeting.

#### **DECISION**

#### **GRANT PLANNING PERMISSION FOR THE REASONS SET OUT IN THE REPORT SUBJECT TO THE FOLLOWING CONDITIONS.**

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

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

2. The development hereby permitted shall not proceed beyond foundation level until details of the facing and roofing materials, including the colour finish of any render and cladding, to be used on all external elevations have been submitted to and approved in writing by the Borough Council and the development shall only be undertaken in accordance with the materials so approved. Thereafter, the development shall be maintained in accordance with the approved details.

[To ensure the appearance of the development is satisfactory and to comply with policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan].

3. The development shall not be brought into use until the proposed access and parking/turning area have been constructed. These facilities shall be retained for the lifetime of the development.

[To ensure adequate car parking facilities are provided in connection with the development; and to comply with policies GP2 (Design & Amenity Criteria) and MOV9 (Car Parking Standards) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

4. The development shall not be brought into use until car parking facilities for the existing property, Piglet's Cottage, have been provided in accordance with details to be first submitted to and approved in writing by the Borough Council. These facilities shall be retained for the lifetime of the development.

[To ensure adequate car parking facilities are provided in connection with the development; and to comply with policies GP2 (Design & Amenity Criteria) and MOV9 (Car Parking Standards) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

5. Prior to occupation of the dwelling hereby approved, the first floor windows in the west elevation of the proposed development shall be fitted with glass which has been rendered permanently obscured to Group 5 level of privacy or equivalent. Thereafter, the windows shall be retained to this specification. No additional windows shall be inserted in this elevation without the prior written approval of the Borough Council.

[To protect the privacy and amenity of neighbours and to comply with policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan].

6. The development shall be carried out in accordance with the submitted plans ref. H239/4 and H239/5.

[For the avoidance of doubt and to comply with policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan].

7. Prior to occupation of the dwelling hereby approved, the ground floor and first floor windows in the north elevation of the element of Piglet's Cottage which will abutt the boundary with the site of the new dwelling shall be fixed shut and fitted with glass which has been rendered permanently obscured to Group 5 level of privacy or equivalent. Thereafter, the windows shall be retained to this specification. No additional windows shall be inserted in this elevation without the prior written approval of the Borough Council.

[To protect the privacy and amenity of neighbours and to comply with policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan].

8. No development shall take place until a condition survey of Derry Lane, between its junction with the public highway (Grantham Road) and the frontage of the application site has been undertaken, submitted to and approved in writing by the Borough Council. The survey shall establish the

existing condition of Derry Lane together with any existing defects and include measures to repair what damage, if any, has been caused as a result of the access to the site by vehicles associated with the construction of the development. Any repairs required to Derry Lane shall be agreed with the Borough Council and undertaken within three months of the substantial completion of the development.

[In the interest of the amenity of the area and local residents and to comply with Policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan. The condition requires measures to be undertaken prior to commencement of development in order to ascertain the current condition of the road prior to construction/delivery vehicles first accessing the site].

### **Notes to Applicant**

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.

### **Item 5 - 17/01420/FUL - Construction of new dwelling including landscape and means of enclosure - York House Chapel Lane Aslockton Nottinghamshire NG13 9AR**

#### **UPDATES**

There were none reported.

In accordance with the Council's Public Speaking Protocol Councillor Mrs Maureen Stockwood (ward Councillor), addressed the meeting.

#### **DECISION**

#### **GRANT PLANNING PERMISSION FOR THE REASONS SET OUT IN THE REPORT SUBJECT TO THE FOLLOWING CONDITIONS.**

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

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

2. The development hereby permitted shall be carried out in accordance with the following amended plan(s): 12/015 - P01 Rev. F received 23 August 2017.

[For the avoidance of doubt and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

3. No work shall be carried out and no plant, equipment or materials shall be brought onto the site until the following have been submitted to and approved in writing by the Borough Council:
  - (a) a plan showing the location of and allocating a reference number to each existing tree and hedge on and adjacent to the site showing which trees and hedges are to be retained and the crown spread of each retained tree;
  - (b) details of any proposed topping or lopping of any retained tree; and
  - (c) details of the specification and position of fencing (and of any other measures to be taken) for the protection of any retained tree or hedge from damage before or during the course of development.

In this condition "retained tree" means an existing tree which is to be retained in accordance with the plan referred to in paragraph (a) above. The tree protection measures shall be retained for the duration of the construction period. No materials, machinery or vehicles are to be stored or temporary buildings erected within the perimeter of the fence, nor is any excavation work to be undertaken within the confines of the fence. No changes of ground level shall be made within the protected area.

[In the interests of amenity and to comply with policy EN13 (Landscaping Schemes) of the Rushcliffe Borough Non Statutory Replacement Local Plan. This is a pre-commencement condition as it is considered necessary to secure protected fencing prior to commencement of work to ensure the trees are adequately protected]

4. The development hereby permitted shall not proceed beyond foundation level until details of the facing and roofing materials to be used on all external elevations have been submitted to and approved in writing by the Borough Council and the development shall only be undertaken in accordance with the materials so approved.

[To ensure the appearance of the development is satisfactory and to comply with policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan]

5. The development shall not be brought into use until the access driveway has been surfaced in a suitably bound material (not loose gravel) for a minimum distance of 5.0 meters behind the highway boundary, and which shall be drained to prevent the discharge of surface water from the driveway to the public highway. The bound material and the provision to prevent the discharge of surface water to the public highway shall then be retained for the life of the development.

[In the interests of highway safety; and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

6. The ground floor window in the south west elevation of the proposed

development shall be permanently fixed shut and fitted with glass which has been rendered permanently obscured to Group 5 level of privacy or equivalent. Thereafter, the window shall be retained to this specification. No additional windows shall be inserted in this elevation.

[To prevent overlooking and loss of privacy to neighbouring property and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

7. Notwithstanding the provisions of Schedule 2, Part 1 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any Order revoking or re-enacting that Order with or without modification) there shall be no enlargement or alteration of the proposed dwelling(s).

[The development is of a nature whereby future development of this type should be closely controlled and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

8. Notwithstanding the provisions of Schedule 2, Part 1 Class E 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) no sheds, buildings or structures shall be erected on the site.

[The development is of a nature whereby future development of this type should be closely controlled and to comply with policies GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

### **Notes to Applicant**

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

This Authority is charging for the discharge of conditions in accordance with revised fee regulations which came into force on 6 April 2008. Application forms to discharge conditions can be found on the Rushcliffe Borough Council website.

The Borough Council is charging 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.

## **Item 6 - 17/01577/FUL - Garage and storage building - Manor House Main Street Hickling Nottinghamshire LE14 3AQ**

### **UPDATES**

A representation from a neighbour of the application site, received after the agenda had been finalised, had been circulated to members of the Committee prior to the meeting.

In accordance with the Council's Public Speaking Protocol Councillor Tina Combella (ward Councillor), addressed the meeting.

### **DECISION**

#### **GRANT PLANNING PERMISSION FOR THE REASONS SET OUT IN THE REPORT SUBJECT TO THE FOLLOWING CONDITIONS.**

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

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

2. The materials specified in the application shall be used for the external walls and roof of the development hereby approved and no additional or alternative materials shall be used.

[To ensure the appearance of the development is satisfactory and to comply with policies GP2 (Design and Amenity Criteria) and EN2 (Conservation Areas) of the Rushcliffe Borough Non-Statutory Replacement Local Plan]

3. No construction traffic shall access the site from The Green, construction traffic shall use the route from Clawson Lane previously approved under application 16/00557/FUL. Within three months of completion of the development the land across which the access is built shall be restored to its original condition.

[To make sure that a satisfactory means of access is provided, in the interests of road safety and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan.]

4. With the exception of that part to be removed to form the access to the site, the hedge located on the southern boundary of the application site shall be retained and any part of the hedge removed, dying, being severely damaged or becoming seriously diseased shall be replaced, with hedge plants of such size and species, details of which shall be submitted to and approved in writing by the Borough Council, within one year of the date of any such loss being brought to the attention of the Borough Council.

[The hedge is an important feature in the area and its retention is necessary to help screen the new development and sustain the character and appearance of Hickling Conservation Area in accordance with policy GP1viii (Delivering

Sustainable Development) and EN2 (Conservation Areas) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

5. Any gates to be erected to the proposed access shall be set back not less than 5m metres from the highway boundary and shall be hung so as to open into the site only.

[In the interests of highway safety; and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

6. The development hereby permitted shall be carried out in accordance with the following approved plan(s): GA211/05H; GA211/11G

[For the avoidance of doubt and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

**Item 7 - 17/00911/VAR - Vary condition 2 of 15/02394/FUL relating to new brick wall and Hawthorn hedge, and two sections of replacement hedgerow (Yew) to south east boundary - Land South of Sulney Fields Colonels Lane Upper Broughton Nottinghamshire**

**UPDATES**

There were none reported.

In accordance with the Council's Public Speaking Protocol Ms Judith Mason (objector) and Councillor Tina Combellack (ward Councillor), addressed the meeting.

**COMMENTS**

Members of the Committee were of the opinion that the wall, the white gate and the hawthorn screening were both incongruous with the small rural lane where they were located and as a consequence caused harm to the appearance and character of the conservation area. Members of the committee were also concerned that the removal of the hedge on the south east boundary and its replacement with a Yew hedge caused harm to the character and appearance of the Conservation Area and that Yew was slow growing and would not provide an effective hedge screen in the short term, and was also not in keeping with surrounding hedge types in the wider conservation area.

**DECISION**

**REFUSE PLANNING PERMISSION FOR THE FOLLOWING REASONS**

1. In the opinion of the Borough Council, due to its siting, scale and design, the section of wall represents an incongruous feature within a boundary formed by hedgerow, and has a harmful impact on the rural character and appearance of Upper Broughton Conservation Area. The proposal is, therefore, contrary to the environmental role of the National Planning Policy Framework, one of the core planning principles which states that planning should conserve heritage

assets in a manner appropriate to their significance, and the objectives of Chapter 12 (Conserving and enhancing the historic environment). The proposal is also contrary to the objectives of policies 10 (Design and Enhancing Local Identity) and 11 (Historic Environment) of the Rushcliffe Local Plan Part 1: Core Strategy, and policies GP2 h) & policy EN2 a) of the Rushcliffe Borough Non-Statutory Replacement Local Plan.

2. The south eastern boundary of the site adjoins the open countryside and the removal of the hedgerow along this boundary, the majority of which was shown to be retained on the approved plans for the development of the site, has resulted in a detrimental impact on the rural character of the area, causing harm to the character and appearance of the Upper Broughton Conservation Area. The replacement of this hedge with Yew is considered to be incompatible with the species of planting in other/existing hedgerows in the area and, due to the slow rate of growth of Yew, will not provide an effective hedge in the short term to mitigate the loss of the original hedge and the harm to the Conservation Area. Therefore, the proposal is contrary to the environmental role of the National Planning Policy Framework, one of the core planning principles which states that planning should conserve heritage assets in a manner appropriate to their significance, and the objectives of Chapter 12 (Conserving and enhancing the historic environment). The proposal is also contrary to the objectives of policies 10 (Design and Enhancing Local Identity) and 11 (Historic Environment) of the Rushcliffe Local Plan Part 1: Core Strategy, and policies GP2 h) & policy EN2 a) of the Rushcliffe Borough Non-Statutory Replacement Local Plan.

In accordance with Council Minute No.7 (2017/18), with the time having reached 10:32pm, the Chairman closed the meeting and noted that the two outstanding applications would be considered at the next available meeting of the Planning Committee.

The meeting closed at 10:32pm.

CHAIRMAN



## Report of the Executive Manager – Communities

### PLEASE NOTE:

1. Slides relating to the application will be shown where appropriate.
2. Plans illustrating the report are for identification only.
3. Background Papers - the application file for each application is available for public inspection at the Rushcliffe Customer Contact Centre in accordance with the Local Government Act 1972 and relevant planning legislation/Regulations. Copies of the submitted application details are available on the website <http://planningon-line.rushcliffe.gov.uk/online-applications/>. This report is available as part of the Planning Committee Agenda which can be viewed five working days before the meeting at <http://www.rushcliffe.gov.uk/councilanddemocracy/meetingsandminutes/agendasandminutes/>. Once a decision has been taken on a planning application the decision notice is also displayed on the website.
4. Reports to the Planning Committee take into account diversity and Crime and Disorder issues. Where such implications are material they are referred to in the reports, where they are balanced with other material planning considerations.
5. With regard to S17 of the Crime and Disorder Act 1998 the Police have advised they wish to be consulted on the following types of applications: major developments; those attracting significant numbers of the public e.g. public houses, takeaways etc.; ATM machines, new neighbourhood facilities including churches; major alterations to public buildings; significant areas of open space/landscaping or linear paths; form diversification to industrial uses in isolated locations.
6. Where the Planning Committee have power to determine an application but the decision proposed would be contrary to the recommendation of the Executive Manager - Communities, the application may be referred to the Council for decision.
7. The following notes appear on decision notices for full planning permissions:  

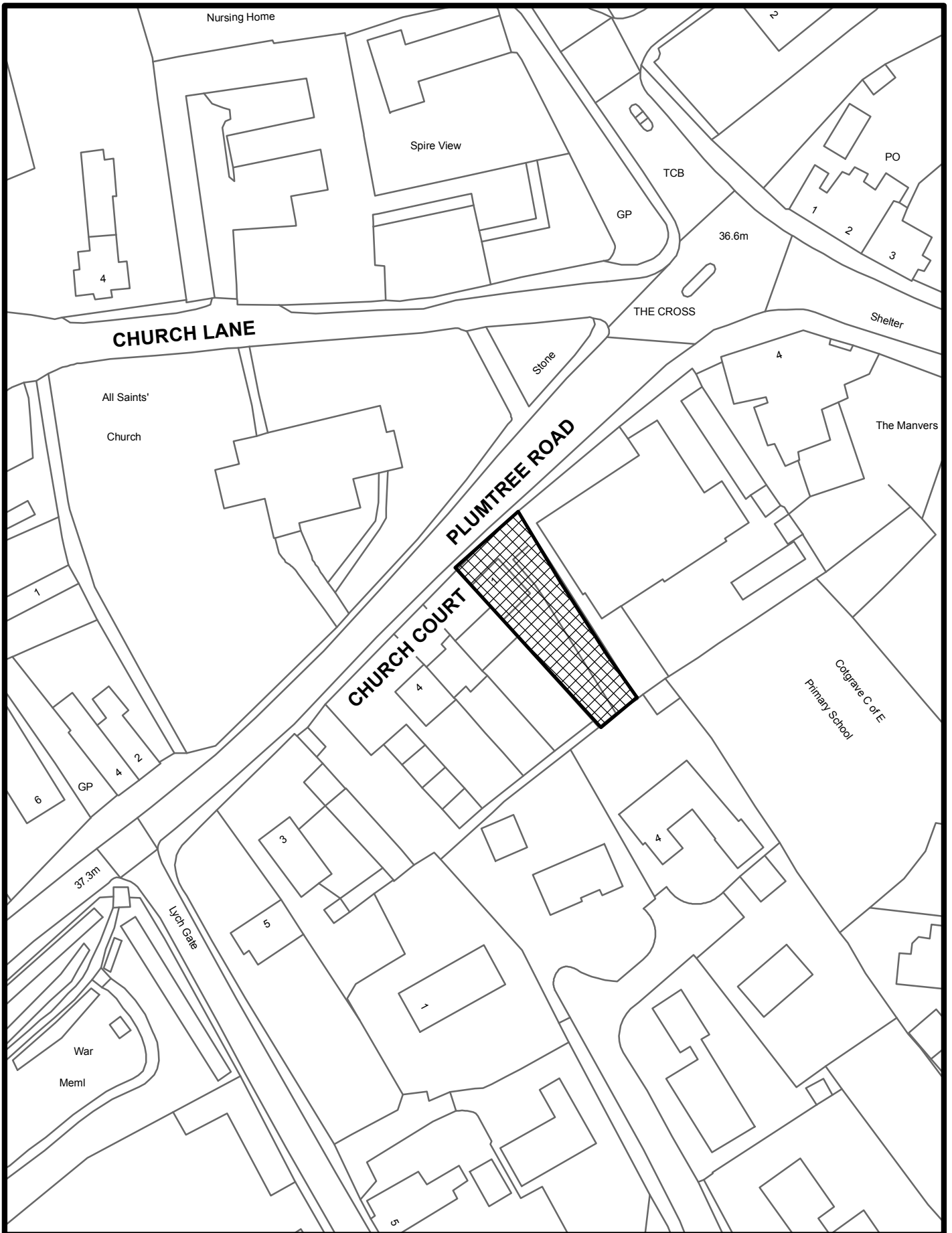
“When carrying out building works you are advised to use door types and locks conforming to British Standards, together with windows that are performance tested (i.e. to BS 7950 for ground floor and easily accessible windows in homes). You are also advised to consider installing a burglar alarm, as this is the most effective way of protecting against burglary. If you

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

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

<b>Application</b>	<b>Address</b>	<b>Page</b>
17/01416/FUL	1 Church Court Plumtree Road Cotgrave Nottinghamshire NG12 3QW	26 - 32
	Dropped kerb and vehicular access	
<b>Ward</b>	Cotgrave	
<b>Recommendation</b>	Planning permission be granted subject to conditions	
<hr/>		
17/01725/FUL	Colliers Business Park Colliers Way Cotgrave Nottinghamshire	33 - 36
	Amendment to the ground levels within this area to reduce the gradient of the slope. The ground will then be planted with a low maintenance seed mix.	
<b>Ward</b>	Cotgrave	
<b>Recommendation</b>	Planning permission be granted subject to conditions	
<hr/>		
17/01628/FUL	Land West of Millfield Langar Road Barnstone Nottinghamshire	37 - 54
	4 no. dwelling (to meet local need)	
<b>Ward</b>	Nevile and Langar	
<b>Recommendation</b>	Planning permission be granted subject to conditions	
<hr/>		

<b>Application</b>	<b>Address</b>	<b>Page</b>
17/01038/FUL	Kingston Brook Farm Wymeswold Road Thorpe in The Glebe Nottinghamshire NG12 5QX	55 - 68
	Proposed permanent agricultural workers dwelling.	
<b>Ward</b>	Bunny	
<b>Recommendation</b>	Planning permission be refused	
17/01883/FUL	Hill Top Farm Cliffhill Lane Aslockton Nottinghamshire NG13 9AP	69 - 81
	Erection of two storey dwelling and detached garage	
<b>Ward</b>	Cranmer	
<b>Recommendation</b>	Planning permission be granted subject to conditions	
17/01629/FUL	The Gamston Lock, Radcliffe Road, Gamston	82 - 86
	Construction additional eight car parking spaces	
<b>Ward</b>	Gamston North	
<b>Recommendation</b>	Planning permission be granted subject to conditions	
17/02096/CMA	Land South Of Burrows Farm Barton Lane Barton In Fabis Nottinghamshire	87 -104
	The extraction and processing of sand and gravel, including the construction of a new site access road, landscaping and screening bunds. Mineral washing plant and other associated infrastructure with restoration to agriculture and nature conservation areas.	
<b>Ward</b>	Gotham	
<b>Recommendation</b>	That Nottinghamshire County Council be informed that the Borough Council objects to the proposal and recommends refusal for the reasons as detailed in the officer's report.	



**Application Number 17/01416/FUL**  
**1 Church Court, Plumtree Road, Cotgrave**

scale 1:1000



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Rushcliffe Borough Council - 100019419

# 17/01416/FUL

**Applicant** Mr Richard Butler

**Location** 1 Church Court Plumtree Road Cotgrave Nottinghamshire NG12 3QW

**Proposal** Dropped kerb and vehicular access.

**Ward** Cotgrave

## THE SITE AND SURROUNDINGS

1. The application relates to the end dwelling house within a row of four properties facing onto Plumtree Road (a C classified road), near the junction with Main Road. The property is part of a 1970's development on the site of a former smithy and orchard. The property has a small garden area to the front, bounded by a low brick wall with a narrow gap providing pedestrian access. The garden area extends around the side and to the rear of the property. The applicant's agent has confirmed that the property benefits from one of four double garages located to the south west on an adjacent garage forecourt, with pedestrian access provided to the rear garden area.
2. The site is located close to the commercial centre of Cotgrave Town. To the south and west are residential properties, to the immediate east is Cotgrave Primary School, with The Manvers Arms Public House beyond. To the north, on the opposite side of Plumtree Road, is All Saints' Church which is a Grade I listed building.
3. There is a Traffic Regulation Order along the south eastern side of Plumtree Road comprising of yellow zigzag 'school keep clear' lines which extend across part of the side garden area of the application property.

## DETAILS OF THE PROPOSAL

4. The application seeks planning permission for the creation of a new vehicular access off Plumtree Road to the side garden area of the application property, to allow the applicants to park a vehicle on a driveway.
5. The application was accompanied by a Technical (Highways) Note prepared by Vectio Consulting.

## SITE HISTORY

6. Planning permission was granted in the mid 1970's for four houses and garages which the application property forms part of (ref: 77/00041/EAST).

## REPRESENTATIONS

### Ward Councillors

7. One Ward Councillor (Cllr. Butler) has Declared a personal and pecuniary interest as he is the applicant.

### Town/Parish Council

8. Cotgrave Town Council, *'do not object to this planning application'*.

### Statutory and Other Consultees

9. The Conservation and Design Officer advises that the site is not within a conservation area, however, the position of the access would be directly opposite the Grade I listed All Saints Church. The proposed works would be visible from within the churchyard opposite. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a legal duty upon the Borough Council to *"...have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."* Case law, policy and guidance has established that the setting of a listed building is not simply everything visible from it or every point that it is visible from, instead setting should properly be considered to be "setting insofar as it contributes towards the significance, or the understanding of the significance, of the building as a listed building."
10. The application property is part of a late 1970's development on the site of a former smithy and orchard. The existing dwellings have no historic relationship with the church and no architectural relationship either. Beyond the simple fact of proximity the application site does not contribute anything towards the special architectural or historic interest of the grade I listed parish church, neither is there anything about the application site which fosters an improved understanding or appreciation of the parish church. The removal of a stepped section of wall with modern concrete copings to facilitate vehicular access would not require planning permission in itself and the installation of the dropped curb would have such a minor impact on the streetscape that it could hardly be said to affect the setting of the church in a visual way, let alone one which would affect its significance as a listed building. As such the proposal would not harm and would therefore 'preserve' the special architectural and historic significance of the parish church as a listed building achieving the 'desirable' objective described in section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
11. Nottinghamshire County Council as Highway Authority does not object. They advise that the Technical Report demonstrates how drivers could enter/exit from the proposed driveway whilst being able to achieve visibility. They suggest a condition requiring the driveway to be provided and maintained in accordance with the approved plan.

### Local Residents and the General Public

12. Three local residents have objected to the application on the following grounds:

- a. Major safety concerns regarding visibility of school children.
  - b. Would result in vehicle reversing onto an increasingly busy road which is used by HGV's.
  - c. A dropped kerb adjacent to the school would increase the number of vehicles mounting the pavement in front of school children.
  - d. The site survey should not be carried out in the early hours or evening, but at school drop off and collection time, and Sunday morning when the church is in session.
  - e. A child was hit by a car on this section of road within the last year.
  - f. The 'school no parking' zigzags extend in front of the application property (they are incorrectly shown on the plan submitted).
  - g. The proposed access would not be in keeping with neighbouring properties.
  - h. The property already has a double garage and driveway built at the same time as the house which should be used for parking of vehicles.
  - i. This property has a covenant preventing the creation of a driveway.
13. The Head Teacher of Cotgrave Church of England Primary School, located immediately adjacent to the application site, has commented as follows, "*I have been aware of the plans to add vehicular access to the neighbouring property for a while. Both myself and our Chair of Governors have had conversations with the homeowner and we are both of the opinion that adding such access would not cause any significant problems as regards the school. We have also discussed with the homeowner the lowering of the height of the last section of boundary wall to give a better view when pulling out from the property. From a parental point of view, dropped kerb access would potentially remove a possible parking place in the street (parking in the vicinity of school is already at a premium) and I can appreciate safety concerns from driveway access over the pavement near to school. However, given the likely intermittent use of such a driveway, I remain of the opinion that school has no objection provided that the driveway has adequate sighting to enable the homeowner to cross the pavement safely and that pedestrians can adequately (and safely) see a vehicle about to cross the pavement.*"

## **PLANNING POLICY**

14. The development plan for Rushcliffe consists of the five saved policies of the 1996 Local Plan, and Rushcliffe Local Plan Part 1: Core Strategy (Core Strategy). Other material considerations include the National Planning Policy Framework (NPPF) and the Non-Statutory Replacement Local Plan (NSRLP) where policies are consistent with the NPPF and the Core Strategy.

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

15. Paragraph 17 of the NPPF states that planning should always seek to secure a high quality design and a good standard of amenity for all existing and future occupiers of land and buildings.
16. Chapter 12 (Conserving and enhancing the historic environment) of the NPPF seeks to protect all heritage assets.
17. Section 66 of the Planning (listed Building and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

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

18. Policy 11 (Historic Environment) of the Core Strategy offers support to proposals and initiatives where the historic environment and heritage assets and their settings are conserved and/or enhanced in line with their interest and significance.
19. Policy GP2 (Design and Amenity Criteria) of the NSRLP states that planning permission for new development will be granted provided that (amongst other things) the following criteria are met; there is no significant adverse effect upon amenity, of adjoining properties or the surrounding area, by reason of the type and levels of activity on the site, or traffic generated; a suitable means of access can be provided to the development without detriment to the amenity of adjacent properties or highway safety, the provision of parking is in accordance with the guidance in the County Council's parking provisions for new developments and the design of the proposal accords with guidance produced by the Highway Authority; and there is no significant adverse effect on any historic sites and their setting including listed buildings.
20. Policy EN4 (Listed Buildings) of the NSRLP states that planning permission for proposals for development affecting the setting of a listed building will only be permitted where they are acceptable in terms of scale, massing, form, siting, design and materials.

## **APPRAISAL**

21. The main issues in the consideration of the application are highway and pedestrian safety, the setting of the grade I listed building and the amenities of surrounding properties.
22. With regard to highway safety, the application was accompanied by a Technical Note to support the application, which addresses local highway conditions, parking space layout and access visibility. A summary of which is set out below.
23. *"A review of the adjacent highway has been undertaken including a site visit on the 15th and 17th May 2017. A review of the most recent 5 year recorded accident records has been undertaken. The assessment has not identified*



*any trends or patterns that would give rise to the proposed access exacerbating any existing issues. The proposed driveway access is to be formed by a footway crossover arrangement, as such maintains pedestrian priority. The private drive includes the provision of 2.0m by 2.0m pedestrian visibility splays.*

24. *The private drive is to be formed in a bound material to prevent deleterious material spilling onto the public highway, causing hazards to other highway users. Measures have been proposed to prevent the unregulated discharge of surface water from the drive onto the public highway. A location for the storage of wheelie bins during refuse collection days have been proposed, outside of vehicular visibility splays. To ensure suitable vehicle access could be achieved, a vehicle tracking exercise was undertaken, clearly illustrating that a vehicle could easily reverse onto the drive, and depart in a forward gear.*
25. *A speed survey was undertaken to enable detailed calculations to be made to obtain site specific visibility splays. The assessment identified that although slightly below design standard vehicular visibility criteria, should vehicles slightly nose out of the private drive, as discussed in the Manual for Streets, suitable visibility criteria could be achieved and as such would not pose a severe implication to the safety of other highway users.”*
26. Concerns have been raised by local residents regarding the impacts of the proposal on highway and pedestrian safety. Objectors have criticised the timings of the traffic surveys (which were undertaken outside the school drop-off and pick-up times) and referred to a recent accident which occurred outside the application site involving a pedestrian being hit by a car. Despite these concerns, in the absence of an objection from the Local Highways Authority, it would be difficult to justify or defend a refusal on such grounds.
27. With regard to the setting of the grade I listed church, it should be noted that the Conservation and Design Officer has not raised an objection to the proposal and is satisfied that the proposal will not result in any harm to the setting of the listed building. Therefore, it is considered that the proposal would not harm and would, therefore, ‘preserve’ the special architectural and historic significance of the parish church as a listed building achieving the objective described as ‘desirable’ in section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
28. In terms of the amenities of surrounding properties, the proposed driveway would be located to the front/side garden area of the property, away from the other three dwellings in the row of four. It is not considered that the creation of a driveway in this location would result in unacceptable levels of noise and disturbance either on these dwellings or on the Primary School to the east.
29. The existence, or otherwise, of a restrictive covenant preventing parking to the front of the application property is a legal matter for the applicant to address, and does not carry weight in the consideration of this planning application.
30. The proposal was subject to pre-application discussions with the Highway Authority and advice was provided on the level of information required to be submitted in support of the application. As a result of this process it has

reduced delays in the consideration of the application and resulted in the recommendation to grant planning permission.

## **RECOMMENDATION**

It is RECOMMENDED that planning permission be granted subject to the following conditions

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

Reason; [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 and documents; Site Location Plan Drawing Number BUT-001-D/LP/001 dated 13th June 2017; Technical Note by Vectio Consulting dated 19th May 2017; Proposed Access Arrangements Drawing Number VC0116 Sheet No.1 dated 16th May 2017. The new driveway shall be retained and maintained as such thereafter.

[For the avoidance of doubt, and in the interests of highway and pedestrian safety, to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan and Policy 10 (Design and Enhancing Local Identity) of the Local Plan Part 1: Rushcliffe Core Strategy]

3. The new vehicular access hereby approved shall not be brought into use until the visibility splays (including the reduction of the front boundary wall to a maximum height of 600mm above ground level) as shown on the Proposed Access Arrangements Drawing Number VC0116 Sheet No.1 dated 16th May 2017 have been provided. The visibility splays shall be retained and kept free from obstruction thereafter.

[In the interests of highway and pedestrian safety, to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan and Policy 10 (Design and Enhancing Local Identity) of the Local Plan Part 1: Rushcliffe Core Strategy.]



**Application Number 17/01725/FUL  
Cotgrave Coillery Employment Site**

scale 1:7000



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Rushcliffe Borough Council - 100019419

# 17/01725/FUL

**Applicant** Rushcliffe Borough Council

**Location** Colliers Business Park Colliers Way Cotgrave Nottinghamshire

**Proposal** Amendment to the ground levels within this area to reduce the gradient of the slope. The ground will then be planted with a low maintenance seed mix.

**Ward** Cotgrave

## THE SITE AND SURROUNDINGS

1. The application relates to an area of land (15m wide and 76m deep) that is located between the existing Council owned employment units and the newly constructed Council owned units, to the north of the residential development on the former Cotgrave Colliery site. An area of land between the application site and the adjacent access road is currently intended to be the site of a recycle facility.

## DETAILS OF THE PROPOSAL

2. The proposal seeks to alter the current ground levels, over an area measuring 15m in width and 76m deep, in order to reduce the gradient of the slope between the two areas of employment units. This would involve relocating surplus soil resulting from the newly built employment units and placing it over the area. This would raise ground levels by a maximum of 3 metres, whilst providing a more gentle slope across the site. The ground would then be planted with a low maintenance seed mix.
3. As part of the application soil sample details were provided as well as a topographical survey and section information.

## SITE HISTORY

4. Application ref: 16/01335/REM relates to approval of Reserved Matters for 15 industrial/warehouse units contained within 3 blocks (B1(c)/B2/B8) including ancillary facilities, service yard, car and cycle parking, landscaping, service road and other infrastructure works and was approved in July 2016. The development has been substantially completed.

## REPRESENTATIONS

### Ward Councillor(s)

5. One Ward Councillor (Cllr Butler) has no objection.

### Town/Parish Council

6. Cotgrave Town Council has no objection.

## **Statutory and Other Consultees**

7. The Borough Council Landscape and Design Officer advises that, the submitted cross sections indicate that the grading out of the slope appears appropriate
8. The Environmental Health Officer raises no objections.

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

9. No comments received.

## **PLANNING POLICY**

10. The Development Plan for Rushcliffe comprises of the Local Plan Part 1 - Core Strategy and the 5 saved policies of the Rushcliffe Borough Local Plan 1996.
11. Other material considerations include the National Planning Policy Framework (NPPF), the recently published National Planning Practice Guidance (NPPG) and the Rushcliffe Borough Non-Statutory Replacement Local Plan (2006). Whilst not part of the development plan, the Borough Council has adopted the Rushcliffe Borough Non-Statutory Replacement Local Plan for the purposes of Development Control and this is considered to be a material planning consideration in the determination of planning applications where still in compliance with the NPPF.

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

12. The National Planning Policy Framework (NPPF) carries a presumption in favour of sustainable development and states that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole or specific policies in the Framework indicate that development should be restricted.
13. The following paragraphs of the National Planning Policy Framework are relevant:
  - Paragraph 14 sets out the presumption in favour of sustainable development;
  - Paragraph 17 sets out 12 core planning principles; and
  - Paragraph 11 - Conserving and enhancing the natural environment.

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

14. None of the saved policies from the Rushcliffe Borough Local Plan 1996 are relevant.
15. The Rushcliffe Local Plan Part 1: Core Strategy sets out the overarching spatial vision for the development of the Borough to 2028. Policy 1 - Presumption in Favour of Sustainable Development and Policy 2 - Climate Change are considered relevant.

16. The Rushcliffe Non-Statutory Replacement Local Plan has been used in decision making since 2006 and despite the Core Strategy having been adopted its policies are still a material consideration in the determination of any planning application providing they have not been superseded by the NPPF or the policies contained within Rushcliffe Local Plan Part 1: Core Strategy. The following policies are relevant:
- GP1 - Delivering Sustainable Development; and
  - Policy GP2 - Design and Amenity Criteria, this states that planning permission for new development, changes of use, conversions or extensions will be granted provided that, where relevant, certain criteria are met.

## **APPRAISAL**

17. It is considered that the alteration to the gradient of the existing slope is acceptable. It would not have a significant impact on the character within the wider street scene or amenities of nearby residential properties but it would make the area easier to maintain and landscape.
18. 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/or 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.

## **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.

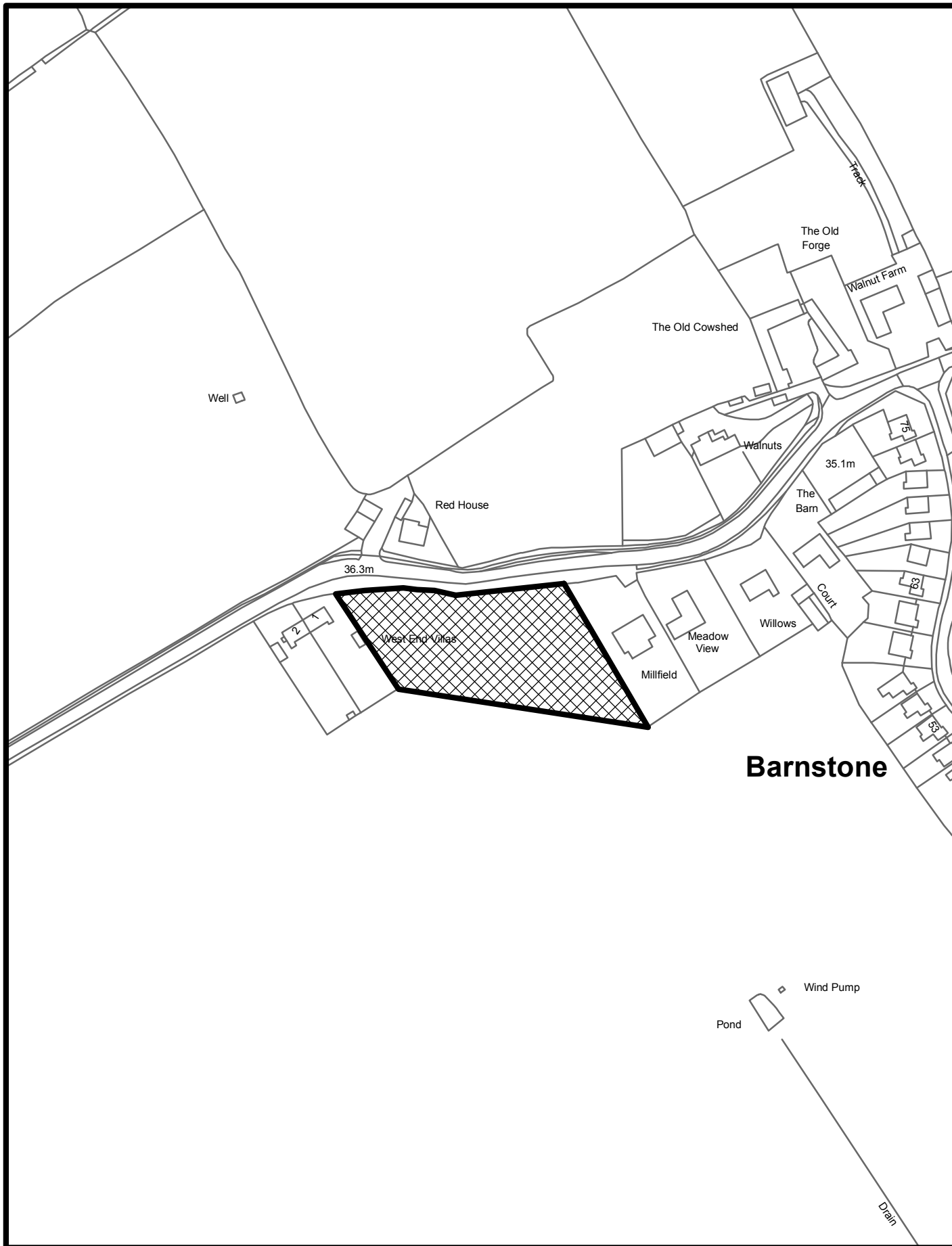
[To comply with Section 91 of the Town and Country Planning Act 1990, as amended by the Planning & Compulsory Purchase Act 2004].

2. This permission shall relate to the application as submitted including plans s1091/20; 16064/S03; 16064/210 revision E and the soil analysis by Kiwa.

[For the avoidance of doubt and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

3. This permission does not permit the reduction in land level in the application area.

[For the avoidance of doubt and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].



**Application Number: 17/01628/FUL**  
**Land west of Millfield Cottage, Barnstone**



scale 1:2000

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Rushcliffe Borough Council - 100019419

# 17/01628/FUL

**Applicant** The Harwood Family

**Location** Land West Of Millfield Langar Road Barnstone Nottinghamshire

**Proposal** 4 no. dwelling (to meet local need)

**Ward** Nevile And Langar

## THE SITE AND SURROUNDINGS

1. The application site consists of an area of land measuring approximately 90m in width to the road frontage and maximum depth of around 65m. It is rectangular in shape with its longer side adjacent to the highway boundary. Main Road is located to the north of the site, this is the main road connecting the small rural settlement of Barnstone to the neighbouring larger settlement of Langer which is located to the south west.
2. The site is part of a larger agricultural field although it has recently been fenced off. It is bounded by a post and rail fence adjacent to the highway and the remainder of the field to the south. The site is located within the main built up area of the settlement towards its eastern edge. There are residential properties located either side of the site including a pair of semi-detached houses to the west and a detached bungalow to the east. A large detached house is located opposite the site on the north side of Main Road.

## DETAILS OF THE PROPOSAL

3. The application seeks full planning permission for the erection of four dwellings to meet an identified housing need, including one 2 bedroom chalet bungalow, one 4 bedroom house and two 5 bedroom houses. The houses would all include an integral garage as well as two off street parking spaces. Each property would have private garden area located at the rear. A single vehicular access would be provided to the site from Main Road.
4. The application was accompanied by a Planning and Design & Access Statement, an 'Arboricultural Report and Impact Assessment', an Access Note (which assesses traffic flows and speeds in the vicinity of the site) and 'A Detailed Investigation into the Housing Needs of Langar Cum Barnstone'.

## SITE HISTORY

5. There is no recent planning history for this site.

## REPRESENTATIONS

### Ward Councillor(s)

6. The Ward Councillor (Cllr. Combellack) objects to the application. She agrees with the comments made by the Parish Council and is particularly concerned at the findings of the Housing Needs survey which would appear



to have been commissioned by or on behalf of the applicant rather than independently.

7. The adjacent Ward Councillor (Cllr Bailey) objects to the application. She agrees with the Parish Council's comments, has concerns over the location of the proposed development set between 2 bends on the main access road into the village and over the Housing Needs Survey.

### **Town/Parish Council**

8. The Parish Council objects to the application commenting, "*The Parish Council Resolved to object to the above application at its meeting on 2<sup>nd</sup> August 2017 for the following reasons:*
9. *The proposed development is located close to a tight double bend. There are concerns about road safety where vehicles could be queuing to get in or out of the single access drive. Although each property has been allocated 2 car parking spaces, it is conceivable that additional cars may be owned in a 4/5 bed property, giving rise to concerns about where these additional cars would be parked.*
10. *There is concern about the questionable nature of the Housing Needs Survey, (HNS), and the validity of its argument that 4/5 bed houses constitute 'local need' The HNS is also inaccurate, giving details of businesses which no longer trade in the parish. It also implies that Langar & Barnstone has the benefit of many facilities, whereas the truth is that there are no local shops and the bus service has been reduced, as evidenced by the 96% of respondents who believe that the village lacks facilities. Langar School currently has a full roll.*
11. *The HNS also states that the data justifies the need for 10 homes. Of the 98 returns (22%), 88 respondents believed that they were 'adequately housed at present'. Therefore, whilst it can be argued that the NPPF paras 47 & 55 relate to this application, the HNS is incorrect in saying that this development is 'assisting to meet an **urgent housing need** in this location'.*
12. *The development does not comply with RBC Non-Statutory Replacement Local Plan Policies HOU2/HOU4.*
13. *A planning application was recently submitted for an infill development of 6 homes on Main Road Barnstone, (17/01352/FUL), which would bring the total number of new homes to 16 which is unsustainable within the village.*
14. *There is concern about overlooking of neighbouring properties, which would lead to loss of privacy."*

### **Statutory and Other Consultees**

15. Trent Valley Internal Drainage Board does not object to the application. They note the site is located outside of the Trent Valley Internal Drainage Board district but within the Board's catchment. Their comments summarise the instances that the Board needs to be notified of work being carried out.

16. The Nottinghamshire County Council as Highway Authority raise no highway objections to the proposal. They note the site is currently fronted by a grass verge which will need to be upgraded to a footway so that future occupiers have a safe means of access to the existing pedestrian network. They request the inclusion of the following conditions in the interest of highway safety:
- i. Prior to occupation of the dwellings, off street parking and turning spaces shall be provided;
  - ii. The access driveway shall not be brought into use until it has been surfaced in a bound material for a minimum distance of 5m behind the highway boundary;
  - iii. The access driveway shall not be brought into use until it is fronted by a suitably constructed vehicular crossing;
  - iv. Occupation of the proposed dwellings shall not take place until a refuse collection point has been provided; and
  - v. Occupation of the dwelling shall not take place until a new footway link connecting the site to the existing footwork network has been provided.
17. The Borough Council's Environmental Health Officer has no objections to the application. In summary, they comment that the site is close to areas of land which have been identified as potentially contaminated. Given the sensitive use proposed for the site as residential, they have requested the inclusion of a condition requiring the completion of a contaminated land report prior to the commencement of development on the site. They also request the inclusion of a condition requiring a method statement detailing the control of noise, dust and vibration during demolition and construction be submitted prior to the commencement of development on the site.
18. The Borough Councils Planning Policy Officer does not object to the application commenting that Core Strategy Policy 3 (Spatial Strategy) states that new residential development in non-Key Settlements such as Langar cum Barnstone should be solely to meet local needs. Paragraph 3.3.17 describes local needs as consisting of small scale infill development or on rural exception sites (the latter for affordable dwellings only). Criterion f) contained within policy HOU2 of the Non-Statutory Replacement Local Plan also supports this policy approach.
19. The application is supported by a Housing Needs Survey (HNS) which was carried out independently by Midlands Rural Housing. It identifies a requirement for 3 affordable units (for shared ownership). The survey also identified that there were 7 respondents to the survey who indicated a requirement for open market housing within the next 5 years.
20. This application is for 4 open market units (2x 4/5 bed houses, 1 x 4 bed house, 1 x 2 bed bungalow) with the applicant stating that this will meet part of the need identified in the HNS. The units proposed accord with the findings of the HNS in this regard. Although the HNS identifies a need for open market housing for local people, there is no mechanism available to ensure these units will be sold to the people who responded to the HNS.
21. As this application proposes open market dwellings, critical to the determination of this small scale proposal is whether the site is an infill plot within the settlement of Langar cum Barnstone or within the open

countryside. If the proposed development were to be considered as infill, it would be acceptable from a policy perspective.

22. The Borough Councils Environmental Sustainability Officer does not object to the application. He notes that the impacts of the development on protected or priority habitats, species or sites will be limited, therefore, an ecology survey is not required. The site provides few opportunities for protected and priority species, however opportunities for nesting and foraging wild birds are likely within the arable field, hedgerow and trees, but the proposed loss of these habitats are unlikely to impact on community survival. Trees and hedgerows on site provide opportunities for bats foraging and roosting, but the trees are not due to require works. He suggests the inclusion of a number of conditions to protect species and habitats within the site during the construction period.

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

23. Three representations in support of the application have been received. In summary the comments include:
- a. The site is an excellent one which will deliver much needed new housing in the local area.
  - b. It will have a positive local economic impact by providing local firms with the opportunity to purchase the site which is essential to provide local job security.
  - c. As a local business - fully support the proposal.
  - d. The proposal offers a small scale development on a suitable infill site within a sustainable village.
  - e. Small scale developments offer organic growth, which will help to sustain the existing economic and community services within such settlements, without overwhelming them.
  - f. Smaller villages need some growth in order to ensure their vitality, and this proposal offers a suitable scale development and appropriate dwelling types and sizes to meet an identified local need.
  - g. The Site itself is well-related to the existing settlement and if developed sensitively, with a high quality design, the dwellings proposed would be a positive addition.
  - h. Midlands Rural Housing has previously worked with Rushcliffe Borough Council's Housing Strategy team and over a period of several years attempts have been made, with the parish council's support, to find a site for affordable housing in Langar cum Barnstone, that the parish council would be happy with. Unfortunately, the parish council insisted that they would not support a site in Barnstone because there is already a small affordable housing scheme there. They would only support a scheme in Langar. It has proved quite impossible to find an available site in Langar that would satisfy the Borough Planners.

- i. It is not unusual for families of 4 to require additional space for a Home Office; Hobbies/Craft Room; Children's Play-Room; Guest Rooms, etc. that could be provided in a 4/5 bedroom house.
  - j. The HNS makes no reference to any businesses or facilities being present in the parish. However, on page 13, chart 2.3, it asks whether respondents think any of the listed amenities could be improved upon or added. The chart lists a number of potential amenities that could be found in a rural village but does not imply that they are already present. Given the parish council's comments about the lack of shops and bus service being reduced, it is no surprise that those items top the list of amenities that could be improved upon or added. The chart is designed to support the views of the 96% of respondents who think the parish lacks facilities.
  - k. Not sure where the term 'urgent housing need' arises. It doesn't appear in the summary in Sect 1, or in the conclusion in Sect. 7. Although the conclusion refers to an 'immediate need', this is not true of all respondents situations and it does go on to say quite clearly that the requirement is for housing 'within the next five years'.
  - l. The Housing Needs Survey is a snapshot in time. At the time of the HNS there were 8 x 2 bed properties for sale, as listed in Sect iii) on page 18. However, 4 of these are Park Homes. A recent search on Zoopla found 5 x 2 bed properties for sale. Again 1 is a Park Home. Park Homes do not suit everybody's needs and some of the HNS respondents are seeking to move out of Park Homes.
24. Six representations have been received objecting to the application. In summary the grounds for objection include:
- a. There doesn't appear to be any local demand for housing in Barnstone; Rightmove currently list 13 properties for sale, some have been on the market for 6 months with no interest.
  - b. Barnstone has no amenities, the nearest shops, schools and railway station are 7km away in Bingham.
  - c. The development is immediately to the west of the property of Millfield, with lounge and dining room windows facing the site and concern is expressed that proposal will compromise the privacy of this dwelling. Suggested that the development is designed so as not to overlook this property and considerate fencing screening is provided along the shared boundary.
  - d. Future extensions above the garage and ground floor bedroom of plot 4 would be unacceptable.
  - e. Concerned that small scale development will open the door for large scale development in the village which is unacceptable given the level of infrastructure.
  - f. Drainage from four large properties to septic tanks could impact neighbouring property.

- g. Construction traffic.
- h. Driveways should be used for parking and leave the access for entry and exit only.
- i. Overspill parking might lead to vehicles parking on the road and verge causing an ongoing obstruction and restricting visibility.
- j. The traffic report side steps the issue of speeding and the potential danger to the development, the site is outside of the village 30mph zone.
- k. There have already been accidents on this bend and having a new drive entrance/exit will add to the danger. Houses are on a bend on the main village access road and local children walk and cycle down the road, this would cause further road dangers as there is only one pavement.
- l. The development would be a road safety risk to the property, West End, as the current site line for this property when exiting the drive extends over the field within the application site.
- m. What are local needs? Barnstone does not need more housing and would not be able to cope with it.
- n. The development cannot be aimed at struggling first time buyers as the dwellings will be in excess of £300k, young people will be excluded.
- o. The road always floods as the drains into the field are blocked, if they are fixed it will drain onto plot one.
- p. Workmen investigating the drains were unaware that the Gas Board had recently installed new gas mains in the village.
- q. The site is open countryside and should remain so, past applications have been refused on being over development of the site and open countryside.
- r. The site until recently has been used to grow crops.
- s. The development would create noise pollution.
- t. There is no mains sewers so a cesspit will be needed creating a risk of smell and pollution.
- u. Resident chose house for the open countryside, unrestricted views, quietness and few neighbours, granting planning permission would take this away giving a life sentence of housing, lack of views, noise, smell, pollution and neighbours.
- v. A questionnaire of dubious provenance was sent to householders in the area which was regarded as junk mail by them and others. They question the credibility of the surveys conclusions regarding housing

needs, plus the optimistic view of services and job opportunities in the village.

## **PLANNING POLICY**

25. The Development Plan for Rushcliffe consists of The Rushcliffe Local Plan Part 1: Core Strategy and the 5 saved policies of the Rushcliffe Borough Local Plan 1996. Other material planning considerations include the National Planning Policy Framework (NPPF) and the Rushcliffe Borough Non-Statutory Replacement Local Plan (2006).

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

26. The National Planning Policy Framework carries a presumption in favour of sustainable development and states that, for decision taking, this means *“approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out of date, granting permission unless:*
- *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
  - *Specific policies in the Framework indicate development should be restricted”.*
27. Paragraph 55 states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as, the essential need for a rural worker to live permanently at or near their place of work in the countryside.
28. In relation to residential amenity paragraph 9 of the NPPF states, *“Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment as well as in people's quality of life, including (but not limited to): improving conditions in which people live, work, travel and take leisure”.* Paragraph 60 of the NPPF relates to design and states, *“Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness”.* Paragraph 64 states, *“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.”*

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

29. None of the 5 saved policies of the Rushcliffe Borough Local Plan are applicable to this proposal.

30. Policy 1 of the Rushcliffe Local Plan Part 1: Core Strategy reinforces the positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. Policy 3 states that the settlement hierarchy for Rushcliffe consists of the main built-up area of Nottingham and key settlements identified for growth (these do not include Barnstone). In other settlements development will be for local needs only, to be delivered on small scale infill plots. Policy 10 states, inter-alia, that all new development should be designed to make a positive contribution to the public realm and sense of place and reinforce valued local characteristics.
31. Whilst not part of the development plan the Borough Council has adopted the Rushcliffe Borough Non-Statutory Replacement Local Plan for the purposes of development control and this is considered to be a material planning consideration in the determination of planning applications. Policy GP2 is concerned with issues of design and amenity and the effect of proposals on neighbouring properties. Policy HOU2 sets out the circumstances in which planning permission will be granted for unallocated development within settlements. This includes where the development of the site would not extend the built-up area of the settlement.
32. Consideration should also be given to supplementary guidance provided in the 'Rushcliffe Residential Design Guide'

## **APPRAISAL**

33. The main considerations for this application include whether the development of the site for residential purposes is acceptable in principle, in particular whether the proposal represents development of an infill plot within the settlement of Barnstone or is within the open countryside. In addition, other factors relevant to the consideration of the application include the impact of the loss of open space on the character of the settlement, highway safety and whether the site can adequately accommodate four dwellings without compromising the amenity of the area in general and of the existing and future occupiers of the neighbouring and proposed dwellings.
34. The site forms part of a larger field which was, until recently, used for the growing of crops. The site has a road frontage of approximately 90m on the south side of Langar Road between the properties of Millfield to the east and West End Villas to the west. West End Villas are a pair of semi-detached properties and the last houses on the western edge of the small rural settlement of Barnstone. Red House and its outbuildings are located on the northern side of Langar Road, there is a gap of similar proportions to the application site between this property and its closest neighbour to the east, Walnuts Farm.
35. The site is bounded on two sides by residential properties and there is a dwelling house on the opposite side of Langar Road. It is visible from the main road into the settlement but does not make a significant contribution to the character of Barnstone. It is not considered that the site can be regarded as being in the open countryside or that the proposal would result in isolated dwellings in the countryside and, therefore, the proposal would not conflict with paragraph 55 of the NPPF. Given the character of the area and pattern of existing development, it is considered that the proposal represents infill development, albeit on the edge of the main built up area of the existing

settlement. Consequently, it is considered that the development of the site for residential purposes is acceptable in principle.

36. Policy 3 of the Core Strategy sets out the spatial strategy for future development in the Borough. The settlement hierarchy established under policy 3 (1) consists of (a) the main built area of Nottingham and (b) key settlements. Barnstone is not one of the key settlements listed under part 1(b). For those settlements not listed under Policy 3 (1) (b), and with the exception of the former RAF Newton, development will be for local needs only. Paragraph 3.3.17 of the supporting text to the policy states that local needs will be delivered through small scale infill development or on exception sites. The policy position would, therefore, restrict development in this location (Barnstone) to small scale infill development and local needs only. A housing needs survey demonstrating a need for the type and tenure of housing proposed has been submitted as part of the application. Therefore, the development of this land for open market housing meets the aims of Core Strategy policy 3. Furthermore, the proposal would not extend the built-up part of the settlement beyond the properties to the west of the site and would not, therefore, conflict with policy HOU2 of the NSRLP.
37. Concern has been expressed over the findings of the Housing Needs survey and the fact that this would appear to have been commissioned by or on behalf of the applicant, rather than independently. The Barnstone housing needs survey and resulting document submitted was carried out by Midlands Rural Housing, an independent body acting on behalf of the applicant. Like any other technical document submitted as part of an application, it is expected that the professionals carrying out the work act objectively and the results are not skewed in favour of the developer. Furthermore, Midlands Rural Housing is part of the Trent Valley Partnership and is known to the Borough Council, having undertaken work on behalf of the authority, and there is no reason to question the integrity of this organisation or the survey they have undertaken and the resultant report.
38. The site would be accessed off Langar Road via an access 4.25m wide, located in the same position as the existing gated field access, across a grass highway verge. The access would be a hard surfaced access drive with suitable visibility splays. The site would have sufficient space and turning provision to enable vehicles to enter and leave the site in a forward gear. Representations submitted in respect of the application have raised concern that vehicles speed on this section of road and that the access would create a highway hazard. The site access would be located on a stretch of road, at the entrance to the village, which is subject to a 30mph speed limit. The application must be assessed on the basis of the official road speed and any evidence available, and not on anecdotal evidence/information that vehicles speed in the vicinity of the site. In this instance, the application was accompanied by an Access Note, which provides details of recorded traffic flows and speeds during a survey undertaken by consultants acting on behalf of the applicant. This survey was undertaken over a three day period (mid-week) during June of this year. The recorded 85<sup>th</sup> percentile speeds were 34.5mph westbound and 33.8mph eastbound. This is not significantly above the official speed limit for this stretch of road and the information was available to the Highway Authority in considering the proposal and in resolving not to object on highway safety grounds. Furthermore, they have



confirmed that there are no recorded collisions in the immediate vicinity of the access point.

39. The application form indicates that 12 off street parking spaces would be provided, three per dwelling, although there would potentially be a greater level of parking within the site. Each property would have a double garage, although it is accepted that garages are sometimes used for general storage rather than a parking space, yet there would still be at least 2 spaces per dwelling which is considered sufficient for the sites rural location. There are currently no parking restrictions on Langar Road and this would not change as a result of the proposal, although there would be a slight reduction in the level of on street parking available due to the creation of the proposed access. A condition has been suggested to secure the provision of a bin storage area within the site so that bins can be collected from the site without the need for access for a refuse collection vehicle.
40. It is noted that the Highway Authority has no objection to the application on highway safety grounds. RNSRLP policy GP2 (b) states, inter alia, new development must demonstrate that a suitable means of access can be provided to the development without detriment to the amenity of adjacent properties or highway safety, the provision of parking is in accordance with the guidance in the County Council's parking provisions for new developments and the design of the proposal accords with guidance produced by the highway authority. It is considered that the proposal raises no highway safety concerns and meets these policy aims. Conditions are recommended to ensure works to the access are completed prior to the occupation of the proposed dwellings, in the interest of highway safety and amenity.
41. Concerns have been raised over the impact of the proposed houses on the amenity of the neighbouring residential properties. Plot 1 is located to the east of 1 West End Villas, known as Windy Ridge, a two storey semi-detached house. The dwelling proposed for plot 1 would be a two storey four bed roomed house with an attached single storey garage projecting from the front elevation of the main building. There would be no windows in the elevation closest to and facing the boundary with the neighbouring property. A ground floor secondary window, within a projecting element on the rear elevation, serving the open plan living area is the only window which would face this neighbour's boundary at a distance of around 4m. There is a detached outbuilding built up to the site boundary and a boundary wall of staggered height (between 2.9 and 0.5m high) projecting out from it. It is not considered that the proposal would result in overlooking or loss of privacy to the neighbouring property or that the proposed dwelling would be overbearing on the garden area of this property.
42. Plot 4 is located to the west of Millfield, it would contain a single storey two bedroom bungalow. There would be no windows in the elevation closest to and facing the boundary with the neighbouring property. A small utility room window and a secondary window serving the open plan living area, both at ground floor level and within projecting elements of the building, would face the shared boundary with Millfield at a distance of around 5m. There is a low timber fence with large conifer type trees planted behind within the garden of Millfield located along the shared boundary. This boundary treatment effectively screens the habitable room windows in the adjacent side elevation

of Millfield which are located approximately 6.5m from the shared boundary. The trees also mitigate the slight loss of outlook from the habitable room window in the front elevation of Millfield closest to the shared boundary. The side elevation of the proposed dwelling on plot 4 would be 2.6m from the boundary of the site and adjacent to the front garden area of Millfield. In view of the resultant layout and relationship between the two dwellings, together with the boundary treatment, it is not considered that the proposal would result in any adverse impact on the amenities of Millfield.

43. The building line would be staggered so that the new dwellings would project forward of Millfield's front elevation but behind the rear elevation of Windy Ridge. A first floor window serving a bedroom is proposed in the front elevation of plot one, set some 3m in from the side boundary. It is located approximately 20m from the rear elevation of Windy Ridge at an oblique angle. It is not considered that this window would result in unacceptable overlooking or loss of privacy to the neighbouring property.
44. The proposed dwellings would be located on spacious plots. Sufficient private amenity space would be provided for each property in accordance with the guidance provided in the Rushcliffe Residential Design Guide.
45. It is considered that the proposal would meet the aims of RNSRLP policy GP2 (d) which states, inter alia, new development should not lead to an overintensive form of development, be overbearing in relation to neighbouring properties, nor lead to undue overshadowing or loss of privacy and should ensure that occupants of new and existing dwellings have a satisfactory degree of privacy.
46. The boundary treatment proposed as part of the application is wooden post and rail fencing with screen planting, with the aim of retaining the sites rural character and providing screening where necessary. The inclusion of a condition to provide further details of the boundary treatment to ensure the required screening is provided has been suggested.
47. The scale and massing of the proposed dwellings would be appropriate within the site context. The buildings would have a traditional form and the materials proposed, redbrick and pantiles, would be in keeping with the pallet of materials visible within the settlement. Therefore they would be sympathetic to the character and appearance of the neighbouring properties and surrounding area in accordance with Rushcliffe Core Strategy Policy 10 and RNSRLP policy GP2.
48. The site is considered to be in a sustainable location on the edge of the main built up area of an existing settlement. There are facilities including shops and a primary school within the settlement of Barnstone with a wider range of facilities available approximately 5 miles away in Bingham.
49. An arboricultural report has been submitted as part of the application. The existing trees within the site would be retained and protected during the construction period, a condition to ensure this has been recommended. New tree planting would be included, in particular along the site's southern boundary. It is noted that the Environmental Sustainability Officer recommends only native species are included in the planting scheme. A

condition is recommended requiring a full landscaping scheme to be provided, including details of the species proposed.

50. Conditions to safeguard protected species and habitats have been recommended, in accordance with Rushcliffe Core Strategy policy 17 which states, inter alia, "*The biodiversity of Rushcliffe will be increased over the Core Strategy period by: c) seeking to ensure new development provides new biodiversity features, and improves existing biodiversity features wherever appropriate;*" and "*Development on or affecting other, non-designated sites or wildlife corridors with biodiversity value will only be permitted where it can be demonstrated that there is an overriding need for the development and that adequate mitigation measures are put in place.*" The application site is not a designated biodiversity site and has limited ecological value. Tree planting and other landscaping is proposed which has the potential to improve the biodiversity of the site.
51. There have been no recent planning applications for houses on the site, the only previous history is an application for three dwellings refused in 1978. In view of the time that has elapsed and the change in policy that has occurred, this application is not considered to be relevant to the consideration of the current submission. The plots sizes are generous and the proposal is not considered to be overdevelopment. The proposal is for residential properties, compatible with neighbouring properties, the level of noise and disturbance resulting from the proposal is, therefore, unlikely to be above a level expected for a residential area.
52. The application must be considered as proposed. The alterations that could be undertaken as permitted development are limited and, under current regulations, would preclude extensions above the proposed garages. Therefore, any impacts resulting from such extensions could be considered at the time of determining and subsequent planning applications.
53. The loss of views across privately owned land is not a material planning consideration and cannot be afforded any weight. Neither is the loss of a sight line for a neighbouring property across site. A vehicular access should not be reliant on visibility across land outside of its ownership. An individual's choice to live on the edge of a village as they value their peace and privacy is not a planning reason to restrict future development.
54. No issues arose as part of the planning application process that necessitated discussions with the applicant or their agent. An extension of time was agreed to allow the application to be considered at the first available Planning Committee Meeting.

## **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 plans ref. 3334 03, 04, 05 and 06 received on 13 July 2017 and amended plans ref. 3334 01A and 02C received on 18 July 2017.

[For the avoidance of doubt and to comply with policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

3. The development hereby permitted shall not proceed beyond foundation level until details of the facing and roofing materials to be used on all external elevations have been submitted to and approved in writing by the Borough Council and the development shall only be undertaken in accordance with the materials so approved.

[To ensure the appearance of the development is satisfactory and to comply with policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan.]

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

[To ensure existing trees are adequately protected during the development and to comply with policy EN13 (Landscaping Schemes) of the Rushcliffe Borough Non Statutory Replacement Local Plan. A pre-commencement condition is required to safeguard the trees before work onsite is begun.]

5. No development shall proceed above foundation level until a landscaping scheme, to include those details specified below, has been submitted to and agreed in writing by the Borough Council:

- (a) the treatment proposed for all ground surfaces, including hard areas;
- (b) full details of tree planting;
- (c) planting schedules, noting the species, sizes, numbers and densities of plants;
- (d) finished levels or contours;
- (e) any structures to be erected or constructed;
- (f) functional services above and below ground;
- (g) all existing trees, hedges and other landscape features, indicating clearly those to be removed; and,
- (h) a landscape management plan and schedule of maintenance.

The approved landscape scheme shall be carried out in the first tree planting season following the substantial completion of the development and any trees or plants which within a period of 5 years from the completion of the

development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Borough Council gives written consent to any variation.

[To make sure that a satisfactory landscaping scheme for the development is agreed and implemented in the interests of the appearance of the area and to comply with policy EN13 (Landscaping Schemes) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

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

[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 GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan. A pre-commencement condition is required to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.]

7. Prior to the commencement of any on site works, a Construction Method Statement detailing techniques for the control of noise, dust and vibration during construction shall be submitted to and approved in writing by the Borough Council. The works shall be carried out in accordance with the approved method statement.

[In the interests of residential amenity; and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan. The agreement of these details is necessary before work commences on site to ensure the amenities of surrounding properties are protected during the construction of the development.]

8. Occupation of the proposed dwellings shall not take place until their respective access and parking/turning areas, including measures to prevent the unregulated discharge of surface water to the highway, have been constructed in accordance with details to be first approved by the Borough Council and these facilities shall be retained for the lifetime of the development.

[In the interests of highway safety; and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

9. The access driveway shall not be brought into use until it has been surfaced in a bound material (not loose gravel) for a minimum distance of 5.0 metres behind the highway boundary, and which shall be drained to prevent the discharge of surface water from the driveway to the public highway. The bound material and the provision to prevent the discharge of surface water to the public highway shall be retained for the life of the development.

[In the interests of highway safety, to prevent deleterious material / surface water from being discharged to the public highway; and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan.]

10. No part of the development hereby permitted shall be brought into use until a dropped vehicular footway crossing has been made available for use and constructed in accordance with the Highway Authority specification to the satisfaction of the Borough Council.

[In the interests of highway safety, to ensure that drivers can cross the public highway in a safe and controlled manner; and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan.]

11. Occupation of the proposed dwellings shall not take place until a new footway link connecting the site to the existing footway network has been provided, in accordance with details to be submitted to and approved by the Borough Council.

[In the interests of highway and pedestrian safety; and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan.]

12. During the construction period working practices shall be introduced in the interest of protected species and habitat including:

- Ensuring that all open excavations will be backfilled each night or left with sloping ends to allow badgers to escape, should they fall in.
- Taking relevant measures to avoid disturbance to nesting birds, such as sensitive timings of construction.

[To prevent harm to protected species and to comply with policies GP2 (Design & Amenity Criteria) and EN12 (Habitat Protection) of the Rushcliffe Borough Non Statutory Replacement Local Plan.]

13. Removal of vegetation shall only take place outside the bird nesting season, or if this is not practical, shall be preceded by a survey of ground nesting birds and any mitigation measures carried out should be in accordance with details to be submitted to and approved in writing by the Borough Council.

[In the interest of protected species and habitats and to comply with policies GP2 (Design and Amenity) and EN12 (Habitat Protection) of the Rushcliffe

## Notes to Applicant

For further information on the content of Contaminated Land Reports, please refer to the Councils Publication "Developing Land within Nottinghamshire - A Guide to Submitting Planning Applications for Land that may be Contaminated." This booklet is available from both Rushcliffe Borough Council's website [www.rushcliffe.gov.uk](http://www.rushcliffe.gov.uk) (use the A-Z search for Contaminated Land) or by contacting the Environmental Health Service directly or use the following link:

<http://www.rushcliffe.gov.uk/media/rushcliffe/media/documents/pdf/environmentandwaste/Notts%20developers%20guide%202013.pdf>

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

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 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.

Nesting birds and bats, their roosts and their access to these roosts are protected under the Wildlife and Countryside Act 1981. Should birds be nesting in the trees concerned it is recommended that felling/surgery should be carried out between September and January for further advice contact Nottinghamshire Wildlife Trust on 0115 958 8242 or by email at [info@nottswt.co.uk](mailto:info@nottswt.co.uk). If bats are present you should contact Natural England on 0300 060 3900 or by email at [enquiries@naturalengland.org.uk](mailto:enquiries@naturalengland.org.uk).

Swifts are now on the Amber List of Conservation Concern. One reason for this is that their nest sites are being destroyed. The provision of new nest sites is urgently required and if you feel you can help by providing a nest box or similar in your development, the following website gives advice on how this can be done:

<http://swift-conservation.org/Nestboxes%26Attraction.htm>

Advice and information locally can be obtained by emailing:

[carol.w.collins@talk21.com](mailto:carol.w.collins@talk21.com)

The use of external lighting (during construction and post construction) should be appropriate to avoid adverse impacts on bat populations, see [http://www.bats.org.uk/pages/bats\\_and\\_lighting.html](http://www.bats.org.uk/pages/bats_and_lighting.html) for advice and a wildlife sensitive lighting scheme should be developed and implemented.

The provision of bat bricks / lofts / boxes and bird nest bricks / boxes and hedgehog boxes within the development site is recommended as well as the provision of a wildlife friendly pond or wetland within the garden and amphibian habitats and features.

This Authority is charging for the discharge of conditions in accordance with revised fee regulations which came into force on 6 April 2008. Application forms to discharge conditions can be found on the Rushcliffe Borough Council website.

The erection or alteration of any mill, dam, weir or other like obstruction to the flow, or erection or alteration of any culvert, whether temporary or permanent, within the channel of a riparian watercourse will require Trent Valley Internal Drainage Board's prior written consent.

Surface water run-off rates to receiving watercourses must not be increased as a result of the development.

The design, operation and future maintenance of site drainage systems must be agreed with the Lead Local Flood Authority and Local Planning Authority.

If you require any further information please contact Trent Valley Internal Drainage Board's Operations Manager Matt Everett.





# 17/01038/FUL

**Applicant** Mr & Mrs Nick & Julie Hibbitt

**Location** Kingston Brook Farm Wymeswold Road Thorpe In The Glebe Nottinghamshire NG12 5QX

**Proposal** Proposed permanent agricultural workers dwelling.

**Ward** Bunny

## THE SITE AND SURROUNDINGS

1. The site is located in open countryside to the south east of Wysall Village. It is accessed by way of a track from Wymeswold Road (approximately 500m long). Whilst the access and the immediate area surrounding it are located within Floodzone 3, the farm buildings and the site of the proposed dwelling are located on higher ground and are within Floodzone 1. Brooklea Farm is located approximately 180m to the south of the site beyond Kingston Brook.
2. The site is located to the rear of a complex of portable buildings that are used for residential accommodation and a site office (both the subject of enforcement notices). It is a fenced area, previously used as a menage, with timber stables to the north and surrounded by land within the applicant's ownership that extends to around 34.4 hectares (85 acres).
3. The land is used for the growing of turf and the grazing of cattle. The application site is relatively flat. A public footpath (Wysall FP2) runs around 170m to the north and east of the site. The boundary of Wysall Conservation Area is approximately 500m to the north east of the site.

## DETAILS OF THE PROPOSAL

4. Full planning permission is sought for the erection of a permanent agricultural dwelling at Kingston Brook Farm in the form of a 4 bedroom single storey dwelling in an 'L' shape. No material details were submitted with the application, however, the drawing would suggest a rendered finish to walls and grey roof. It would be located on a menage and it is the extent of this which would define the proposed curtilage.
5. The proposed dwelling would be situated to the rear of the existing portacabin that was approved to be on site for temporary accommodation under reference 08/00045/FUL.
6. As part of the submission, Financial Information together with cattle numbers were provided. Due to the sensitive nature of the information it has remained confidential and not been placed in the public domain.
7. The submitted report included a labour calculation which stated a requirement of 1.5 labour units for the cattle enterprise. It confirmed that Mr & Mrs N Hibbitt own a dwelling approximately 4 miles away, but commented that this property is neither suitable nor available as it is in the process of

being sold, and was under offer. The dwelling is proposed for Nick Hibbitt, in his role as farm manager, and his family. Mr Hibbitt is the working farm manager, with overall control of livestock and responsibility for the turf enterprise. Mrs Hibbitt undertakes the Farm administration/book keeping duties and Luke Hibbitt runs his own landscaping business and makes up any labour shortfall on the farm as required.

8. The conclusion of the submitted report states that *“it considered that there is an ‘essential need’ (refer to sections 4 and 5) for a skilled worker/ Manager to reside on the holding at Kingston Brook Farm within sight and sound of the farmstead. This is required in order to provide continuous management of the beef herd and young stock including those associated with animal welfare and site security.*
9. *I have viewed the accounts for the last three years and I am confident that the business is well established, thriving and successful with plans for the long term future and gives sufficient justification for the need for a permanent dwelling.*
10. *It is my opinion, due to the scale and nature of the livestock enterprises at Kingston Brook Farm, that there is an essential requirement for a Manager’s permanent dwelling at Kingston Brook Farm, and that such a dwelling would meet the requirements of Paragraph 55 of the NPPF.”*
11. Since the application was submitted, the applicant has produced responses to the Council’s Agricultural Consultants appraisal of the enterprise and provided additional financial information.
12. The agent concludes that *“Mr and Mrs Hibbitt have been operating a profitable agricultural business for many years and due to unforeseen and reasons out of their control cattle numbers and throughputs have varied greatly over recent years. However in at least one of these recent years they were close to their target of rearing and selling 180 cattle.*
13. *The business has enough land available and adequate building capacity to house this target number of livestock and has proved that it is capable of achieving it.*
14. *The livestock enterprise on it’s own justifies 1 full time labour unit. The functional requirement to live on site is therefore met by the beef enterprise but is also further reinforced by the out of hours requirements of the turf growing enterprise.*
15. *With all of the enterprises taken into consideration, and the fact that the livestock can require essential care at short notice there is a requirement for a farm worker to live on site throughout the year.”*

## **SITE HISTORY**

16. There have been a number of planning applications, applications for prior notification of agricultural development (agricultural buildings) and permitted agricultural development (agricultural barns to residential) since 2006 on the neighbouring land owned by the applicant. The following are considered to be of particular relevance to the current application:

- 15/02539/PAQ - Change of use of agricultural building to dwelling under class Q (a) and (b) of Schedule 2, Part 3 of the Town and Country Planning General Development Order 2015 – refused December 2015. A subsequent appeal to the Planning Inspectorate was dismissed. The appellant subsequently challenged the decision of the secretary of the Planning Inspectorate in the High Court but this did not succeed.
- 15/00148/PAMB - Conversion of livestock building (building C) to two residential dwellings. Not permitted development.
- 14/02379/PAMB - Conversion of livestock building (building C) to two residential dwellings – withdrawn December 2014.
- 13/01039/FUL - Temporary (3 year) residential occupancy of a portacabin. Withdrawn September 2017.
- 13/00908/AGRIC - Erect Cattle Shed. Permitted agricultural development. Not Built.
- 11/01296/FUL - Retain temporary agricultural workers dwelling for 1 year – withdrawn October 2012.
- 08/01601/AGRIC - Proposed Road. Permitted agricultural development.
- 08/00307/FUL - Livestock Building; retention on milking parlour/workshop – approved April 2008.
- 08/00045/FUL - Temporary agricultural workers dwelling – approved August 2008. This permission saw the placing on the land of three linked portable units as temporary accommodation. The location of the building was on a site which formed part of an area used for pig breeding and rearing to the rear of the approved livestock buildings. This permission was granted for 3 years from 15 August 2008 and has not been renewed since it lapsed. The Council issued an Enforcement Notice on the 28 February 2013 for continued unauthorised occupation of the portable building as a dwelling and on the 18 March 2013 an enforcement notice was served in respect of the building used as a farm office.
- 07/01666/FUL - Temporary agricultural workers dwelling – withdrawn October 2007.
- 06/01199/AGRIC - Erect two animal shelters. Permitted agricultural development.

## **REPRESENTATIONS**

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

17. The Ward Councillor (Cllr Adair) raises no objection to this development.

## **Town/Parish Council**

18. Wysall and Thorpe in the Glebe Parish Council object to the application on the grounds that, *“The site for the proposed development is Belt. The business does not appear to be a viable one and therefore there is no overriding need for a dwelling to give 24/7 attendance.”*

## **Statutory and Other Consultees**

19. None received.

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

20. 1 representation has been received objecting to the application for the following reasons:
- a. The proposed development is contrary to paragraph 55 of the National Planning Policy Framework which states that isolated homes in the countryside should be avoided and there are no material considerations that indicate that permission should be granted.
  - b. This is the 4th attempted application submitted for a permanent dwelling on "Kingston Brook Farm", as well as 2 applications for temporary residence in a portacabin. The last permission for a 3 year temporary agricultural residence in a portacabin, Ref.13/01039/FUL, expired on Wed 21st August 21013 and there should be no continuing residence on site.
  - c. Unlawful continuing occupation should not be used as a justification for a new planning application, the whole planning history shows that this "Farm" has merely been an attempt to justify a new dwelling in the countryside, contrary to planning policy.
  - d. "Kingston Brook Farm" did not exist prior to the purchase of some agricultural fields of Crippwell Farm in 2006 - the "Farm" is a creation of the current owners who have in reality been consistently trying to establish an agricultural business simply to justify a grant of planning permission for a residential dwelling on a greenfield location in the countryside which is contrary to planning policy.
  - e. They have knowingly introduced a beef rearing "business" to the land (having previously tried other animals and having established a separate turf "business") without there being any permanent dwelling on the land. They should not have sought to establish a beef rearing business at all if a permanent dwelling was considered necessary for that "beef rearing" (or any other) business to be supported without having sought planning permission for a permanent dwelling first.
  - f. Planning permission for a permanent dwelling on the site has been consistently refused as it is against planning policy. This is a continued attempt to seek to circumvent the planning system.
  - g. The application fails to demonstrate that the proposed new agricultural worker's dwelling in the rural area is justified by reason of "functional"

need. The functional need relates to whether it is essential for one or more workers to be readily available at most times, for example to provide animal care at short notice or to deal with emergencies. The functional need must clearly distinguish between those general day to day routines involved in managing a cattle rearing herd such as feeding, bedding up, general healthcare, etc, and those occurrences which would require essential care at short notice, such as calving cows and dealing with sick animals. There is no calving of cows on site.

- h. Any viability case would need to be publicly provided for scrutiny and also scrutinised by an independent experienced agricultural business expert instructed by the Council in any event. It is in any event, what is said about the viability of the "beef rearing" business contains questionable elements. The Council should appoint an expert to scrutinise the veracity, plausibility and stand-alone viability of what is being claimed.
  - i. There is no evidence provided as to the extent of the occupancy of the temporary accommodation on the site (for which planning permission has long since expired). How often is there someone residing on site a night, who is it and what skills do they have relevant to the beef rearing business, what "essential" tasks have they been required to do at night, how often and when, and what evidence is there of any of this?
  - j. It is claimed that there are no other dwellings in the immediate locality that could meet the functional need. In this respect, it is understood that the applicants themselves own a 9 bedroom house in Wymeswold, a few miles away. There is no shortage of dwellings within the urban boundary in very nearby settlements (including Wysall (1/2 mile), Widmerpool, Wymeswold, Keyworth) in more sustainable locations to warrant allowing a sequentially less preferable site in the rural area.
  - k. The extensive 4 bedroom house (2 with en-suites) is clearly disproportionate in size and scale for any potential need in any event for a farm worker. It is a very large property with a very wide/long elevation, which is a substantial family home (which is its real intended purpose). The design is also poor quality and unsuitable for a rural countryside location. There are also no details provided of the building materials, drainage, sewerage and heating systems, which are required for such a dwelling, nor any indication as to what would be its "curtilage".
21. 1 representation has been received in support *“As with the previous application, I have no objection to the proposed dwelling.”*
22. A representation has been received from a local resident supporting the proposal for the following reasons:
- a. The applicant provides a valuable business which is wholly appropriate within a rural location.

- b. The business provides various activities that offer a multitude of essential services to those members of the community who are involved in day to day, bona fide pastoral activities rather than those simply electing to live and perhaps commute from a rural location.
- c. It is a travesty of the system if objections and decisions continue to be allowed to prevent the applicants from securing a dwelling on spurious technicalities that fly in the face of the intent of National Planning Policy Framework guidelines that would clearly advocate a presumption in favour of development.

## **PLANNING POLICY**

- 23. The Development Plan for Rushcliffe consists of the 5 saved policies of the Rushcliffe Borough Local Plan (1996) and the adopted Rushcliffe Local Plan Part 1: Core Strategy.
- 24. Other material considerations include the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG) and the Rushcliffe Borough Non-Statutory Replacement Local Plan (2006).
- 25. Any decision should therefore be taken in accordance with the Core Strategy, the NPPF and NPPG, policies contained within the Rushcliffe Borough Non-Statutory Replacement Local Plan where they are consistent with or amplify the aims and objectives of the Framework, together with other material planning considerations.

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

- 26. The National Planning Policy Framework (NPPF) carries a presumption in favour of sustainable development and states that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole or specific policies in the Framework indicate that development should be restricted.
- 27. There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:
  - an economic role – contributing to building a strong, responsive and competitive economy;
  - a social role – supporting strong, vibrant and healthy communities by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and
  - an environmental role – contributing to protecting and enhancing our natural, built and historic environment.
- 28. One of the core planning principles state that planning should, *“take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising*

*the intrinsic character and beauty of the countryside and supporting thriving rural communities within it.”*

29. Chapter 3: ‘Supporting a Prosperous rural economy’ states that to promote a strong rural economy, local and neighbourhood plans should:
- Support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings.
  - Promote the development and diversification of agricultural and other land-based businesses.
30. Chapter 6: ‘Delivering a wide choice of high quality homes’ states, at paragraph 55, *“To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the countryside.”*
31. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Local Planning Authority to have special attention to the desirability to preserve or enhance the character and appearance of the Conservation Area.
32. Although cancelled, it is generally accepted that guidance contained in Annex A (Agricultural, Forestry and other occupational dwellings) of Planning Policy Statement 7: Sustainable Development in Rural Areas (PPS7) is still of relevance. This guidance states that isolated new houses in the countryside require special justification. Annex A sets out the tests, both functional and financial, that must be satisfied to meet this requirement. Paragraph 3 of the annex (Permanent agricultural dwellings) states that new permanent dwellings should only be allowed to support existing agricultural activities on well-established agricultural units providing:
- i. there is a clearly established existing functional need;
  - ii. the need relates to a full time worker, or one who is primarily employed in agriculture and does not relate to part time employment;
  - iii. the unit and the agricultural activity concerned have been established for at least three years, have been profitable for at least one of them, are currently financially sound, and have a clear prospect of remaining so;
  - iv. the functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned; and
  - v. other planning requirements, eg in relation to access, or impact on the countryside, are satisfied.



33. It also states that agricultural dwellings should be of a size commensurate with the established functional requirement. Dwellings that are unusually large in relation to the agricultural needs of the unit, or unusually expensive to construct in relation to the income it can sustain in the long term, should not be permitted. It is the requirements of the enterprise, rather than those of the owner/occupier, that are relevant in determining the size of a dwelling that is appropriate to a particular holding.
34. Whilst this guidance has been cancelled, in the absence of any detailed alternative guidance, it is considered that the methodology set out in Annex A of PPS7 is an appropriate way to assess whether there is an 'essential need' for a rural worker to live permanently at or near their place of work in the countryside. This approach has been taken by Inspectors who have determined appeals in relation to the refusal of other rural workers dwellings.

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

35. No saved policies from the Rushcliffe Borough Local Plan (1996) are relevant.
36. The Rushcliffe Local Plan Part 1: Core Strategy sets out the overarching spatial vision for the development of the Borough to 2028. The following policies are considered relevant: Policy 1 Presumption in Favour of Sustainable Development; Policy 2 Climate Change; Policy 8 Housing Size, Mix and Choice and Policy 10 Design and Enhancing Local Identity and 11 (Historic Environment).
37. The Rushcliffe Non-Statutory Replacement Local Plan has been used in decision making since 2006 and despite the Core Strategy having been adopted its policies are still a material consideration in the determination of any planning application providing they have not been superseded by the NPPF or the policies contained within Rushcliffe Local Plan Part 1: Core Strategy. The following policies are relevant: GP1 (Delivering Sustainable Development); Policy GP2 (Design and Amenity Criteria); Wet 2 – Flooding; Policy EN13 – Landscaping Schemes; Policy EN19 (Impact on the Green Belt and Open Countryside) seeks to protect the open nature and character of the countryside. Policy EN20 – Protection of open countryside and Policy EN21 – Loss of agricultural land.
38. Of particular relevance is Policy HOU4 (New dwellings in the Countryside) which states that, *“New dwellings will not be permitted outside settlements unless they are necessary for the purposes of agricultural or other activities appropriate to the countryside and where it can be demonstrated that:*
  - a) *The existing farm or forestry business is financially sound, or in the case of a proposed business, that it has been planned on a sound financial basis;*
  - b) *There is a long-term need for a dwelling verified by an expert report;*
  - c) *The need for the accommodation cannot reasonably be met in a nearby settlement or dwelling; and*
  - d) *The dwelling cannot be provided by a temporary building or reasonable conversion of buildings on the site.*
  - e) *The dwelling size should be appropriate to the functional needs of the business where permission for a new dwelling is granted under this*

*policy then conditions will be attached in order to restrict the occupancy of that dwelling. Such conditions will not be removed unless it can be demonstrated that there is no requirement in the long term for accommodation in association with a countryside use.”*

## **APPRAISAL**

### Background

39. Where a dwelling is proposed in association with an appropriate use in the countryside, it is necessary to justify that dwelling not only in terms of need, for which Policy HOU4 will apply, but in terms of the viability of the proposal. In these cases a temporary dwelling may be permitted for a period of up to three years, subject to a condition requiring its removal in the event of the project being unviable, and also a condition tying the dwelling to the use of the site.
40. In this case planning permission was previously granted for accommodation on a temporary three year period (ref: 08/00045/FUL) and subsequently a further application seeking an additional temporary period of occupation at the site was submitted (ref: 13/01039/FUL). This latter application was not determined as, having sought additional information regarding the business during the course of the consideration of the application, applications for agricultural to residential conversion under Class M and Q of the GPDO were submitted and refused and then this application, seeking a permanent dwelling, was submitted and the temporary application withdrawn on 5 September 2017.

### Principle – functional and financial need

41. The applicants have been living on site since 2008, and since the expiry of permission granted under ref: 08/00045/FUL, they have been living on site without the benefit of planning permission (whilst the building is lawful the occupation of it is not). It is understood that the applicants own a property at Wymeswold within 4 miles of the site. A new residential development of 31 units is currently being built at Wymeswold within 2.3 miles of the application site.
42. Bearing in mind the very specialist nature of this type of application, expert advice has been sought to assist the Borough Council in the determination of the application with respect to the functional and financial tests. In this case the advice received has been considered very carefully and it is considered that the need for a rural workers dwelling on the site has been scrutinised thoroughly.
43. The holding extends to approximately 41 ha of which 35 ha are owned by the applicants and a further 6 ha are rented. 14 ha of land are used for amenity turf production and the balance of 26 ha of farmable land is used for grazing or silage/haylage for the beef cattle.
44. The agents supporting information described how batches of young calves are purchased each spring and autumn and reared for sale as store cattle at 12-18 months of age. Three existing farm buildings having a capacity of approximately 60 head of cattle each, and the report describes an annual

throughput of approximately 180 head. A labour calculation initially stated a requirement of 1.5 labour units for the cattle enterprise. After seeing the Council's Consultants assessment and comments the agent considered that the difference came down to the fact that their professional opinion is based on peak stocking figures rather than average stocking figures. They maintained that there was a need demonstrated.

45. The Council's Agricultural consultant advises that from "*...the submitted figures the business has been profitable for each of the last three years. While NPPF is lacking in detailed guidance, experts and planning inspectors widely defer to the previous guidance under PPS 7 and its predecessors which stated that in order to be "viable" an agricultural business needed to be profitable in at least one of the last three years.*"
46. *The farm accounts are constructed in such a way that it is impossible to produce gross margins for the two enterprises (Turf production and cattle sales). All standard data suggests that the overall margin per acre from land devoted to turf production is substantially higher than that from land used for beef cattle. I would suggest that in the case business viability is driven by the turf enterprise and not the beef cattle."*
47. The Council's consultant concludes that "*In the absence of guidance in NPPF, applications such as this are normally judged by reference to "functional" and "financial" tests as outlined in the now replaced PPS 7 Annex 2.*"
48. *In this case there are labour requirements for both turf and beef cattle. Plainly the cultivation and production of amenity turf does not give any need for an on site dwelling. The report submitted in support of the application describes a functional requirement which is not borne out by the cattle currently on the holding or historic sales as demonstrated by the submitted accounts. To claim a throughput of 180 head of cattle appears at best optimistic.*
49. *A review of the last three years financial accounts will confirm that the financial test has been met although it should be pointed out that this is due principally to the sale of turf.*
50. *I do not accept that the applicants have demonstrated an essential functional need for a permanent dwelling as require by NPPF."*
51. In respect of further information submitted by the applicant's agent, the Council's consultant considered that "*The latest Acorus report states that the beef enterprise justifies 0.88 of a labour unit based on the cattle in 2014 (170 hd). Average cattle numbers over the last 4 years have however been just 131 so his figure should be adjusted downwards to no more than 0.67 LU. Comment is also made that turf production is also an agricultural enterprise. I have no issue with this statement but I am in no doubt that whilst turf growing involves labour, there is no need for that labour to live on site. Equally, based on the information submitted I do not accept that the beef enterprise gives rise for the need for a full time on site presence.*"
52. *In summary, I do not believe that the information submitted in support of this application confirms that the beef enterprise, upon which the need for a dwelling depends, is sustainable and its scale and efficiency is not in line with*

*the initial Acorus report. The subsequent report confirms my suspicion that this enterprise has been running down. I cannot therefore change my earlier view that I am unable to support this application.'*

53. At the time of writing the report the agent provided information as to the applicant's intention to acquire additional cattle. It is considered that this intention has no bearing on the assessment of this application which has to be based on a clear justification where the existing functional need of an enterprise is clearly demonstrated, in this instance this has not been demonstrated.
54. In view of the independent advice obtained, it is considered that, whilst the financial test may have been met this is on the basis of the turf business and not on the cattle part of the business. The Consultant also advises that the functional test has not been met. It is, therefore, considered that it has not been adequately demonstrated that there is an essential need for a rural worker to live permanently at the site.

#### Size and design if the proposed dwelling

55. The dwelling would have a total floor area (measured externally) of 202 sq m. Whilst it is considered to be a permanent unjustified building in this open countryside location, due to the proximity to other modern agricultural buildings which are significantly larger, there would be limited impact on the open character of the countryside.
56. It is considered that a single storey building with low pitched roofs (around 4.6m in height) would be sympathetic to the rural character of the surroundings, and that there would be minimal visual impact on the area. There would be no impact on the amenity value of the footpath due to the intervening landscape and distance of around 170m. In view of the distance from nearby residential properties, it is considered that there should be no significant amenity issues.
57. The extent of the menage illustrates the curtilage with the proposed dwelling. It is considered that this would not be excessive.
58. There is no prescribed way of assessing the appropriate scale of an agricultural dwelling and that agricultural dwellings of a similar size have been allowed elsewhere in the borough. In a recent appeal decision the Inspector commented on an agricultural workers dwelling of a similar size to that currently proposed elsewhere in the borough that, *"In my experience, the size of the dwelling should be able to provide a reasonable level of accommodation and should not be of such a size that the business could not afford to construct it."* He went on to comment, *"While it may be argued that all that is necessary for a rural worker is one bedroom, there is no reason why the family of the worker should not be permitted to live with them."*

#### Flood risk

59. The site of the proposed property is within Floodzone 1 and, therefore, is not considered to be at a high risk from flooding. Part of the access road to the site does lie within Floodzone 2 and 3 and may, therefore, be inundated during a flood event. Previously the Environment Agency advised on the

temporary occupation applications that “...it would be advisable to assess the depths of floodwater that may be encountered and if this is the only route to dry ground then it would be prudent to stake out the route. An evacuation plan for the residents and animals would also be a prudent measure” This could be addressed by condition.

### Highways

60. No highway objections have been raised on previous applications. The applicant currently lives on site, albeit this occupation is unauthorised, and the holding appears to have operated without any undue impact on the highway network.

### Contamination

61. The site has been used as a working farm and therefore there is the potential for contamination. Matters of contamination could be addressed by an appropriate condition, in the event that planning permission was granted.

### Conservation Area

62. In view of the scale of the development and distance from the boundary of Wysall Conservation Area, it is considered that there would be no harm to the character and appearance of the Conservation Area or its setting. The proposal would, therefore, achieve the objective described as desirable in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, by preserving the character and appearance of the Conservation Area.

### Other Matters

63. It is acknowledged that there is local concern regarding the applicant's motives. However, the application has to be considered on its merits and assessed against current planning policy/guidance and other material considerations.

### Conclusion

64. It is considered that it has not been demonstrated that there is a functional requirement for a fulltime agricultural worker to be present on site. Therefore, the application is recommended for refusal.
65. The application was not subject to pre-application discussions. As a result of discussions with the applicant's agent during the consideration of the application, additional details have been submitted, assisting in the assessment of the proposal, but officers do not consider that it has been clearly demonstrated that there is a functional need for a dwelling on the holding or that the application can be supported.

## **RECOMMENDATION**

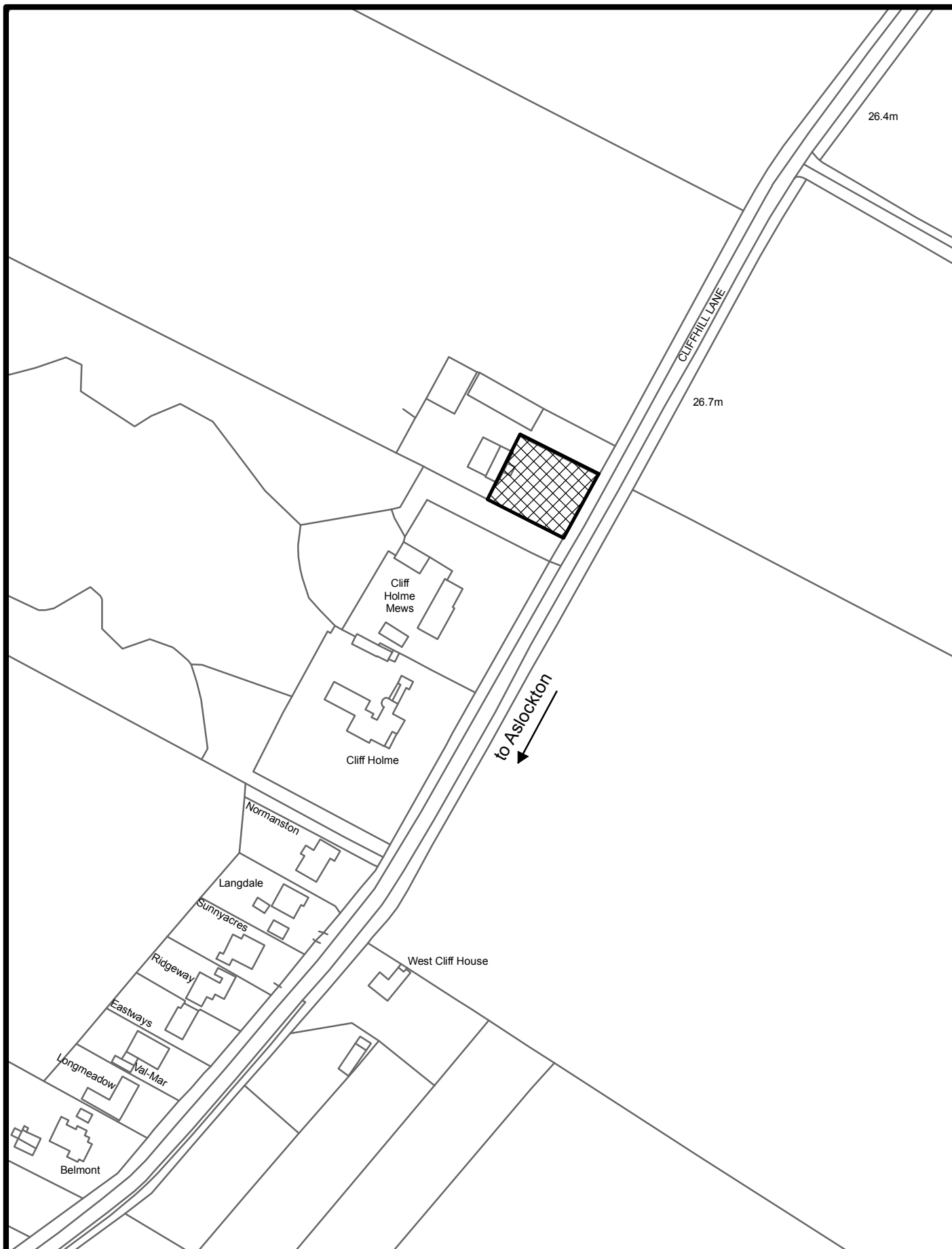
It is RECOMMENDED that planning permission is refused for the following reason(s)

1. It has not been clearly demonstrated that the farming enterprise presents a functional need for a full time agricultural worker to live at the site. The proposal would not, therefore, constitute a sustainable form of development which would be contrary to the overarching principles of the National Planning Policy Framework and, in particular, paragraph 7 and 55 and Policy HOU4 (New dwellings in the Countryside) a), b) and c) of the Rushcliffe Borough Non-Statutory Replacement Local Plan which states:

New dwellings will not be permitted outside settlements unless they are necessary for the purposes of agriculture or other activities appropriate to the countryside and where it can be demonstrated that:

- a) The existing farm or forestry business is financially sound, or in the case of a proposed business, that it has been planned on a sound financial basis;
- b) There is a long-term need for a dwelling verified by an expert report;
- c) The need for the accommodation cannot reasonably be met in a nearby settlement or dwelling.

The proposal is also in conflict with the guidance contained in Annex A of Planning Policy Statement 7: Sustainable Development in Rural Areas.



**Application Number: 17/01883/FUL**  
**Hill Top Farm, Cliff Hill Lane, Aslockton**



scale 1:2000

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Rushcliffe Borough Council - 100019419

# 17/01883/FUL

**Applicant** Mr & Mrs P Avey

**Location** Hill Top Farm Cliffhill Lane Aslockton Nottinghamshire NG13 9AP

**Proposal** Erection of two storey dwelling and detached garage

**Ward** Cranmer

## THE SITE AND SURROUNDINGS

1. The application site comprises part of an agricultural storage yard adjacent to the north east edge of an area of ribbon development on the north east edge of the built up part of the settlement. There is a vehicular access to the site from Cliffhill Lane and deciduous hedgerow along the remainder of the boundary with the lane. The southern boundary is formed by mature deciduous and conifer trees. In the remainder of the agricultural storage yard, to the north and west of the site, are three relatively modern agricultural buildings and another vehicular access from the lane.
2. The ribbon development to the south comprises a variety of interwar and mid to late 20th century suburban houses and bungalows. Cliff Hill Mews, adjacent to the south, is a detached house which was formerly a garage and staff accommodation for Cliff Holme, a substantial house adjacent to the south. There is an extensive landscaped parkland/garden to the rear of these properties.
3. The countryside surrounding the site is relatively flat and comprises medium to large fields predominantly in arable use.

## DETAILS OF THE PROPOSAL

4. The application seeks full planning permission for an L-shaped three bedroom dwelling which would be constructed close to the northern site boundary, with a detached double garage to the south, and a driveway/parking area. It would be predominantly two storey with single storey side and rear elements and a front porch. The design would be traditional with a symmetrical front elevation and cottage style windows. The materials would be Baggeridge Weinerberger Oast Russet Bricks for the walls of the dwelling and feathered edge boarding for the garage, with Sandtoft Arcadia Clay pantiles for the two storey part of the dwelling, and Sandtoft Goxhill Clay Rosemary tiles for the single storey sections and garage.
5. The Design and Access Statement includes the following:
  - Aslockton is a thriving village with a number of facilities. The transport links are good and it is considered to be a sustainable location.



- The site is located adjacent to existing housing and the applicant considers that the new house would not be isolated in the context of the NPPF.
  - The new house will help towards supplying housing in the Borough and will contribute to the vitality of Aslockton.
  - The applicant's agricultural business is adjacent to the site and the new dwelling will reduce the need for him to commute to work.
6. As a result of comments received from the Nottinghamshire County Council as Highway Authority, a revised site plan has been received showing the existing northern vehicular access from the lane to the remainder of the agricultural storage yard.

## **SITE HISTORY**

7. Permission was granted in 1980 to change the use of an agricultural building and stock yard to an agricultural contractors yard and premises (ref: 8/E1/80/D/297).
8. Outline permission was refused in 1996 for the erection of a dwelling on land adjacent to the current site, and an appeal was subsequently dismissed in 1997 (ref. 96/00414/OUT).
9. Between 1997 and 2015 three applications for prior notification of agricultural development for grain stores and one application for a steel framed portal building for agricultural storage were submitted, and the Council confirmed that the developments could be carried out as permitted development.

## **REPRESENTATIONS**

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

10. The Ward Councillor (Cllr M Stockwood) objects on the following grounds:
- a. The proposal falls outside the village settlement.
  - b. Local need is currently being met within the village by the current house building on Abbey Lane.
  - c. There is a query as to how the disposal of foul water will be dealt with.
  - d. This land is in agricultural use and any dwelling which was given permission should be tied to agricultural workers.

### **Town/Parish Council**

11. The Parish Council do not object but comment, "*However APC do wish to comment on the misleading and in part, inaccurate, information supplied on the Design and Access Statement. Point 1.03 "Aslockton is a thriving village with a number of facilities. The transport links are good and it is considered to be a sustainable location": APC strongly object to the generalisation of this statement instead of specifying its relevance to an individual dwelling for local*

*need within a farm setting. The implication is one of sustainability irrespective of the size of development. This is inaccurate, as determined recently on two failed appeals relating to planning applications on Abbey Lane and Cliffhill Lane - Aslockton is not a sustainable location for further housing developments on greenfield sites. It has very limited facilities and the public transport services are not regular throughout the whole day being very limited in the evening and practically non-existent on Sundays.”*

### **Statutory and Other Consultees**

12. The Borough Council’s Environmental Health Officer recommends that, in view of the previous agricultural use and the fact that there have been fuel containers on the site as well as lots of farm vehicles, a Contaminated Land Report should be submitted for approval. If the report confirms that contamination exists, a remediation report and validation statement will also be required.
13. The Nottinghamshire County Council as Highway Authority originally commented that the proposed dwelling would be accessed from the existing agricultural crossing and that an alternative access to the farm for agricultural machinery has not been provided. Following receipt of a revised site plan showing the existing northern vehicular access from the lane to the remainder agricultural storage yard, they have commented that, whilst they do not envisage that its location will compromise highway safety, it should be suitably constructed to prevent surface water/detritus from being discharged to the public highway.
14. The Trent Valley Internal Drainage Board comments that the site is outside of the Board’s district but within its catchment, and that there are no Board maintained watercourses in close proximity to the site. They recommend that surface water run-off rates to receiving watercourses must not be increased as a result of the development, and that the design, operation and future maintenance of site drainage systems must be agreed with the Lead Local Flood Authority and Local Planning Authority.

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

15. 4 representations have been received (from 3 properties) raising objections which are summarised as follows.
  - a. The emerging Rushcliffe Local Plan Part 2 argues that there is no new housing need in Aslockton and it is not able to accommodate further dwellings based on existing services and infrastructure provision, given that permission was granted on Abbey Lane for 75 dwellings which are currently under construction. The appeal for over 50 houses on Cliffhill Lane was rejected.
  - b. Extension of the boundary of the settlement contrary to policy EN20 of the Local Plan, and the site is neither "small scale infill", an "exception site" or "appropriate to provide further for local needs".
  - c. Dwellings in open countryside need to be justified and evidence needs to be provided as to why the dwelling needs to be located within open

countryside. No such justification or evidence has been provided in this case.

- d. Agree that the site is not 'isolated' but this does not mean that the dwelling is acceptable or appropriate in open countryside.
- e. Unsympathetic to the character and appearance of neighbouring properties and the surrounding area, the design would not be in keeping with the agricultural units at the site nor properties in the village.
- f. Increase in noise and disturbance from the applicant living at the site with the business, including the use of heavy plant and machinery, continuing even later into the night.
- g. Loss of privacy.
- h. The dwelling would be crammed against the boundary with little or no garden.
- i. The application states that the site would not be vulnerable to contamination and there is concern that there could be harmful elements (e.g. heavy oils and asbestos) and further investigation from the Environment Agency is required.
- j. The appeal inspector for the 50 dwellings on Cliffhill Lane considered that public transport provision within the village is very limited and relatively infrequent.
- k. As the applicant currently lives in the village, the construction of the dwelling reducing the need to commute is not a good enough justification.
- l. Impact on wildlife.
- m. The reason for refusing 96/00414/OUT has not changed.
- n. 'Village creep' and precedent for further applications for residential development along Cliffhill Lane.
- o. The building materials do not look carbon or Eco friendly.
- p. Connecting the site to the main sewer would involve over 60 metres of trench and ground works and the disruption is totally unreasonable.
- q. No obvious benefits to support the application.
- r. Activities at the site have diversified and include a waste operation which is believed to be unauthorised.

## **PLANNING POLICY**

16. The Development Plan for Rushcliffe consists of the 5 saved policies of the Rushcliffe Borough Local Plan (1996) and the Rushcliffe Local Plan Part 1: Core Strategy.
17. Other material considerations include the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG) and the Rushcliffe Borough Non-Statutory Replacement Local Plan (2006).
18. Any decision should therefore be taken in accordance with the Rushcliffe Core Strategy, the NPPF and NPPG and policies contained within the Rushcliffe Borough Non-Statutory Replacement Local Plan where they are consistent with or amplify the aims and objectives of the Core Strategy and Framework, together with other material planning considerations.

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

19. The National Planning Policy Framework (NPPF) includes a presumption in favour of sustainable development. Local planning authorities should approach decision making in a positive way to foster the delivery of sustainable development and look for solutions rather than problems, seeking to approve applications where possible.
20. There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:
  - an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
  - a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations, and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
  - an environmental role – contributing to protecting and enhancing our natural, built and historic environment, and as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.
21. Paragraph 14 of the NPPF states that where the development plan is absent, silent or relevant policies are out of date, planning permission should be granted unless:
  - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or

- specific policies in this Framework indicate development should be restricted.
22. Two of the core planning principles of the NPPF state that planning should:
- Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of buildings and land.
  - Take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it.
23. Chapter 6: 'Delivering a wide choice of high quality homes' states, at paragraph 49, that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
24. Paragraph 55 states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as, the essential need for a rural worker to live permanently at or near their place of work in the countryside.
25. Chapter 7: 'Requiring good design' states that good design is a key aspect of sustainable development and should contribute to making places better for people. Planning policies and decisions should aim to ensure that developments will function well and add to the overall quality of the area, respond to the local character and history, and reflect the identity of local surroundings and materials.
26. The NPPF definition of 'previously developed land' excludes land that is or has been occupied by agricultural buildings.
27. The National Planning Practice Guidance (NPPG) on Rural Housing states that it is important to recognise the role of housing in supporting the broader sustainability of villages and smaller settlements. A thriving rural community in a living, working countryside depends, in part, on retaining local services and community facilities such as schools, local shops, cultural venues, public houses and places of worship. Rural housing is essential to ensure viable use of these local facilities. Assessing housing need and allocating sites should be considered at a strategic level and through the Local Plan and/or neighbourhood plan process. However, all settlements can play a role in delivering sustainable development in rural areas, and so blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided unless their use can be supported by robust evidence.

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

28. Policies 3 (Spatial Strategy) and 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy are relevant to the consideration of the application. Of particular relevance, Policy 3 sets out the strategy for the delivery of housing within the Borough and states that in 'other' settlements (such as Aslockton), housing development will be solely to meet local needs, which will be delivered through small scale infill development or on exception sites.
29. The Local Plan Part 2: Land and Planning Policies Further Options consultation (February 2017) acknowledges that the development of up to 75 new homes on a site to the south of Abbey Lane already contributes to the supply of land available for housing development over the next few years, and that it would not be sustainable, based on existing service and infrastructure provision, for any further greenfield sites to be identified for housing development at Aslockton.
30. Policies GP2 (Design and Amenity Criteria), EN19 (Impact on the Green Belt and open countryside), EN20 (Protection of open countryside) and HOU4 (New dwellings in the countryside) of the Rushcliffe Borough Non-Statutory Replacement Local Plan are of relevance. The aims of EN19 and EN20 are to strictly control development and maintain the open character of the countryside. HOU4 states that new dwellings will not be permitted outside settlements unless they are necessary for agricultural purposes or other activities appropriate to the countryside, and it can be demonstrated that, in summary, the business is financially sound and there is a functional need for a dwelling on the site.
31. The Rushcliffe Residential Design Guide (RRDG) provides guidance on garden sizes with 110 sq m recommended for detached dwellings.

## **APPRAISAL**

32. The main factors in the consideration of this application are firstly whether the development of the site for residential purposes is acceptable in principle. Detailed matters for consideration include whether the development of the site is acceptable in terms of the impact of the proposal on the amenities of the area in general and neighbouring residential properties, and whether there are any highway safety implications.
33. In assessing the current proposal, it is considered that the appeal decision referred to in paragraph 8, and an appeal decision relating to a dwelling on land to the north of Abbey Lane, Aslockton (ref: 13/00085/FUL) are material considerations.
34. The application for the erection of a dwelling on land adjacent to the current site (ref: 96/00414/FUL) was refused permission on grounds that the site was outside the settlement and it had not been demonstrated that there was a need for a dwelling that could not be met in the village, contrary to policy H6 of the 1996 Local Plan (a similar policy to HOU4). The appeal inspector considered that the proposal would extend the ribbon development and would be harmful to this area of countryside. However, the siting of the dwelling was to the north of the current site and further back from Cliffhill

Lane in a more prominent position to the current site. Whilst he accepted that the business was financially viable, he did not consider that there was a functional need for a dwelling at the site.

35. There have been many changes to national and local planning policy since the above appeal decision in 1997. In particular, the NPPF states that housing applications should be considered in the context of presumption in favour of sustainable development, and the NPPG states that rural housing is essential to ensure viable use of local facilities.
36. As a consequence of paragraph 55 of the NPPF, there has been a more flexible and pragmatic approach (including by appeal inspectors) to new residential development in countryside but on the edge of or close to settlements, particularly in relation to proposals for single dwellings or small scale development. For example an application for a single dwelling on land to the north of Abbey Lane (ref: 13/00085/FUL) was refused as it was considered that the dwelling would extend the built-up edge of the settlement which would detrimentally affect the character and pattern of the surrounding area, and would constitute an inappropriate form of development within the open countryside, detrimental to its open character and appearance. In determining the subsequent appeal, the Inspector agreed that the site was not within the built-up area, and acknowledged that the dwelling would be seen from a nearby public footpath, and would be more prominent than agricultural buildings it replaced. Whilst the Inspector found that there would be a 'degree of harm' and a 'marginal' visual impact, he considered that there would be a positive environmental benefit from the removal of two 'somewhat unsightly' agricultural buildings.
37. It is also widely acknowledged that there is no definition of 'isolated' in the NPPF, but in determining a previous appeal elsewhere in the borough, an Inspector relied on the dictionary definition of isolated, i.e. lonely, solitary or remote.
38. In the case of the current proposal, as the site is located at the end of an area of ribbon development of over 20 dwellings, which is adjacent to the north east edge of the village, it is considered that it is not isolated. In these circumstances it is considered that there is no need to demonstrate that there is an essential need for a rural worker to live permanently at the site and that it is not, therefore, necessary to assess the application against policy HOU4. It is, however, acknowledged that the site does not constitute previously developed land and that a dwelling on the site would not represent infill development. Whilst the site is not considered to be a brownfield site, it does have a different appearance and character to the site which was the subject of the previous application and appeal, which was located within the open field to the north.
39. Due to its siting at the end of an area of ribbon development with agricultural buildings adjacent to the north, and the relatively modest scale of the dwelling, it is considered that the rural and open character of the countryside would be preserved, and that there would be no significant conflict with the objectives of policy 3 of the Core Strategy. It is also considered that the traditional design and proposed materials would be sympathetic to the rural surroundings. In addition, landscaping in the form of native trees, which can be secured by condition, would help to screen the development.

40. Due to the distance from adjacent and nearby residential properties, it is considered that there would be no significant adverse impact on the amenity of these properties. With respect to potential additional noise from the adjacent business arising from the applicant living at the site, a condition was imposed on planning permission ref: 8/E1/80/D/297, referred to in the section of this reports that deals with the planning history of the site, which prevents the use of powers tools and machinery between 6pm and 8am, and not at all on Sundays and Bank Holidays, or on open areas of the site. It is also considered that future occupants of the proposed dwelling would have a good degree of amenity, and the rear garden of at least 200 sq m would be in excess of the recommendations in the Residential Design Guide.
41. Any contamination on the site could be addressed by a condition as recommended by the Environmental Health Officer. The application form states that foul sewage and surface water would be disposed of to the main sewer and the applicant has stated that, in the unlikely event that the sewer does not have capacity or that the cost of connection is uneconomic, the proposed dwelling could be served by a private domestic treatment plant. The Trent Valley Internal Drainage Board's comments are noted. However, it is considered that it is not necessary for any further drainage details for one dwelling to be submitted for approval, and drainage arrangements would be considered under the Building Regulations. The proposed development would not involve removal of any vegetation and, therefore, there should be no significant adverse impact on wildlife.
42. Planning decisions (including appeal decisions) do not set precedents, and every case has to be assessed on its merits. In considering this application, it has to be borne in mind that the Council does not have a 5 year housing land supply. Consequently, in accordance with paragraph 49 of the NPPF, Policy 3 of the Core Strategy, which is a policy for the supply of housing, is not up to date. In such circumstances, paragraph 14 NPPF and the so-called 'tilted' balance is engaged. This means that any benefits of the proposed development must be weighed against any adverse impacts.
43. In terms of benefits, the proposed development would make a very limited contribution to addressing the Borough Council's lack of a 5 year housing land supply. There would also be a very limited temporary economic benefit during construction, and future occupants may use local services/facilities in Aslockton. There would also be a very limited social benefit from widening the choice of available homes. Whilst it is acknowledged that the proposed development would change the character of the site, in view of the siting, scale, design and materials, it is considered that this would not represent an adverse impact. Although there may be very limited benefits arising from the proposal, it is not considered, in this instance, that the impacts of the development would be significant or such that there is a need to identify benefits to outweigh any harm or to justify the grant of permission. Subject to conditions, it is also considered that there would be no other adverse impacts. It is, therefore, considered that the proposal constitutes the type of sustainable development envisaged by the NPPF.
44. The allegation that the site is being used as a waste operation has been referred to the County Council who deal with waste matters. In any event, this is not relevant to the consideration of the current application.



45. The application was subject to pre-application discussions and it was not necessary to contact the applicant during processing of the application other than for clarification.

## **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:

- 1:200 Proposed Site Plan
- 1:200 Proposed Plans
- 1:100 Elevations
- 1:100 Garage Plans and Elevations

[For the avoidance of doubt and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

3. The materials specified in the application shall be used for the external walls and roofs of the development hereby approved and no additional or alternative materials shall be used.

[To ensure the appearance of the development is satisfactory and to comply with policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan]

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

[This information was not submitted with application and it is important that the information is submitted prior to work commencing on site to ensure that

the site, when developed, is free from contamination in the interests of public health and safety, and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

5. The development hereby permitted shall not be occupied until details of hard surfacing of the vehicular access and driveway for a distance of 5m from the carriageway edge together with a means to prevent the discharge of surface water on to the public highway have been submitted to and approved in writing by the Borough Council, and the facilities have been provided in accordance with the approved details. These facilities shall be retained for the lifetime of the development.

[In the interests of highway safety, and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

6. The development hereby permitted shall not be occupied until a detailed landscaping scheme for the site has been submitted to and approved in writing by the Borough Council. The approved scheme shall be carried out in the first 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 to comply with policy EN13 (Landscaping Schemes) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

7. The development hereby permitted shall not be occupied until details of all screen fencing/walling and means of enclosure to be erected on the site have been submitted to and approved in writing by the Borough Council, and have been completed in accordance with the approved details. Thereafter the approved screen fencing/walling and means of enclosure shall be retained for the lifetime of the development.

[In the interest of amenity and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

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

[The development is of a nature whereby future development of this type should be closely controlled, and to comply with policies 10 (Design and enhancing local identity) of the Rushcliffe Local Plan Part 1: Core Strategy, and GP2 (Design & Amenity Criteria) & EN20 (Protecting open countryside) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

## Notes to Applicant

This Authority is charging for the discharge of conditions in accordance with revised fee regulations which came into force on 6 April 2008. Application forms to discharge conditions can be found on the Rushcliffe Borough Council website.

The development makes it necessary to improve a vehicular crossing over a verge of the public highway. 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.

For further information on the content of contaminated land reports please refer to the Borough Council's publication "Developing Land within Nottinghamshire - A Guide to submitting Planning Applications for Land that may be contaminated". This booklet is available from Rushcliffe Borough Council's web site [www.rushcliffe.gov.uk](http://www.rushcliffe.gov.uk) or by contacting the Environmental Health Services direct on 0115 914 8485.

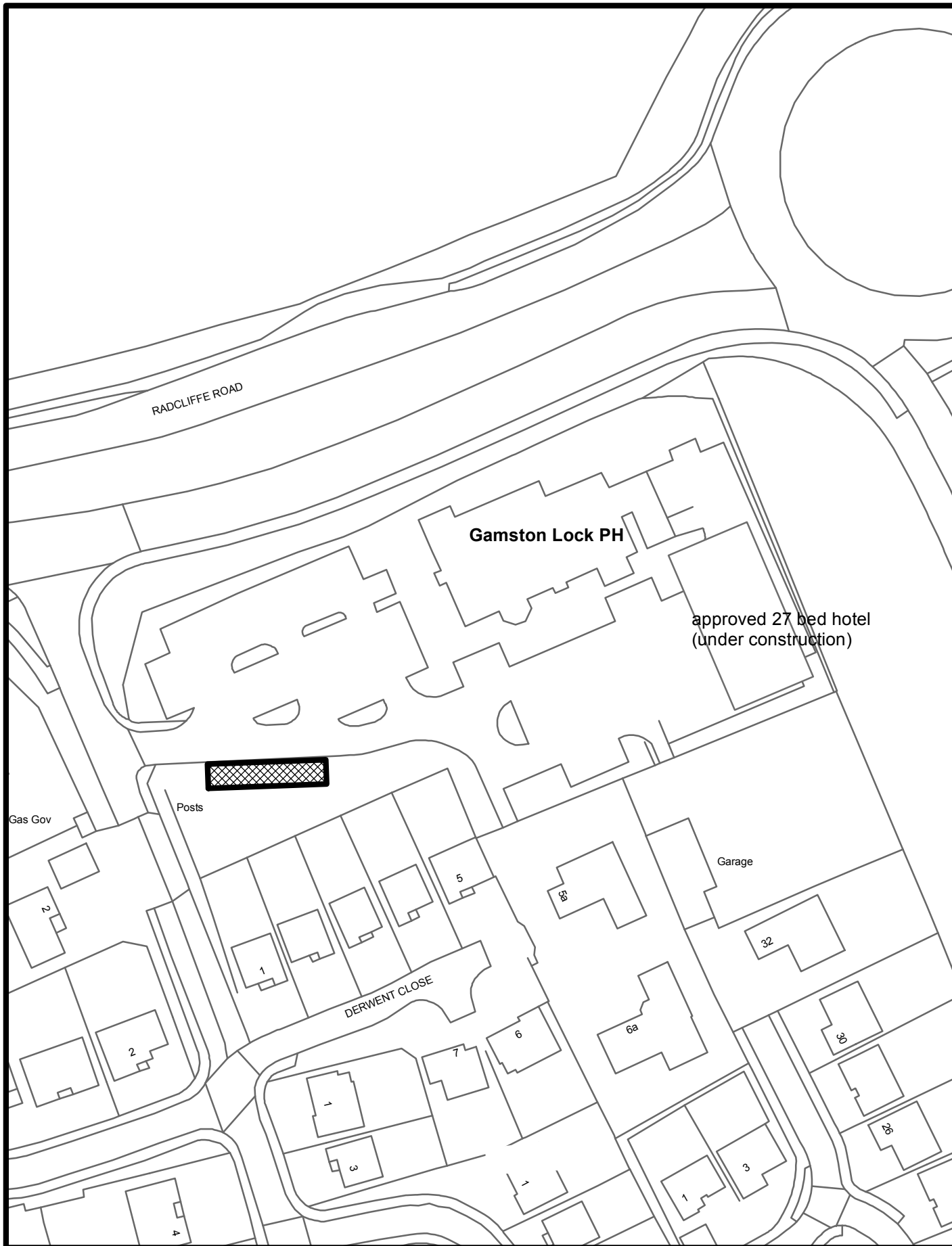
The provisions of the Party Wall Act 1996 may apply in relation to the boundary with the neighbouring property. A Solicitor or Chartered Surveyor may be able to give advice as to whether the proposed work falls within the scope of this Act and the necessary measures to be taken.

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

This 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 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.



**Application Number: 17/01629/FUL**  
**Gamston Lock PH, Radcliffe Road, Gamston**



**scale 1:1000**

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Rushcliffe Borough Council - 100019419

# 17/01629/FUL

**Applicant** Marston's Inns and Taverns and Wild

**Location** The Gamston Lock Radcliffe Road Gamston Nottinghamshire NG2 6NP

**Proposal** Construction additional eight car parking spaces

**Ward** Gamston North

## THE SITE AND SURROUNDINGS

1. The site comprises part of a landscaped, banked area of land adjacent to the car park of the Gamston Lock public house.
2. Immediately to the south are residential properties on Derwent Close.
3. Between the car park and the dwellings the land, which includes a number of mature trees, rises to approximately 1.4m before dropping down to the boundary of the dwellings which comprises a combination of fence and sections of wall 1.5m – 1.8m high. The dwellings have habitable room windows in the north-west elevation facing the site. The nearest parking space is approximately 9m from the rear boundary and 20m from the nearest habitable room window.

## DETAILS OF THE PROPOSAL

4. The application, which is retrospective, relates to the retention of eight car parking spaces.
5. In support of the application, the applicants have stated the following, referring to the application for the hotel referred to in paragraph 6 below, *“At the point of the application, it was considered that the number of parking spaces which the development could provide was acceptable, albeit very tight from an operational point of view. However, at that stage, no consideration had been paid to the construction phase of development, whereby the contractor compound etc. would need to be placed within the car park. A decision was made that additional parking would be required during the construction phase. Furthermore, once detailed cost assessments were undertaken, it was considered that the construction costs for more permanent spaces would not be as significant as first thought, and that once constructed, they would be beneficial to the overall development. Hence the application has been submitted for the permanent retention of the spaces.”*

## SITE HISTORY

6. In May, 2017, planning permission was granted for the erection of a 27 bed hotel on land within the curtilage of the pub, to the east of the present site (ref: 16/02752/FUL).

## REPRESENTATIONS

### Ward Councillor(s)

7. The Ward Councillor (Cllr J Wheeler) has objected on the grounds that there is no evidence of need for the additional spaces, loss of vegetation and loss of privacy to neighbours.

### Town/Parish Council

8. The Parish Council has objected and commented, *“The Parish Council oppose the application on the grounds that there are no documents, either accompanying this application nor the full application for the hotel justifying the need for the additional 8 spaces. Without need being demonstrated the application should be refused. The applicant was previously satisfied with the numbers proposed and did not object to the reduced number. We accept that during the construction period of the new hotel these additional spaces maybe required to offset the existing spaces that are being used as site accommodation / compound. Therefore it is recommended the spaces are removed and the ground reinstated prior to the hotel opening. This is a retrospective application. The Parish Council have been informed that substantial vegetation was removed in the construction of the 8 spaces. This should also be reinstated prior to the hotel opening.”*

### Statutory and Other Consultees

9. Nottinghamshire Police do not consider that the retention of the parking spaces would increase the risk of burglary to the nearby dwellings.

### Local Residents and the General Public

10. Representations have been received from three residents of Derwent Close. The grounds for objection can be summarised as follows:
  - a. Increased noise and disturbance and light intrusion, particularly in the winter when there is no foliage on the trees.
  - b. Increased risk of trespass and burglary.
  - c. Parking surveys submitted with the application for the hotel stated that there was sufficient parking, therefore, there is no need for these eight spaces.
  - d. Loss of vegetation and wildlife.
  - e. Contrary to Local Plan policies which encourage the use of public transport.
  - f. Work was carried out during the bird nesting season without a survey being carried out.

## **PLANNING POLICY**

11. The development falls to be determined in accordance with the Development Plan for Rushcliffe, which comprises the Local Plan Part 1 - Core Strategy (LPCS) and the 5 saved policies of the Rushcliffe Borough Local Plan (RBLP) 1996. Other material planning considerations include Government guidance in the National Planning Policy Framework (NPPF) and Planning Practice Guide. Some weight should also be given to relevant policies of the Rushcliffe Borough Non-Statutory Replacement Local Plan (RBNSRLP).

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

12. One of the core principles of the NPPF (paragraph 17) advocates high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

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

13. None of the saved policies of the RBLP are relevant to the present proposals.
14. Under Core Strategy Policy 1, a positive and proactive approach to planning decision making should be taken that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.
15. Policy 10 requires that 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. Development should be assessed in terms of the criteria listed under section 2 of Policy 10 and, of particular relevance to this application, is 2(b) whereby the proposal shall be assessed in terms of its impacts on neighbouring amenity.
16. In the context of the RBNSRLP, Policy GP2 (Amenity and Design Criteria) is relevant to the consideration of the application. This requires that any development does not have a significant adverse effect on the amenity of adjoining properties by the type of activity proposed.

### **Appraisal**

17. Although reference has been made in representations to the surveys which accompanied the application for the hotel, which demonstrated that the proposed parking provision was adequate, it is necessary to consider the present proposal on its merits, with particular reference to the effect on neighbouring dwellings in terms of amenity and risk of crime.
18. There is an earth bank (circa 1.2 metres high) and a number of trees in the area between the parking spaces and boundary with properties on Derwent Close, defined by sections of wall and fencing between 1.5m and 1.8m high. The parking area forms a relatively small extension to an established car park and whilst it would be closer to the properties on Derwent Close it is not considered that the additional noise and activity would be so noticeable that a refusal of planning permission based on impact on amenity would be justified. Furthermore, it is considered that the earth bank, trees and boundary treatment referred to above would limit any impacts from car headlights.

19. Whilst concern has been expressed over the increased risk of trespass and burglary, it will be noted that this view is not shared by the Nottinghamshire Police. Therefore, it is not considered that a refusal of permission on these grounds could be sustained.
20. There were no pre-application negotiations and, therefore, no advice was offered prior to submission of the application. However, no issues arose during the course of processing the application and, therefore, no reason to contact the applicant. The application is, therefore, recommended for approval.

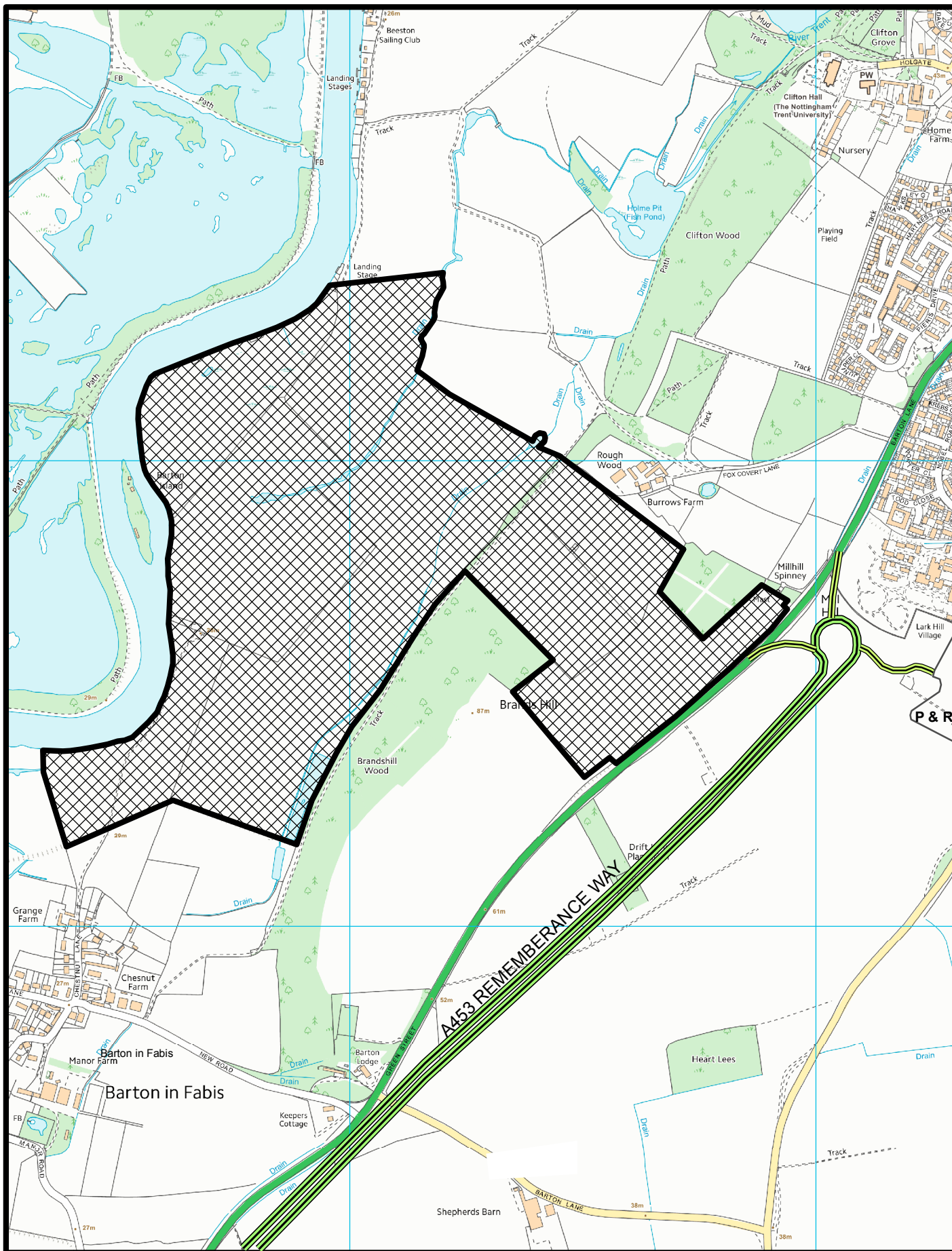
## **RECOMMENDATION**

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

1. This planning permission relates to the submitted plans 0102 16 02 01 and 0102 16 02 09 Rev A.

[For the avoidance of doubt and to comply with policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan].





**Application Number: 17/02096/CMA**  
**Barton in Fabis sand & gravel extraction**



scale 1:11000

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Rushcliffe Borough Council - 100019419

# 17/02096/CMA

**Applicant** London Rock Supplies Ltd.

**Location** Land South Of Burrows Farm Barton Lane Barton In Fabis Nottinghamshire

**Proposal** The extraction and processing of sand and gravel, including the construction of a new site access road, landscaping and screening bunds. Mineral washing plant and other associated infrastructure with restoration to agriculture and nature conservation areas.

**Ward** Gotham

## THE SITE AND SURROUNDINGS

1. The site is located to the west of the Borough within the Green Belt. The area of land immediately adjacent the River Trent, approximately 2 - 4km wide is largely flat and active floodplain. The eastern part of the site rises by 50m above the valley floor having a forested slope.
2. The site is located to the east of the River Trent and to the north of Barton in Fabis. Burrows Farm is located to the north of the site with its arable and grazing farmland. To the west of the site is the River Trent with Attenborough Nature Reserve beyond. The east is bordered by Brandshill Wood. To the south is Barton in Fabis with the nearest properties of the village within approximately 150m of the site.
3. Barton in Fabis Bridleway 1 and 3, and Footpath 2 run through the site. Other bridleways and several public footpaths are to the west of the site.
4. Four SSSI's or Local Nature Reserves are located within 2km of the site, Attenborough Gravel Pits (SSSI); Holme Pit (SSSI); Glapton Wood (LNR) and Clifton Grove, Clifton Wood and Holme Pit Pond (LNR). 5 Local Wildlife Sites are within the site boundary; Barton Flash; Barton in Fabis Pond and Drain; Brandshill Marsh; Brandshill Grassland and Barrow Pits Barton, a further 12 are within 2km of the site.

## DETAILS OF THE PROPOSAL

5. This is a County Matter application where Rushcliffe Borough Council is a Consultee.
6. The proposal relates to extraction and processing of sand and gravel, including the construction of a new access road, landscaping and screening bunds, minerals washing plant and other associates infrastructure with restoration to agricultural and nature conservation areas on land at Mill Hill and Barton in Fabis.
7. The total site area is 88ha (77.3ha lies within Nottinghamshire County Council area and 10.7ha within the City Council administrative area). The land is currently used as grazing land.

8. The application was accompanied by a planning statement outlining the development, geology, policy assessment and need, and an Environmental Statement and Non-Technical Summary covering the following areas, surface water and flood risk; hydrology; transport; air quality; landscape and visual impact; soils and agricultural land; aerodrome safeguarding; ecological or geological interest in or adjacent the site; historic buildings or archaeology; local residents amenity and utilities crossing the site during the construction and operational periods of the proposed quarry and the restoration of the site. A statement of Community Involvement has also been submitted which outlines the public consultation undertaken prior to the submission of the application.
9. The submitted documentation suggests that the estimated extraction area would be 53ha containing 3.4million tonnes of saleable reserves of sand and gravel. They advise that the proposed hours of operation of the quarry would be 07.00 to 18.00 Monday to Friday and 07.00 to 13.00 Saturday with no operation on Sundays or Bank Holidays. A processing plant would be located to the north of the site.
10. It is anticipated that the total timescale for the project and restoration would take place within a period of 17 years with 12-15 years of this being a 5 phase extraction of approximately 280,000 tonnes per annum. It is suggested that the development would result in 10 employees with additional sub contracted staff and hauliers (up to 15 drivers).
11. Minerals would be extracted, processed, stockpiled and loaded on to Heavy Goods Vehicles prior to distribution to customers. The proposal seeks to upgrade the existing farm access to Green Street. All traffic leaving the site would turn left and join the highway at the Mill Hill round about. Traffic would access the site from the A453 from the Mill Hill round about, turning right into the application site. No HGV's would go into Barton in Fabis.
12. There would be a defined plant area located on Mill Hill to the north of the site. Soil that would be stripped to allow the plant construction would be used to create screening bunds (top soil no more than 3m high and sub soils no greater than 5m in height with slopes under 26 degrees to be seeded for cutting). These soils would then be used in the restoration stage to plant the area back to agricultural land. Within the plant area there would be washing and screening plant (nominal height between 7.4 and 10.3m) with a clear water lagoon and two silt lagoons (total area of 8,700m<sup>2</sup> to a depth of 5m maintained to prevent bird activity) together with a number of stocking areas. A weighbridge (15m long) and offices, welfare facilities in portacabin type structures approx. 9.5m x 3.5m x 2.5m, a workshop (24.5m x 20m x 9.5m in height) and parking for up to 16 cars and 12 HGV's will also be located in this area together with fuel tanks.
13. Lighting would be in the form of plant lighting which will be turned off when the plant is not in operation; low emission lights around the offices which will remain on during the hours of darkness all other lights around the plant and workshops areas will be switched off when the site is closed; limited lighting along the conveyor and access road during working hours. No lighting is proposed in the extraction area.

14. Security fencing would be installed around the plant area and around the office. CCTV would also be installed at the offices and site entrance near to the conveyor. Post and wire fencing would be positioned around the phased extraction areas and to facilitate footpath diversions.
15. In terms of traffic movements over the course of a year, assuming a 20 tonne load, it is estimated that 57 HGV's on average would leave the site each day, therefore, around 114 movements per day are anticipated equating to 10-12 movements per hour. During busy periods e.g. specific infrastructure projects, it would be higher and slow sales periods e.g. bad weather it would be lower.
16. The mineral is proposed to be extracted on a "campaign basis" with 3 campaigns per annum of up to 6 weeks during the dryer periods of the year. The excavated material would be stockpiled at the base of Brandshill and transported up the hill to the plant area by a field conveyor.
17. At the boundary of the site between the overburden and mineral, the water table on the site is approximately 1.2m below the ground level, therefore, a scheme of de-watering has been proposed as part of the development. An aftercare programme for a minimum period of 5 years for the restoration of the plant and extraction areas.
18. The proposed restoration of the site would include a range of conservation habitats including reedbeds, marshland, wet woodland and floodplain grazing marsh and back to agricultural land. The restoration proposal would be undertaken for each phase of extraction.
19. The Environmental Statement advises that there would be no significant noise, dust, archaeological or water impacts. It is intended that the visual impacts of the development would be minimised by constructing landscape bunds and progressive restoration. Apart from where affected by the site entrance or where minerals are deposited, existing boundary hedgerows and most major trees would be retained. With regard to the ecological impacts of the proposal it is advised that there would be no negative impact on Attenborough or Holme Pit SSSI and that proposed measures are recommended to ensure no impact on any protected species or habitats.
20. The supporting documents suggest that there are no viable alternative sites in South Nottingham.

## **SITE HISTORY**

21. A small part of the site is part of a wider area which was subject of application ref: 09/01025/OUT for a mixed use development including up to 5500 dwellings etc.
22. Land on the opposite side (east) of the A453 is the subject of an application for a Sustainable Urban Extension involving mixed use development including up to 3000 dwellings and employment land etc. ref: 14/01417/OUT.

## REPRESENTATIONS

### Ward Councillor(s)

23. No comment received.

### Town/Parish Council

24. None consulted by RBC.

### Statutory and Other Consultees

25. The RBC Planning Policy Officer has provided comments on a number of issues as follows:

#### Green Belt

26. The site lies within the Nottingham – Derby Green Belt, as saved by Policy ENV15 (Green Belt) of the Local Plan 1996 and Policy 4 of the Local Plan Part 1: Core Strategy.

27. Core Strategy Policy 4 addresses strategic Green Belt issues. It does not set out development management principles for developments within the Green Belt as these national policies are set out in the NPPF. Policy EN14 (Protecting the Green Belt) within the NSRLP has been superseded by Green Belt policy within the NPPF and, therefore, out of date.

28. The NPPF re-iterates that inappropriate development should not be approved except in very special circumstances and that when considering any planning application, substantial weight should be given to any harm to the Green Belt and that it should not be approved except in very special circumstances.

29. Paragraph 90 states that mineral extraction is not inappropriate in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. Therefore, whilst the physical extraction of material may be appropriate (the removal of material does not itself reduce openness), the transportation and processing of material may not be, due to its impact upon the openness of the Green Belt and conflict with purposes that seek to: check sprawl of built up areas; prevent merging; safeguard countryside; and preserve the setting and special character of historic towns.

30. It is noted that the highest structures will be 12m in height and that the processing, storage and loading area, which covers an area of approximately 6 hectares, is in an elevated location, adjacent to Green Street on the approach to Nottingham's main urban area.

31. If structures within this area reduce the openness of the Green Belt and conflict with Green Belt purposes the proposal should be considered inappropriate development and 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations (NPPF paragraph 88).

## Minerals Supply

32. A critical consideration when determining this minerals proposal is the need for additional supplies of sand and gravel (beyond what is already permitted). This applies, whether or not the proposal is considered appropriate or inappropriate development within the Green Belt. NPPF paragraph 145 requires minerals planning authorities undertake a Local Aggregate Assessment and land bank 7 years supply of sand and gravel (based on average sales over 10 year).
33. Paragraph 3.3 of the Nottinghamshire and Nottingham Local Aggregates Assessment (January 2017) states that, “...*the average sales over the last 10 years stands at 1.89 million tonnes per annum. Therefore, as of December 2015 the land bank stood at 17.96 million tonnes, which is equivalent to 9.5 years of production. This is above the minimum 7 year land bank requirement set out in the NPPF.*” It concludes that, “...*it is likely that sand and gravel will either be sourced from quarries around Newark or from other markets outside of Nottinghamshire that maybe closer.*” This indicates that there are sufficient permitted reserves to meet demand and therefore there is no need at the present time to release further land for sand and gravel extraction within Nottinghamshire.

## Submission Draft Minerals Local Plan (withdrawn)

34. Although withdrawn (due to revisions of predicted sand and gravel demand), the Submission Draft Minerals Local Plan did not identify this site as a draft allocation. Whilst previous iterations (including the Preferred Approach) included this site as a sand and gravel allocation, its removal prior to publication of the submission draft indicates that, if additional reserves are required, other sites (including those outside the Green Belt) are considered more sustainable.
35. The Sustainability Appraisal which informed the Draft Minerals Local Plan (Preferred Approach) (2014) concluded that the site scores positively in terms of its contribution to the economic aspects of sustainability (as it is close to areas of demand in Nottingham) but there are negative impacts in terms of biodiversity, historic environment, landscape, agricultural land and flood risk.

## Rushcliffe Local Plan Part 1: Core Strategy

36. The Core Strategy does not contain policies that directly address minerals proposals (these are set out in the County Council’s Minerals Local Plan). The site is, however, located within the Trent Strategic Green Infrastructure River Corridor and in close proximity of the Attenborough Nature Reserve SSSI, which is on the opposite side of River Trent and Clifton Woods Local Nature Reserve (LNR). Consequently Core Strategy policies 16 (Green Infrastructure) and policy 17 (Biodiversity) should be considered prior to determining the Council’s position.

## Green Infrastructure

37. The Trent Valley is a priority strategic green corridor. Policy 16 states that existing GI corridors should be protected and enhanced. Whilst the quarrying operation would adversely affect the Green Corridor (most notably the public

enjoyment of Attenborough SSSI, Clifton Grove Woods LNR and right of way users), over the longer term the replacement of arable fields, semi-improved grassland and improved grassland fields with a variety of wetland habitats would improve biodiversity and the Green Corridor. In order to achieve multi-functional benefits, restoration should consider opportunities to increase public access and provide recreational opportunities.

### Biodiversity

38. Provided local priority habitats are not significantly affected and adverse impacts on the Attenborough Nature Reserve SSSI, Clifton Grove Woods and Holme Pit Pond LNR, River Trent and protected/priority species can be avoided or mitigated during minerals extraction, the creation of additional wetland, which enhances ecological networks within the River Trent, would comply with Core Strategy policy 17.

### Landscape

39. As stated above, the processing, storage and loading area is located in an elevated location and the creation of a quarry and subsequent restoration will change the landscape character of the River Trent Valley. Therefore impacts on the landscape and compliance with Core Strategy policy 16's landscape criteria are an important planning consideration.
40. Policy 16 part e) seeks to protect, conserve or enhance landscape character in line with the recommendations of the Greater Nottingham Landscape Character Assessment (GNLCA).
41. The GNLCA identifies this proposal as being located within two landscape character areas. The processing, storage and loading area is located in the Clifton Slopes Draft Policy Zone (DPZ) area and the quarry itself within the Attenborough Wetlands DPZ.
42. The LCA states that development within the Clifton Slopes DPZ should:
- conserve existing hedgerow trees and hedgerows which are important landscape features;
  - conserve, where possible, the open unenclosed character of Clifton Pasture and Barton Moor; and
  - enhance the nestled and screened urban edges and ensure new development does not increase the prominence of built form within the landscape.
43. Within the Attenborough Wetlands DPZ, the LCA states that further mineral extraction should be screened from view by wooded boundaries to aid integration into the landscape.
44. The processing and loading area may, during the 15 year operating period, be visible within the Clifton Slopes landscape. If so it may conflict with the Clifton slope's landscape actions – which seek to conserve the unenclosed character of the area and avoid prominent built structures – and policy 16 of the Core Strategy.

## Non Statutory Replacement Local Plan

45. The NSRLP contains additional policy guidance regarding impacts on the Green Belt and Open Countryside (Policy EN19), loss of agricultural land (EN21) and rights of way (MOV8).
46. In addition to impacts on the open countryside landscape (policy EN19), the quarry area contains 10.69 hectares of Grade 2 and 3a agricultural land. Policy EN21 prevents the loss of best and versatile land except where it cannot be accommodated on poorer quality land.
47. Where a right of way is affected, Policy MOV8 requires the retention or diversion of the right of way appropriate for the existing users. It is noted that a public footpath currently crosses the site north/south and this is likely to be diverted and a bridleway temporarily closed.

## Summary

48. Located within the Green Belt, the transportation, processing and loading of sand and gravel may be considered inappropriate development as they reduce the openness of the Green Belt and conflict with Green Belt purposes.
49. If, as shown by the latest conclusions of the Local Aggregates Assessment, that there is no requirement to permit further sand and gravel extraction, then exceptional circumstances (required to permit inappropriate development in the Green Belt) are unlikely to exist.
50. Furthermore, the potential adverse impacts during the operation of the quarry on the landscape of Clifton Pastures and Trent Valley, national and local biodiversity assets and green infrastructure are important considerations. These may outweigh the benefits of providing sand and gravel from this location.
51. The Borough Council's Landscape Officer commented that, *"The LVIA assessment appears to have been carried out in accordance with the best practice guidelines. I would accept the findings that the impact on landscape character is not likely to be significantly adverse; this is partly helped by the retention of some, but not all, hedgerows within the site. That said the profiling and landscaping of any bunds will be critical as those on high ground could affect the skyline when viewed from the south.*
52. *The assessment of the visual impact could do more to give a better understanding of what the impacts will be from specific viewpoints, particularly those from the south including Gotham Hill. Prior to mitigation the LVIA assessment classifies in paragraph 6.2.8 that the potential magnitude of visual effect is high adverse, but after mitigation in paragraph 6.2.10 it is considered low to medium. I would suggest it would be medium and this would give a moderate significance of visual effect during the operation period. My concern is that the bunds and any planting will take some time to screen and soften the structures some of which are 12m tall, so it is clear that the plant area located at the top of the hill will be reasonably visible throughout the operation for a wide area to the south. There are some positives as I suspect that due to the broad brow of the hill the structures will*



*be most prominent from longer distance views to the south where their significance in wider views will be reduced.*

53. *The LVIA assessment also notes there will be a notable adverse effect on users of public rights of way within the site, some of the rights of way will be closed, but it looks as though Barton in Fabis BW3 will remain open and users of this route will be adversely affected.*
54. *Following completion and restoration the visual impact in the long term will be neutral.*
55. *The tree survey notes that tree protection across the site will be phased as the work progresses and will only be installed immediately prior to work commencing, this is acceptable and a suitable condition can be used to control it.*
56. *The plant area at the southern end of the site sits well within existing landscape features and allows trees and hedges to be retained, retained trees are also given sufficient space to ensure they will not be harmed by the construction.*
57. *Given the nature of gravel extraction all trees within these area will need to be removed. It is positive that curving line of trees between phase 4 and 5 are shown to be retained, this is an old field boundary which is shown on Sanderson's 1835 map and which can be considered important in the hedgerow regulations as it pre-dates the general Enclosure Acts. The same can be said for H15 and H16 which are both shown to be removed. It isn't clear what the distinction is between these 3 hedgerows which has resulted in one being retained and the other 2 removed.*
58. *One slight concern on the restoration plan is the retention and partial landscaping of a storage bund located in the south west corner of the site just north of the old A453. This will sit on the prominent location on the horizon line. If permission were granted I'm sure this could issue could be dealt with through an appropriate landscape/restoration condition, but any changes to levels or topography which are clearly man made in character should be removed once the site reaches the end of its productive life to help maintain the landscape character of the area.*
59. *I'm sure the County have their own standard conditions, but I would expect to conditioned a detailed landscape scheme for the planting to mitigate the visual appearance of the site particularly around the plant and workshop part of the site. A detailed restoration and planting scheme with at least a 10 year landscape establishment and management plan along with specific details of the tree protection measures."*
60. The Borough Council's Design and Conservation Officer comments that *"...from the investigation undertaken on site so far I would agree with the conclusions of the archaeological investigation:*

*"The work identified a prehistoric ritual landscape and a series of Iron Age and Roman enclosures that form part of a wider settled landscape. The site has the potential to contain regionally important prehistoric and late Iron Age and Roman remains, with the potential to contain significant deposits if*

*cultural and environmental organic remains are further identified in the mapped palaeochannels and wetland areas of the site."*

61. *The Conservation Officer also advises that, "The Trent Valley is acknowledged as being known for its rich archaeological interest, and this area in particular for both extensive Roman period remains and also as part of a wider funerary and religious landscape in pre-history. Whilst I would agree that the investigations on this site do not reveal any obvious feature of national archaeological interest the contribution of features on the site to the greater value, and understanding, of archelogy of these periods within the Trent Valley could represent a notable contribution towards the archaeological significance of the wider area. Given that the proposed quarrying activity would essentially eliminate any archaeological remains within a sizable area failure to maximise understanding of these features now could potentially lead to a void in understanding of the wider archaeological landscape in future.*
62. *Many of the features identified via the geophysical survey, and confirmed via trial trench excavation, have not yielded any reliable material for dating of these features, and in the case of the circular feature investigated through trench 17 only a very small proportion of the length of the twin ditches was excavated and there remains a real potential for dating evidence to survive which could cast further light onto the origins and nature of this feature. The current assumption is that the feature is believed to be a prehistoric burial mound, however the limited trial excavation has not adequately confirmed this assumption.*
63. *In relation to the Roman period activity on the site it would be of significant interest if any of the Roman enclosures and activity could be demonstrated to be contemporaneous with either the temple complex at Red Hill or the villa at Glebe Farm (both scheduled monuments).*
64. *Given the extent to which the proposal would sterilize the site of all archaeology, and given that the current excavations, extensive as they may be, account for a small percentage not just of the site area but even of the areas of the site identified via geophysical survey as having archaeological potential, I would suggest that without further archaeological investigation granting permission for extensive quarrying of the site would be premature.*
65. *I would not be of the view that the proposal would harm the settings of listed dwellings, or the listed parish church in Barton in Fabis insofar as their settings contribute towards their significance as heritage assets and there is no conservation area at Barton in Fabis."*
66. *The Environmental Health Officer comments "In relation to the adjacent landfill there is no information contained within the application that deals with that aspect and the potential for gas and leachate migration onto the proposed site.*
67. *Air Quality - In relation to air quality assessment there is no information on the nitrogen dioxide emissions from the 114 HGV movements and the impacts this would have on the local air quality levels near to the site and also within the Rushcliffe Borough area. I have also noted that the lodges to the north have been screened out of the air quality impacts however the*

report also advises that small proportion of dust may travel up to 1km from the source therefore from assessing nuisance I am of the opinion that the lodges should have been included within the assessment.

68. *Noise - In relation to noise, the noise assessment was undertaken over the times of 10am – 2pm during the day over 2 different periods. However the noise levels to be set are starting from 7am – 7pm therefore in order to ensure that the levels were recorded and the worst case scenario is provided for comparison purposes then I would have expected lower morning background levels to be used for the assessment. I would appreciate comments from the consultant on why the levels were taken between 10am-2pm.*
69. *Off-site receptors - In addition the current planning application 14/01417/OUT hasn't been taken into account within the application in so far as noise and dust sensitive receptors being brought closer to the proposed mineral extraction use. I would have expected the applicants to consider this within their assessments as a potential sensitive receptor.*
70. *Contaminated Land - The site is adjacent to an existing landfill and there are areas of land that have the potential to be contaminated however there is no specific report on contaminated land. I would advise that a Phase 1 and Phase 2 assessment is undertaken in order that the risks can be established and if required mitigation measures put in place to prevent any harm to site workers or to existing land uses surrounding the site.”*
71. *The Borough Council's Sustainability Officer provided comments on the following issues:*
72. *“Ecological Survey - I note that ecological surveys and an ecological impact assessment has been supplied, this appears to have been completed according to best practice and have been carried out in 2015 and therefore are current.*
73. *Species and Habitats - Bats, wintering birds, amphibians and priority invertebrates have been identified on sites, with potential for otters, water voles, reptiles and badgers. Wetland habitats, calcareous grassland and woodland are present. Mitigation and enhancements are proposed, the greatest impacts are on wintering birds and priority invertebrates (of county level importance). The proposals will lead to the loss of 1 LWS and partial loss of 2 LWSs. The proposals also have potential to impact on adjacent statutory protected sites (SSSIs) and Local Wildlife Sites (county level importance). The impacts can often be mitigated within the proposals and restoration proposals if followed are not expected to leave any lasting negative impacts and may lead to a net gain.*
74. *Recommendations (including recommendations provided by the supplied reports) which should be subject of conditions on any outline permission - This site should be avoided unless there is a greater than county level need for this site to be developed.*

75. *If approved:*

- *Surveys for protected species (water voles, otter, reptiles, badgers) must be carried out by a suitably qualified ecologist at the commencement of works, if required a Natural England European Protected Species Mitigation (EPSM) licence should be sought.*
- *All works impacting on trees or buildings with potential to provide bat roosts should be inspected by a suitably qualified ecologist at the commencement of works, if required a Natural England European Protected Species Mitigation (EPSM) licence should be sought.*
- *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.*
- *The use of external lighting should be appropriate to avoid adverse impacts on bat populations, see:*
- *[http://www.bats.org.uk/pages/bats\\_and\\_lighting.html](http://www.bats.org.uk/pages/bats_and_lighting.html) for advice and a wildlife sensitive lighting scheme should be developed and implemented.*
- *Monitoring of the impact of hydrological changes on adjacent statutory (SSSI) and non-statutory sites (LWS) should be ongoing, any impacts should be mitigated promptly.*
- *Monitoring and mitigation of dust impacting adjacent statutory (SSSI) and non-statutory sites (LWS) should be carried out promptly.*
- *Mitigation and enhancement should be carried out as proposed in the EIA, considering the phasing, to avoid the loss of species and with a priority in restoration on wetland habitats replacing and expanding those lost and calcareous grassland and arable habitats and measures to encourage bats, amphibians, reptiles, water voles and otters.*
- *Where possible new trees / hedges should be planted with native species (preferably of local provenance) and existing trees / hedges should be retained and hedgerows gapped up if necessary. If removal of trees is necessary, they should be replaced with new native trees (preferably of local provenance). 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.*
- *Retained ecological features should be protected by exclusion zones.*
- *A comprehensive restoration plan and ecological management plan for implementation following restoration should be developed and approved by the council and the means to implement this plan in perpetuity.”*

76. The Borough Council's Economic Development Officer - No comments received.

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

77. None consulted by RBC.

## **PLANNING POLICY**

78. The relevant statutory policies that form part of the Development Plan for Rushcliffe consist of the adopted Rushcliffe Local Plan Part 1: Core Strategy and the 5 saved policies of the Rushcliffe Borough Local Plan 1996. Other material considerations include the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (the Guidance) and the Rushcliffe Borough Non Statutory Replacement Local Plan (NSRLP) (2006).
79. Decisions should therefore be taken in accordance with the Rushcliffe Local Plan Part 1: Core Strategy; and policies contained within the Rushcliffe Borough NSRLP where they are consistent with or amplify the aims and objectives of the NPPF, together with other material planning considerations.
80. Other material planning considerations include evidence of mineral demand and supply as set out in the Nottinghamshire and Nottingham Local Aggregates Assessment (January 2017) and the submission draft Minerals Local Plan (withdrawn).

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

81. NPPF paragraphs 14; 17; 18; 19; 28; 32; Chapter 9 Green Belt Land (87; 88; 89; 90); Chapter 10 Meeting the challenge of climate change, flooding and coastal change; Chapter 11. Conserving and enhancing the natural environment; Chapter 12. Conserving and enhancing the historic environment; Chapter 13. Facilitating the sustainable use of minerals (142; 144; 145).

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

82. Core Strategy Policies 1 Presumption in favour of Sustainable Development; 2 Climate Change; 3 Spatial Strategy; 4 Nottingham-Derby Green Belt; 11 Historic Environment; 4 managing Travel Demand; 16 Green Infrastructure, landscape, Parks and Open Spaces and 17 Biodiversity.
83. Rushcliffe Local Plan saved Policy ENV15 Green Belt.
84. Rushcliffe Non Statutory Replacement Local Plan GP1 (Delivering Sustainable Development); GP2 (Design and Amenity Criteria) ; EN4 (Listed Buildings); EN7 (Sites of Archaeological Importance); EN10 (Sites of Scientific Interest); EN11 (Features of Nature Conservation Interest); EN12 (Habitat Protection); EN13 (Landscaping Schemes); EN14 (Protecting the Green Belt); EN19 (Impacts on the Green Belt and Open Countryside), EN21 (loss of agricultural land); EN22 (Pollution); EN23 (Land in a potentially Contaminated State); MOV8 (rights of way) and WET 2 (Flooding).
85. Nottinghamshire Minerals Local Plan 2005 and Emerging Policies of the Replacement Minerals Local Plan

## **APPRAISAL**

### Green Belt

86. Inappropriate development should not be approved except in very special circumstances and when considering any planning application, substantial weight should be given to any harm to the Green Belt and it should not be approved except in very special circumstances.
87. Paragraph 90 of the NPPF states that mineral extraction is not inappropriate in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. As the Planning Policy Officer advises whilst the physical extraction of material may be appropriate, it is the transportation and processing of material that may not be.
88. The processing, storage and loading area covers around 6 hectares in an elevated position on the site. The structures in this area vary in height but would at a maximum be 12m. It could be considered that structures within this area could reduce the openness of the Green Belt and conflict with Green Belt purposes. If this is the case then the proposal should be considered inappropriate development and 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. The Nottinghamshire County Council will have to determine whether the proposal would have an impact on the openness of the area, and if so whether the harm is clearly outweighed by other considerations.
89. It is for the Nottinghamshire County Council to determine whether the proposal would be inappropriate development, whether any harm would result to the openness of the Green Belt and if so whether other material considerations outweigh the harm. The County Council need to be satisfied that the visual impacts of the proposed development, including the buildings and alterations to the land, will not have a significant adverse impact on the character of the Green Belt or that the applicant has demonstrated special justification that would justify the proposed development and aftercare in this area.

### Mineral supply

90. Paragraph 3.3 of the Nottinghamshire and Nottingham Local Aggregates Assessment (January 2017) indicates that there are sufficient permitted reserves to meet demand and, therefore, there is no need at the present time to release further land for sand and gravel extraction within Nottinghamshire.
91. The Draft Minerals Local Plan did not identify this site as a draft allocation. If additional reserves were required, other sites would need to be properly identified through the minerals plan.
92. The applicant suggest that two of the allocated sites in the emerging Mineral Local Plan (Shelford and Flash Farm) have come forward with an application and only the Shelford site would serve the Nottingham aggregate market but the site has delivery issues.

93. The County Council will need to determine whether the site is required to be released in order to meet a shortfall in aggregate reserves having weighed up all other material planning considerations and that the development would not have a significant adverse impact on the character of the Green Belt or that the applicant has demonstrated special justification that would justify the proposed development in this area.

#### Ecology

94. The site is located within the Trent Strategic Green Infrastructure River Corridor and in close proximity of the Attenborough Nature Reserve SSSI, which is on the opposite side of River Trent, and Clifton Woods Local Nature Reserve (LNR). The Councils Sustainability Officer has advised that the proposals would lead to the loss of 1 LWS and partial loss of 2 LWSs. The proposals also have potential to impact on adjacent statutory protected sites (SSSIs) and Local Wildlife Sites (county level importance) and therefore recommends that this site should be avoided unless there is a greater than county level need for this site to be developed.
95. Careful consideration has to be given to the balance between the needs of the economy and the potential impact on the protected species. The economic benefits associated with the development relate to both during mineral extraction and restoration stages and the existing environment of the site which is located. The County Council must be satisfied that there are no satisfactory alternative sites and that suitable mitigation can be catered for in relation to the impacts on the species on the site or are likely to be affected off the site.
96. Should the County Council determine to approve the application, the officer has advised on a number of conditions that we would wish to see incorporated in a Decision Notice.

#### Landscape

97. Whilst the landscape officer has not raised objections to the proposal, they have raised concern in respect of how visible the plant area, which is to be located at the top of the hill, would be from the south of the site. It will be for the County Council to consider this and determine whether the impact of this on the wider and local landscape, together with the openness of the Green Belt, is acceptable when considering the proposed bunding and planting to screen and soften some of the structures (some of which are upto 12m tall).

#### Heritage Assets (Listed Buildings, registered parks and gardens and Archaeology)

98. The Borough Council's Conservation Officer has advised that "*...many of the features identified via the geophysical survey, and confirmed via trial trench excavation, have not yielded any reliable material for dating of these features, and in the case of the circular feature investigated through trench 17 only a very small proportion of the length of the twin ditches was excavated and there remains a real potential for dating evidence to survive which could cast further light onto the origins and nature of this feature.*" It is considered that further investigations are required.

99. The officer also advises that “...it would be of significant interest if any of the Roman enclosures and activity could be demonstrated to be contemporaneous with either the temple complex at Red Hill or the villa at Glebe Farm (both scheduled monuments).”
100. It is considered that without further archaeological investigation, the granting of permission for extensive quarrying of the site would be premature. The proposal would sterilize the site of all archaeology, and whilst the current excavations may be considered to be extensive they only cover a small element of the site area and also the areas of the site identified via geophysical survey as having archaeological potential. The County Council should ensure that this is adequately addressed before making a decision on the application.
101. In respect of listed buildings it is not considered that the proposal would harm the settings of listed dwellings, or the listed parish church in Barton in Fabis and there is no conservation area at Barton in Fabis.

#### Noise, Dust, Air Quality, Contamination, Landfill

102. The supporting documents suggest that there would be no significant impact and that noise monitoring is proposed and dust mitigation measures are recommended. However, the Council’s Environmental officer has highlighted that there is no information on the nitrogen dioxide emissions from the 114 HGV movements and the impacts. They consider that this would have an impact on the local air quality levels near to the site and also within the Rushcliffe Borough area. The Officer also noted that the lodges to the north have been screened out of the air quality impacts, however, the report also advises that a small proportion of dust may travel up to 1km from the source, therefore, from assessing nuisance they are of the opinion that the lodges should have been included within the assessment.
103. In relation to noise, the officer has advised that the times that the noise assessment was undertaken differs to that which noise could be generated, therefore, they would have expected a lower morning background level to be used for the assessment. They question why the levels were taken between 10am-2pm.
104. The officer also considers that the current planning application ref: 14/01417/OUT hasn’t been taken into account within this application, in respect of noise and dust sensitive receptors being brought closer to the proposed mineral extraction use. As a potential sensitive receptor this should have been considered.
105. The County Council is therefore advised that in respect of noise, dust and air quality, there appears to be areas of further work/clarification that should be sought prior to determining the application in order that the potential implications can be fully taken into account in the assessment of the application.

#### Highways

106. The County Council need to be satisfied that the transport implications from both the development of the site and the cumulative impact of existing uses



and the proposed housing allocations, during the extraction, restoration and completion phases of the proposal will not give rise to highway safety concern.

#### Public rights of way

107. The County Council should be satisfied that impacts of the development on the existing rights of way and public footpaths in the vicinity, by increased usage, is adequately addressed as part of this proposal.

#### Utility services

108. There is a high pressure National Grid pipeline crossing the site (northeast to south west) and a Severn Trent water pipe runs across the eastern part of the site. The County Council should be satisfied that development would not adversely affect these services.

#### Flooding and drainage

109. The applicant suggests that there will be no significant impact on surface water or floodplain during the proposed extraction, plant and restoration phases. Part of the site is within floodzone 3 and there are several known minor drains that cross the proposed extraction area. The County Council should satisfy themselves that the resulting works and restoration would not have an adverse impact on flooding and drainage in the immediate area or pollution of watercourses.

#### East Midlands Airport

110. Around 236 aircraft movements per day would pass over the site. As part of the proposal a bird management plan has been prepared to address mitigation and the management of the water habitats during extraction and the restoration of the site to prevent bird strike. The County Council should satisfy themselves that the resulting works and restoration would not have an adverse impact.

#### Cumulative Impact

111. The County Council should satisfy themselves that the cumulative impact of the proposal and the 2 proposed housing allocations that are within 1km of the site would not result in significant adverse impacts.

#### Residential amenity

112. The County Council needs to be satisfied that the potential impacts to existing and proposed future dwellings on the sustainable urban extension of Clifton are fully assessed and, if negative, mitigated against.

#### Conclusion

113. The site forms part of a large area of floodplain within the green belt that is largely devoid of built form. It is considered that there is insufficient justification for the development which would have a negative impact on the openness of the Green Belt. The transportation, processing and loading of

sand and gravel may be considered inappropriate development as they reduce the openness of the Green Belt and conflict with Green Belt purposes. The County Council will need to assess whether they have sufficient information to be able to consider whether the proposed development gives rise to limited material harm that is outweighed by the wider benefits of the scheme, that overall the proposals are considered to be in accordance with the relevant Development Plan policies, and that the potential adverse impacts during the operation of the quarry on the landscape, national and local biodiversity assets and green infrastructure as a result of the proposed development could reasonably be mitigated by the imposition of conditions and are outweighed by the benefits of providing sand and gravel from this location.

## **RECOMMENDATION**

It is RECOMMENDED that the Nottinghamshire County Council be informed that the Borough Council objects to the proposal and recommends refusal for the following reason(s)

1. The proposal would represent unjustified and inappropriate development in the Green Belt. The development constitutes an engineering operation that does not maintain the openness of the Green Belt. Having regard to the scale of the engineering operations, together with the associated urbanising effects, it is considered the proposal would have a significant impact on the openness of the Green Belt. The proposed development by definition is, therefore, harmful. It is not considered that there are very special circumstances of sufficient weight to clearly outweigh the harm caused and, therefore, it is considered to be contrary to the provisions of the National Planning Policy Framework and local planning policies EN14 and EN19 of the Rushcliffe Borough Non-Statutory Replacement local Plan.
2. It has not been demonstrated to the satisfaction of the Council that the proposed development would not have significant adverse impacts in respect of noise, dust, air quality, landscape impact, archaeology or the cumulative impact with the housing allocations/applications.



**Planning Committee**

**12 October, 2017**

**Rushcliffe**  
Borough Council

**Planning Appeals**

**5**

## **Report of the Executive Manager - Communities**

<b>LOCATION</b>	Four Winds Ash Lane Costock Nottinghamshire LE12 6UX
<b>APPLICATION REFERENCE</b>	16/03050/FUL
<b>APPEAL REFERENCE</b>	APP/P3040/W/17/3174787
<b>PROPOSAL</b>	Demolition of existing dwelling and replacement with proposed two storey dwelling
<b>APPEAL DECISION</b>	Appeal Dismissed, 13th September 2017

### **PLANNING OFFICERS OBSERVATIONS**

1. The appeal site accommodates a bungalow linked to a double garage by a brick archway that is located in the corner of the plot surrounded by garden and pasture land. The property fronts onto, but is set back from Ash Lane, a narrow single width lane. Properties along the length of the lane create a ribbon form of development with each dwelling sitting within notably large plots. The site sits in open countryside.
2. The proposal was to demolish the bungalow and build a 5 bedroom, 2 storey hipped roof property with single storey wings on either side which would house a swimming pool and workshop in the projecting wing and garden room and utility in the recessed wing. The proposal also includes a detached double garage incorporating a workshop and toilet. The house and garage would be relocated to a different position on the site to the existing dwelling, closer to the neighbouring property, whilst still maintaining a notable gap between them. Hedge planting would define the residential curtilage boundary, outside of which would be landscaping in the form of a new copse. The existing access was to be retained and extended to create a horseshoe shaped driveway with an additional new access onto the lane to facilitate an in-out arrangement.
3. The Borough Council refused the proposal under delegated powers as it was considered that the replacement of a modest bungalow with a two storey dwelling of significantly greater size and impact in a differing location to the existing buildings would extend the built development into the open

countryside. It was considered that the size and location of this replacement dwelling would detrimentally affect the rural character of the area, therefore, contrary to Policies HOU6 (Replacement Dwellings) and Policy EN20 (Protection of the Open Countryside) of the Rushcliffe Borough Non-Statutory Replacement Local Plan and also contrary to paragraph 17 of the National Planning Policy Framework.

4. The Inspector accepted that the mix of 2 storey and single storey elements of the design would break up the massing, nevertheless they also noted that the proposed dwelling would be substantially larger in both floor space and volume. However, the size (height and mass) and repositioned location of the proposal, despite being within the established residential curtilage of the site, would make it significantly more prominent in the landscape, despite the proposed retention of frontage trees. Therefore, the Inspector considered that the proposal would change the character of the area, causing harm to its open character and therefore it would not assimilate well into its setting.
5. The appellant referred to other large dwellings on Ash Lane, however, the Inspector noted that the appeal has to be determined on the basis of the individual details of the case, noting that they did not have the circumstances in which other developments and extensions to properties were approved and noted that the location and details of those schemes are also different.
6. The design of the proposal was not so exceptional or innovative as to amount to special circumstances of a kind contemplated in Paragraph 55 of the NPPF, and the fact that the bungalow could be extended using permitted development rights was acknowledged but it was also pointed out that this was in reality unlikely and nevertheless would not result in a dwelling of the height and mass as proposed. Therefore, the benefits of the proposal would not be outweighed by the harm that the proposal would have and the appeal was dismissed.