

When telephoning, please ask for: Laura Webb
Direct dial 0115 914 8481
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Our reference:
Your reference:
Date: Wednesday, 6 October 2021

To all Members of the Planning Committee

Dear Councillor

A Meeting of the Planning Committee will be held on Thursday, 14 October 2021 at 2.30 pm in the Council Chamber, Rushcliffe Arena, Rugby Road, West Bridgford to consider the following items of business.

This meeting will be accessible and open to the public via the live stream on YouTube and viewed via the link: <https://www.youtube.com/user/RushcliffeBC>
Please be aware that until the meeting starts the live stream video will not be showing on the home page. For this reason, please keep refreshing the home page until you see the video appear.

Yours sincerely



Sanjit Sull
Monitoring Officer

AGENDA

1. Apologies for Absence and Substitute Members
2. Declarations of Interest
 - a) Under the Code of Conduct
 - b) Under the Planning Code
3. Minutes of the Meeting held on 9 September 2021 (Pages 1 - 4)
4. Planning Applications (Pages 5 - 112)

The report of the Director – Development and Economic Growth is attached

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Rushcliffe Arena
Rugby Road
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Membership

Chairman: Councillor R Upton

Vice-Chairman: Councillor Mrs M Stockwood

Councillors: S Bailey, N Clarke, P Gowland, B Gray, L Healy, D Mason, F Purdue-Horan and C Thomas

Meeting Room Guidance

Fire Alarm Evacuation: in the event of an alarm sounding please evacuate the building using the nearest fire exit, normally through the Council Chamber. You should assemble at the far side of the plaza outside the main entrance to the building.

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

Mobile Phones: For the benefit of others please ensure that your mobile phone is switched off whilst you are in the meeting.

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

Recording at Meetings

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**MINUTES
OF THE MEETING OF THE
PLANNING COMMITTEE
THURSDAY, 9 SEPTEMBER 2021**

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

PRESENT:

Councillors R Upton (Chairman), Mrs M Stockwood (Vice-Chairman), S Bailey,
B Gray, L Healy, D Mason, C Thomas, R Butler, R Jones, J Murray and
A Phillips

ALSO IN ATTENDANCE:

2 members of the public
L Ashmore – Director for Development and Economic Growth

OFFICERS IN ATTENDANCE:

T Coop	Democratic Services Officer
A Pegram	Service Manager - Planning
E Dodd	Principal Area Planning Officer
R Sells	Solicitor

APOLOGIES:

Councillors N Clarke, P Gowland and F Purdue-Horan

8 Declarations of Interest

There were no declarations of interest.

9 Minutes of the Meeting held on 12 August 2021

The Minutes of the meeting held on 12 August 2021 were approved as a true
record and signed by the Chairman.

10 Planning Applications

The Committee considered the written report of the Director for Development
and Economic Growth relating to the following applications, which had been
circulated previously.

**21/01613/VAR – Variation of Condition 2 (the approved drawings) of
planning permission 19/02559/VAR to reflect changes to approved plans
(Roof pitch to Plot 1 lowered to reduce overall ridge height. Porch design
alteration) – Land off College Road, College Road, Sutton Bonington,
Nottinghamshire.**

Updates

An additional representation was received after the agenda had been published which was circulated to the Committee before the meeting.

The Planning Officer requested an amendment to condition 2.

In accordance with the Council's Public Speaking Protocol for Planning Committee, Ms Judith Evans (applicant), Ms Jan Skoyles (objector) and Councillor Matt Barney (Ward Councillor – written statement) addressed the Committee.

Decision

PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

1. The development hereby permitted shall be carried out strictly in accordance with the following approved drawings, received on the 25th May 2021:
 - 2001-P1-101-PLOT 1-FLOOR PLANS
 - 2001-P1-101-PLOT 1-ELEVATIONS

[For the avoidance of doubt having regard to policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy and policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies]

2. The development hereby permitted shall not have the timber cladding or zinc cladding applied to an external elevation, nor the fenestration installed, until such time as details as to the colour of these materials have been submitted to and approved in writing by the Borough Council. The development shall only be undertaken in accordance with the details so approved.

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

3. Occupation of the approved dwellings shall not take place until the access driveway has been surfaced in a bound material (not loose gravel) to a width of 4.25m for a minimum distance of 5.0 metres behind the highway boundary, as shown on drawing no. 17009 PA04 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 interest of highway safety and to comply with Policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

4. Prior to the occupation of the development, details of all screen fencing/walling and means of enclosure to be erected on the site shall be submitted to and approved in writing by the Borough Council. Details to be submitted shall include the precise location, appearance and scale of all means of enclosure within the site. The development shall not be brought into use until the approved screen fencing/walling and means of enclosure have been completed, and they shall be retained thereafter.

[In the interest of amenity and to comply with Policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

5. The proposed windows on the first-floor side elevations (SE and NW) of the development hereby permitted must be:
 - a) non-opening to a height of 1.7m from internal floor level, and;
 - b) fitted with glass which has been rendered permanently obscured to Group 5 level of privacy or equivalent.

Thereafter, the windows must be retained to this specification throughout the lifetime of the development.

[To preserve the amenities of neighbouring properties, having regard to Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)].

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.

11 Planning Appeals

The report of the Director for Development and Economic Growth was submitted and noted.

The meeting closed at 3.04 pm.

CHAIRMAN

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Planning Committee

14 October 2021

Planning Applications

Report of the Director – Development and Economic Growth

PLEASE NOTE:

1. Slides relating to the application will be shown where appropriate.
2. Plans illustrating the report are for identification only.
3. Background Papers - the application file for each application is available for public inspection at the Rushcliffe Customer Contact Centre in accordance with the Local Government Act 1972 and relevant planning legislation/Regulations. Copies of the submitted application details are available on the website <http://planningon-line.rushcliffe.gov.uk/online-applications/>. This report is available as part of the Planning Committee Agenda which can be viewed five working days before the meeting at <https://democracy.rushcliffe.gov.uk/ieListMeetings.aspx?Committeeld=140> Once a decision has been taken on a planning application the decision notice is also displayed on the website.
4. Reports to the Planning Committee take into account diversity and Crime and Disorder issues. Where such implications are material they are referred to in the reports, where they are balanced with other material planning considerations.
5. With regard to S17 of the Crime and Disorder Act 1998 the Police have advised they wish to be consulted on the following types of applications: major developments; those attracting significant numbers of the public e.g. public houses, takeaways etc.; ATM machines, new neighbourhood facilities including churches; major alterations to public buildings; significant areas of open space/landscaping or linear paths; form diversification to industrial uses in isolated locations.
6. Where the Planning Committee have power to determine an application but the decision proposed would be contrary to the recommendation of the Executive Manager - Communities, the application may be referred to the Council for decision.
7. The following notes appear on decision notices for full planning permissions:
“When carrying out building works you are advised to use door types and locks conforming to British Standards, together with windows that are performance tested (i.e. to BS 7950 for ground floor and easily accessible windows in homes). You are also advised to consider installing a burglar alarm, as this is the most effective way of protecting against burglary.

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

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

Application	Address	Page
21/01464/REM	Central Works Depot, Abbey Road, West Bridgford, Nottinghamshire, NG2 5NE Reserved matters application pursuant to outline permission 19/00678/OUT to seek approval of the appearance, landscaping, layout and scale for residential development comprising 71 new homes.	9 – 53
Ward	Abbey	
Recommendation	Planning permission be granted subject to conditions.	
21/00775/VAR	Land North Of Asher Lane Asher Lane Ruddington Nottinghamshire Variation of Condition 9 of planning permission ref 18/00300/OUT to allow a change in time frame for offsite highway improvements.	55 – 70
Ward	Ruddington	
Recommendation	The Director for Development and Economic Growth be authorised to grant planning permission subject to the prior completion of a S106 agreement and subject to conditions.	
21/01802/FUL & 21/01803/LBC	Rushcliffe Borough Council Lutterell Hall Church Drive West Bridgford Nottinghamshire (i) Internal alterations to existing toilets, installation of boiler flue and new external storage container (ii) Internal alterations to existing store to create accessible WC and to existing female/junior toilets including the removal of the existing partially glazed door within the entrance hall, installation of boiler flue, clipped to the existing wall, fixings into mortar joints and new external storage containe	71 – 77

Ward Trent Bridge

Recommendation (i) Planning permission be granted subject to conditions
(ii) Listed building consent be granted subject to conditions

Application	Address	Page
17/02096/CMA	Land South Of Burrows Farm Barton Lane Barton In Fabis Nottinghamshire 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.	79 – 112
Ward	Gotham	
Recommendation	Nottinghamshire County Council be informed that the Borough Council objects to the proposal and recommends refusal.	

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Application Number: 21/01464/REM
Abbey Road Depot, Abbey Road, West Bridgford



scale 1:4500

page 9

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21/01464/REM

Applicant Peveril Homes and Stagfield Group

Location Central Works Depot Abbey Road West Bridgford Nottinghamshire NG2 5NE

Proposal Reserved matters application pursuant to outline permission 19/00678/OUT to seek approval of the appearance, landscaping, layout and scale for residential development comprising 71 new homes.

Ward Abbey

THE SITE AND SURROUNDINGS

1. The site has an area of 1.9ha and was previously used primarily as the Borough Council's depot for the storage of refuse freighters, vehicle maintenance and the storage of some recyclables including glass bottles. There were a number of buildings on the site that were used as vehicle workshops, offices, canteen and stores. The refuse collection/recycling operations were relocated to another site within the City, but remain a function of the Borough Council. The site itself is broadly rectangular in shape and is situated in a predominantly residential area of West Bridgford with the majority of properties having been constructed in the interwar period.
2. To the north of the site are houses and a small parade of shops serving the surrounding residential neighbourhood. There are allotments and residential properties to the immediate east of the site, residential properties built in the 1950's/60's on Buckfast Way and a primary school (Abbey Road) to the south and further interwar residential properties to the west, beyond the footpath that runs along the immediate western boundary of the site. The main access to the site is from Abbey Road, at its junction with Eltham Road, with a secondary access from Buckfast Way. The site is predominantly flat, hard paved and all buildings and structures, up to two storeys high, including a former Victorian water pump house have been removed. The site is entirely within Floodzone 2 and predominantly within Floodzone 3.

DETAILS OF THE PROPOSAL

3. Outline planning permission was granted in September 2019 under planning reference 19/00678/OUT for the demolition of existing buildings, residential development with associated infrastructure and access points from Abbey Road and Buckfast Way (outline with all matters reserved except access).
4. On the outline permission the submission and supporting documents illustrated a proposed development of up to 76 dwellings, which gave a gross density of approximately 40 dwellings per hectare. The illustrative masterplan was designed to comprise a mix of flats and linked properties of 1, 2, 3 and 4 bedrooms with supporting information showing a range of private amenity spaces in the form of ground and upper floor terraced areas.

5. Reserved Matters is now sought for the details of the residential development of the site that were reserved by condition 2:
- a) The layout of the development including internal access, parking and maneuvering arrangements, plot boundaries and the position of all buildings, structures and open space including bin and waste storage provision;
 - b) the scale of each building proposed in relation to its surroundings.
 - c) The appearance of all buildings and structures of the development as well as sections and cross sections of the site including roads and footpaths; and
 - d) the landscaping of the site including the treatment of public and private spaces through hard and soft measures.

6. Condition 3:

The details submitted for approval of reserved matters in relation to the hard and soft landscaping of the site shall include the following:

- 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. (Including measures to provide habitat enhancements including: the use of native fruiting species within landscaping, the retention and gapping up of hedgerows, creation of new hedgerows, retention of mature trees, and the use of bat and bird boxes/tubes);
- d) finished levels or contours;
- e) all existing trees, hedges and other landscape features, indicating clearly those to be removed;
- f) details of all boundary treatments including height, design, location, materials and finish;
- g) details of the means of protection of existing hedgerows and trees whilst construction works are being undertaken;
- h) details of how the landscaping scheme will be phased; and
- i) a landscape management plan and schedule of maintenance.

7. Condition 25:

The reserved matters shall include full details of the following which shall be subject to consultation with the Highway Authority:

- a) tactile paving
- b) vehicular, cycle, and pedestrian accesses
- c) vehicular and cycle parking
- d) vehicular turning arrangements
- e) manoeuvring arrangements
- f) access widths, gradients, surfacing, street lighting,
- g) structures,
- h) visibility splays and
- i) drainage

8. The proposal seeks detailed permission for 71 dwellings, including 30% affordable housing comprising 21 units, of which 16 would be apartments (4 two bedroom and 12 one bedroom) and 5 shared ownership two bedroom

houses. Overall, the development equates to 37dph which is within the parameters of the outline permission. Vehicular access to the proposed development would be via a new access from Abbey Road at the north west end of the site and a new access from Buckfast Way at the south of the site as approved on the outline permission.

9. The supporting statement accompanying the submission advises that; *“The design and layout is sympathetic to the existing locality yet creates a contemporary and high-quality new urban environment which encourages walking and cycling to local facilities.*
10. *The scheme incorporates the following specific elements sought in the Design Code:*
 - 1) *High-quality landscaping and tree planting including a central green public space and additional shared communal green space around the apartments.*
 - 2) *Increase in the ecological biodiversity of the site.*
 - 3) *Homes constructed using a varied external materials palette to produce a locally sympathetic yet modern high quality external appearance.*
 - 4) *Homes which will be highly energy-efficient and incorporating a range of sustainable energy measures to achieve a reduction of between 50-70% of carbon emissions.*
11. *The scheme also achieves compliance with all technical requirements including:*
 - 1) *Improved highway access arrangements at the Abbey Road and Buckfast Way junctions, internal road design to reduce vehicle speeds, on plot parking and inclusion of high quality pedestrian routes.*
 - 2) *Required flood risk mitigation measures, including stipulated floor levels.*
 - 3) *Detailed surface and foul water drainage management to full adoptable standards.”*
12. The submission also advises that the scheme has been formulated to incorporate features promoted in the Building for a Healthy Life Design Code that seeks to help improve the design of new and growing neighbourhoods.
13. The application is supported by the following documents:
 - Cover Letter
 - Abbey Road Site Location Plan
 - 3573-103 O Proposed masterplan
 - 3573-106 D-Hard Surfacing & Energy strategy
 - 3573-107 C-Unit Mix and Affordable Housing
 - 3573-108 C-Street Elevations 1
 - 3573-109 C-Street Elevations 2
 - 3573-111 B Materials Board Details
 - 3573-201 J-Housetype GAs - House Type A
 - 3573-202 J-Housetype GAs - House Type B
 - 3573-203 J-Housetype GAs - House Type B
 - 3573-204 J-Housetype GAs - House Type B
 - 3573-205 I-Housetype GAs - House Type C

- 3573-206 I-Housetype GAs - House Type C
- 3573-207 H-Housetype GAs - House Type D
- 3573-208 C-Housetype GAs - House Type D
- 3573-209 C-Housetype GAs - House Type E
- 3573-210 C-Housetype GAs - House Type E
- 3573-211 D-Housetype GAs - Apartments Block 1
- 3573-212 C-Housetype GAs - Apartments Block 2
- 3573-213 D-Housetype GAs - Apartments Block 2
- GL1535 01A Detailed landscape Proposals
- S38 Agreement Plan
- ARWB-BSP-ZZ-XX-DR-C_0100-P02_s38 Stopping up 1 of 2
- ARWB-BSP-ZZ-XX-DR-C_0101-P01_s38 Stopping up 2 of 2
- ARWB-BSP-ZZ-XX-DR-C_0105-P02_SPA Refuse Vehicle
- ARWB-BSP-ZZ-XX-DR-C_0110-P03_S38HA and setting out 1 of 2
- ARWB-BSP-ZZ-XX-DR-C_0111- P03_S38HA and setting out 2 of 2
- ARWB-BSP-ZZ-XX-DR-C_0120-P03_S38 Longitudinal Sections 1 of 2
- ARWB-BSP-ZZ-XX-DR-C_0121-P03_S38 Longitudinal Sections 1 of 2
- ARWB-BSP-ZZ-XX-DR-C_0130-P03_S38 Construction Layout 1 of 2
- ARWB-BSP-ZZ-XX-DR-C_0135-P01_S38 Construction Details
- GL1535 – Landscape management Plan
- Landscape and Ecology Management Plan

14. During the course of the application further documents were provided to seek to address matters raised by consultee responses and representations, these were received on the 1 September 2021. Due to the nature of the changes made consultation was undertaken with those that adjoin the site and relevant consultees only. The changes included the following:

- Additional Supporting Statement covering matters raised relating to the reserved matters application including:
 - Loss of trees and green space on Abbey Road Frontage
 - Housing numbers, density and impacts on infrastructure/social facilities
 - Design and height of building, overlooking and three storey properties
 - Traffic generation, access, congestion and highway safety
 - Public footpath closure
 And other details in relation to:
 - Green credentials and need for carbon neutrality
 - Accessibility of affordable homes
 - Boundary fencing, tree planting and landscaping
 And technical matters raised by consultees relating to:
 - Technical and design response
 - Highway matters/ internal Road Design
 - Landscaping and Open Space
- Sustainability and CO2 Saving document
- Golby and Luck Landscape management Plan Revision B 27.8.2021
- Ramm Sanderson Landscape and Ecological Management Plan RSE_4660_R1_V5_LEMP September 2021
- Updated plans, including masterplan, elevation plans, landscape plans, sections etc

15. Further amended plans were received on the 21, 22 and 23 September updating plans to incorporate further consultee requests. Consultation was undertaken with the consultees directly.
16. In summary, the following amends and comments for the RM application are:
 1. Paved visibility splay areas have been added at the request of Highways - corner of Plot 68 and to the central green area. This was applied across all relevant drawings.
 2. Replacement Tree – This was on the submitted plan but a note has now been added to the drawing to clarify the replacement tree.
 3. Landscape officers' comments on maintenance regimes are already referenced in the landscape management plan.
 4. Minor amendment to the CMS (Condition 11) to revise the working hours for the site on a Saturday, confirming no noisy work will commence before 8am.
 5. Minor changes to create forward highway visibility by reducing heights of hedging and railings on drives.

SITE HISTORY

17. The most relevant planning history is listed below:
 - 20/00334/DEMOL - Demolition of existing workshops, office, old pumping station, portacabins within site. To make way for proposed residential scheme. Granted 11 March 2020.
 - 19/00678/OUT - Demolition of existing buildings, residential development with associated infrastructure and access points from Abbey Road and Buckfast Way (outline with all matters reserved except access). Approved 18 June 2019.
18. The site has an extensive planning history, however as the Borough Council have previously used the site as its central depot from 1976 until May 2019, the below history entirely relates to that usage:
 - 12/01745/FUL - Siting of two portacabins for use as an operations office and training room – approved December 2012.
 - 91/01212/A1P - Conversion of pump house to offices (Gen Regs 4) – approved March 1992.
 - 91/01208/A1P - Conversion of pump house to offices (Gen Regs 5) – approved March 1992.
 - 88/01030/A1P - Single storey office building with basement – approved October 1988.
 - 88/01029/A1P - Construction of 2 garage blocks – approved October 1988.
 - 82/03281/HIST - Erect timber amenity block – approved July 1982.

- 76/03014/HIST - Pre-fabricated office accommodation – approved July 1976.

REPRESENTATIONS

Ward Councillor(s)

19. One Ward Councillor (Cllr Gowland) Objects. *“I strongly support the provision on green housing and social green housing on this site.*
20. *THESE SHOULD BE ZERO CARBON HOUSES. We should be aiming for a luminary estate, not just more houses. Please modify the proposal to avoid putting the 3 storey blocks of flats overlooking current houses on Buckfast Way, Abbey Road (or Eltham where I believe the land on the depot site ground level is raised relative to the neighbouring gardens and houses, potentially making overlooking and shadowing worse). They would be much more appropriate overlooking the allotment. Clearly flats are occupied most of the day and so overlooking of neighbouring properties is more of a problem than in say an attic bedroom. There will also be considerable massing on the junction of Buckfast Way. They should be located to avoid overlooking and loss of light on Eltham, Mayflower, Abbey and Buckfast.*
21. *The rerouting of the enclosed path will cause a loss of freedom to children who currently run alone along that path. For this reason I ask that there are no fences or gate posts on the front gardens of any new house facing onto the road through the new estate to make it as safe as possible for little children walking through, to allow them to retain some freedom. I ask that this is included as a condition in the deeds. Can the road through the estate be chicaned (like Arkwright Walk is now).*
22. *Can the mature tree on the site be retained?*
23. *Parking and traffic is a significant problem in this area because of the two schools. The additional cars from the new estate risk grid lock. We need subtle traffic calming on Abbey and Buckfast, yellow lines and parking monitoring on Abbey and Buckfast, a zebra crossing on Abbey and probably we will need traffic lights on Davies Road. Linked to this has traffic modelling included the possibility of making the estate no through road? This may increase local traffic but it could also reduce it. All houses should have bike parking at the front not the back of the houses, and there must be bike parking for the flats.*
24. *There are not lifts for the flats so there can be no visitors in wheelchairs.*
25. *Please use materials that are more sympathetic to the area.*
26. *If the ground level on the site is higher than Eltham can a drain be included along that boundary to avoid ground water running off new hard standing into the neighbouring gardens.”*
27. Cllr Gowland also comments on behalf of *“two residents of the Estate who do not have easy access to the plans. They say that they want to retain the trees and greenery in the area. They were very cross about the loss of the pumping station at the start of lockdown. They were also worried about loss of trees,*

increased traffic on Buckfast Way, and massing and overlooking from the tall buildings near the junction”

28. One Ward Councillor (Cllr Bushman) raises no objection
29. In respect of the consultation on revised plans:
 - Cllr Gowland – *“As far as I can tell the changes are quite small. I maintain my objection.”*
 - Cllr Bushman – No objection

Statutory and Other Consultees

30. The Environmental Health Officer advised that *“We have no comments to make in respect of the reserved matters application. We look forward to receipt of information pertaining to the environmental health related conditions attached to planning permission 19/00678/OUT in due course.”*
31. The Landscape Officer advised that *“The site has 3 prominent trees, the highway Lime, the removal of which was agreed at outline stage to make way for the proposed access and the 2 pollarded Poplar trees alongside the Abbey Road entrance to the former depot. My comments at the outline stage still apply to these Poplars:*
32. *The Poplars are considered to be BS5837 category B, “trees of moderate quality with an estimated remaining life expectancy of 20 years.” These have been pollarded in the past due to their large size and the trees will need to be re-pollarded on a cyclical basis as the new growth will have relatively weak attachment points. If the trees were retained they would need to be pollarded again in the near future and this would return them to being little more than a trunk with a scaffold of short limbs, but they would recover over the coming 2-3 years. At present the trees are located on derelict land and they have been allowed to grow much larger than would be appropriate if they formed part of as residential development or publicly accessible land, this is due to the fact that the attachment points of pollarded growth is weaker than a natural branch and is prone to failure. For this reason I don’t believe they would be suitable for inclusion within the design as they would need regular pollarding which would restrict their size and amenity value.*
33. *The design allows for 43 new trees to be planted so there will be a considerable net gain in the number of trees. Most of the replacement trees are appropriate, however, a resident has contacted me about the proposed Lime trees in the north east corner of the site, these are large growing specimens (Limes) and they will be due south of the gardens on Eltham Road and could cause issues such as overshadowing. Smaller growing species in this location are likely to be a better long term option where they can grow to maturity without the need for regular pruning.*
34. *A fastigate Tulip tree is proposed on the junction of Abbey Road and Eltham Road to the north of plot 71, I think I would prefer to see an additional one of these, or something similar, to the south of plot 70 instead of the 2 specimen shrubs, this will allow more tree planting to be focused close to where the Poplars and Lime will be removed at the entrance to the site.*

35. *I've been dealing with the proposed footpath diversion and a small number of comments have been made in relation to visibility along the proposed route which will follow the western pavement through the site. I note that in front of the flats and in front of plots 46-50 Prunus lusitanica hedging is proposed. This is a really nice hedging plant and I can see why it would have been selected, but it can ultimately be quite a large growing shrub and using one of the lower growing laurels might ensure that there is less chance of the shrubs obstructing views along the route if the future occupiers didn't cut it regularly. I would therefore suggest the use of Prunus laurocerasus 'Otto Luyken' in this situation.*
36. *The footprint of development extends beyond the old boundary of the depot on the wide grass verge resulting in a loss of a section of native hedgerow and 3 category 'U' trees which would need to be removed whether or not development takes place and a category 'C' Ash tree. 2 Malus trees are proposed on the southern boundary along with a Laurel hedge. In wildlife terms a native mixed species hedge would be the preferred replacement hedge, but in terms of what is likely to be the most appropriate hedge for pedestrians and the future occupier of the flats the proposed laurel hedge is likely to be preferable as it won't have thorns and will provide year round screening. I think on balance I'm willing to allow the use of the Laurel on this occasion.*
37. *I made reference to the trees alongside the properties on Eltham Road below, the resident has a valid point in that the proposed Limes are very large growing, but I would hope that he would accept a smaller growing tree, something with a compact canopy. I don't have the site layout plan in front of me, but these trees will not be particularly prominent so smaller trees, or perhaps 3 instead of 4 wouldn't be a big issue.*
38. *The pollarded Poplars have been allowed to grow much bigger than we would have allowed if the site was occupied and being used. There was talk of a payment being made to NCC to cover replacement planting for the Lime? We did discuss options for more tree planting along Buckfast Way, but this would be separate to the planning application and nothing is planned at present.*
39. *Management Plan: The landscape management plan suggest amenity grass cutting from April to September, at Rushcliffe we carry out monthly cuts from March to November so I would like to see the timeframe expanded at least into October and I would also like the frequency between cuts to be detailed, once a month would be sufficient. The alternative method of specifying cuts would be to add a maximum permitted length of grass such as 75mm."*
40. *In relation to revised information the officer noted that the tree in the northern corner is now labelled as the replacement tree. It's a tulip tree, the fastigiate version of the tulip tree, this means it won't outgrow its location, but will still reach a decent height. It would make an attractive feature in a prominent location.*
41. *The species and numbers of specimen shrubs remains the same, there seems to be a slight increase in the number of shrubs and grasses. They are now proposing some form of visibility splay on one road corner which reduced the hedge planting slightly. The reason for the increase in shrubs is a slight redesign of the central open space, which on the southern edge loses some grassed areas to be replaced with hard paving and shrub beds – this looks fine*

to me. The number of trees in this location remains the same. Overall, the officer is still happy with the landscape scheme.

42. In respect of the Management Plan litter picking, hard landscape and street furniture maintenance are down for monthly inspections on this version and the officer is satisfied with it.
43. The Sustainability Officer advised that; *“In relation to the landscape plans provided, in general these appear to be satisfactory, however I recommend the following be adopted:*
44. *i. The tree and shrub selection is based on those recommended on the council's website at <https://www.rushcliffe.gov.uk/conservation/treeshedgesandlandscaping/landscapingandtreeplanting/fourcharacterareas/>. In particular I recommend in amenity areas such as the area to the North of plot 69 and 49 Abbey Road, the central green space, south of plot 62 and south of plots 36-45 and plots 30-35, only these species should be used - they should also be locally sourced and provenance wherever possible.*
45. *ii. The amenity grassland north of plot 69 and 49 Abbey Road, south of plot 62 and south of plots 36-45 and plots 30-35, uses flowering lawn seed as is selected for the central green space.*
46. *iii. In the Landscape Management Plan, spraying herbicide around the tree bases should cease once the trees are established, except for spot treating pernicious weeds, and the grass allowed to establish and grow tall within a 500mm radius of the stem, with a clean mown edge outside that radius. Hedgerows likewise once established should be allowed to develop ground flora and the use of herbicides should cease except for spot treating pernicious weeds.*
47. *I note that condition 16 of planning permission 19/00678/OUT requires a bat-sensitive lighting scheme should be submitted and approved in writing by the local planning authority, this issue is therefore not considered here.”*
48. In respect of revised information, the officer advised that they were now satisfied with the amenity grassland proposals and that they noted that some of the proposed amenity trees follow our guidance, but that *Betula Pendula* and *Betula nigra* is proposed, which are not included in this list. The officer also notes the recommendation to limit herbicide use following establishment of trees has been included in the management plan and has confirmed that they are therefore satisfied with the management plan.
49. The Conservation Officer advised that there are no designated heritage assets either within the site or within the vicinity which might have their settings impacted upon by the proposed development and on the consultation of revised information the officer maintained their position.
50. The Waste and Recycling Officer provided standing advice.
51. The Strategic Housing Officer advised that; *“The site lies within the ‘West Bridgford’ housing submarket area. Under Policy 8 (Housing Size, Mix and Choice) of the Rushcliffe Local Plan Part 1: Core Strategy we would therefore*

seek the provision of 30% affordable housing on the site.

52. Based on an overall scheme of 71 dwellings, this would equate to 21 affordable units.
53. The level of provision is evidenced in the Nottingham Core Strategic Housing Market (SHMA) Needs Update (2012). The reserved matters application contributes 21 affordable units, in accordance with Policy 8.
54. As indicated by the SHMA update, Core Strategy paragraph 3.8.9 states that 42% should be intermediate housing, 39% should be affordable rent and 19% should be social rent. This equates to 9 intermediate units, 8 affordable rent and 4 social rent units.
55. As previously advised on the outline planning application (dated 9 May 2019), on a standard S106 site, a model produced as part the SHMA 2012 update is used to generate the required mix of house types for each of the tenure types. This assumes an average scenario for each site, one that involves all house types (houses, bungalows and apartments). It does not take into account specific site characteristics that may restrict the types of dwelling that are considered appropriate. It is therefore not appropriate to use this model in all instances. For example, brownfield sites may be more restricted in terms of size and layout which limits the range of appropriate house types. Other schemes for apartments would likewise not be appropriate for input into the model. Accordingly, in this instance the model outputs have not been applied as it involves apartment accommodation and addresses demolition, remediation and site contamination issues that are a consequence of the site's long term industrial uses.
56. Applicant's affordable housing proposed mix:

	Rent	Intermediate
1 bed flat	16	
2 bed house		5
Total	16	5

57. The applicant is proposing 16 x 1 bed rented flats and 5 x 2 bed intermediate (shared ownership) houses. Ordinarily, a more balanced mix of house types would be sought and would involve a request for larger houses and bungalows, however given the site remediation issues, the delivery of 1 bed flats and 2 bed house types is acceptable.
58. Regarding the tenure mix, within advice on the outline planning application, Strategic Housing raised concerns that 9 of the previous 21 flats would be shared ownership and that these may not be desirable in the current market. These shared ownership flats have been replaced by 5 x 2 bed shared ownership houses. Although, as a result, there are less shared ownership properties than required within Council's tenure split (9) the change to 5 x 2 bed houses is welcomed.
59. The rented element does not distinguish between affordable rent and social rent as required by Policy 8. However, as the rented units are intended to be accommodated in three apartment blocks, it would be possible to provide both Affordable Rent (10 within the two eastern blocks) and Social Rent (6 within

the western block).

60. *The intermediate dwellings should be sold at 50% or less of the open market value to ensure that they are affordable having regard to local incomes and prices. The dwellings should be provided through a Registered Provider or through another appropriate mechanism which ensures that the dwellings remain affordable.*
61. *An Affordable Housing Scheme that identifies the Registered Provider and includes a plan showing the layout of affordable units by type and tenure should be submitted to and approved by the Council before commencement of development.*
62. *The provision of 30% affordable housing on this site will assist the Borough Council in meeting its strategic aims to address housing need in the Borough whilst reducing the number of households in temporary accommodation by increasing the supply of permanent affordable housing.”*
63. *Based on the revised information the officer advised that the provision of 16 x affordable rent - 4 x 2 bed and 12 x 1 bed apartments and 5 x shared ownership – 2 bed houses is acceptable.*
64. *The Environment Agency commented that; “We have no objections to the application and look forward to being consulted on information submitted by the applicant to support the discharge of the conditions which we requested be attached to planning application 19/00678/OUT.”*
65. *Severn Trent provided advice regarding sewerage are as follows: “Foul is proposed to connect into the public foul water sewer, which will be subject to a formal section 106 sewer connection approval. Surface water is proposed to connect into the public surface water sewer, which will be subject to a formal section 106 sewer connection approval.*
66. *Planning Practice Guidance and section H of the Building Regulations 2010 detail surface water disposal hierarchy. The disposal of surface water by means of soakaways should be considered as the primary method. If this is not practical and there is no watercourse available as an alternative other sustainable methods should also be explored. If these are found unsuitable, satisfactory evidence will need to be submitted, before a discharge to the public sewerage system is considered.*
67. *For the use or reuse of sewer connections either direct or indirect to the public sewerage system the applicant will be required to make a formal application to the Company under Section 106 of the Water Industry Act 1991. They may obtain copies of our current guidance notes and application form from either our website (www.stwater.co.uk) or by contacting our Developer Services Team (Tel: 0800 707 6600).” They suggested an informative regarding a public sewer that crosses the site.*
68. *Nottinghamshire County Council as Lead Flood Risk Authority raised no objection and recommended the approval of the reserved matters application.*
69. *The officer maintained their view on the reconsultation, however they also advised that; “Any surface water management conditions on the outline*

approval will still require discharging.”

70. Nottinghamshire County Council Archaeology Officer advised that; *“Provided that the works detailed in Condition 21 of 19/00678/OUT are carried out as detailed in the WSI to the written satisfaction of the LPA I have no further comments to offer.”*
71. The officer advised the same in respect of the further consultation.
72. Nottinghamshire County Council as Highways Authority advised that; *“The principle of residential development has already been established by application reference 19/00678/OUT which gained outline permission to serve the site with two points of access from Abbey Road and Buckfast Way.*
73. *Whilst comprehensive details have been provided to show how the new road layout will be constructed, they have not yet been submitted for S.38 design checks. We advise permission is withheld until the S.38 technical approval has been issued. The following comments apply to the layout only.*
74. *Drawing number 103 revision O shows the existing site access at Eltham Road will be closed, with a new footway link across the frontage. The access is currently adopted highway and will therefore need to be “stopped up” under s.247 of the Town and Country Planning Act 1990, whereby control reverts back to the landowner. The area of land to be “stopped up” should however extend up to the back edge of the footway. The submitted details will need to be amended to reflect this. It should be pointed out that works are not allowed to take place within the area of land to be “stopped up” until the process has reached a favourable conclusion.*
75. *The same drawing shows the new access road will measure 5.5m in width with 2m wide footways on both sides. We would question the need for raised tables to be incorporated into bends as drivers will already be slowing down on the approach to these features. Furthermore, the lack of segregation between footway and carriageway increases the likelihood of vehicles being driven over the footway if two-way flows are restricted. If there is a desire to retain these speed reduction measures, then track templates will need to demonstrate how two-way flows between a refuse wagon and car can take place simultaneously without any deviation away from the carriageway. The same exercise should be undertaken through the kink fronting plots 4 and 29 which turns more than 10 degrees.*
76. *Forward visibility splays of 25m have not been annotated on any of the bends but need to be provided.*
77. *There is a risk of vehicle conflicts between drivers entering/exiting plot 58 and passing through traffic. Visibility for drivers should be maximised in this location by ensuring the landscaped area to the front of the dwelling does not exceed 0.6m in height.*
78. *The parking associated to plots 25 to 29 scales between 10.2 and 10.5m in length. When allowing for an element of separation between the vehicles and building, we would expect a driveway length of at least 11m. The plots should therefore be nudged back to prevent vehicles overhanging the public highway.*

79. *Similarly, any parking that is bound by a wall/fence/hedge or similar should be increased by 0.5m on the affected side. The hedgerows within the parking area for the flats should be repositioned to maximise the space.*
80. *The parking space that fronts the garage at plots 18 and 58 measure 5.9m in length. The garages must therefore be fitted with roller shutter doors.*
81. *No details have been submitted to establish how the highway tree on Abbey Road will be removed. The access cannot be formed until the means of removal have been agreed.*
82. *Footpath 43 will effectively be absorbed within the rear curtilage of adjacent dwellings. Although my Rights of Way Officer is strongly opposed to the loss of the footpath, the alternative routes do not materially change origin/destinations and present no safety issue. Although our preference is for the footpath to be retained and improved, should this not transpire then it will need to be extinguished under S.257 of the Town and Country Planning Act 1990. No works are allowed to take place along the alignment of the footpath until this process has been successful. A plan to show the removal of the footpath should be submitted for assessment.*
83. *The private drives serving plots 21 to 24, and 51 to 57 effectively create a crossroads. This type of junction increases the likelihood of vehicle conflicts when drivers incorrectly anticipate who has priority. However, the nominal amount of traffic generated from the drives is such that it is unlikely to result in a highway safety issue.*
84. *The location of the speed table leaves a distance of approximately 80m to reach Buckfast Way which will encourage speeds in excess of 20mph. Rather than revise the layout, we would not raise an issue to the arrangement on the proviso of the table being extended between plots 24 and 51.*
85. *Plots 21 to 24, and 51 to 54 front a private driveway. The number of plots served on these drives are such that a management company should be secured via S.106 so that the future occupiers are not burdened with the financial costs of maintaining them, and to protect the Highway Authority from future petitions to adopt the drives under S.37 of the Highways Act. We would advise that permission be delayed until the S.106 has been signed.”*
86. *Following a review of the additional information provided (1 September), the officer advised that “it is noted that the following points are still outstanding:*
- An amended plan is required to detail the extent of highway to be “stopped-up” to include the land extending up to the back edge of the footway. The highway to be retained must safeguard sufficient visibility for the adjacent Eltham Road junction.*
 - The land forming the forward visibility splays at the bends within the development must be included within the future adopted public highway. The layout plans should be amended accordingly.*

It is recommended that the application is deferred to enable the applicant to submit the further information detailed above.”

87. After further information was provided 21, 22 and 23 September, the officer confirmed that they had no objection to the proposal and suggested a number of conditions and informatives.
88. Nottingham Clinical Commissioning Group requested Section 106 funding for the provision of Primary Healthcare in the sum of £65,320 (£920 per 2xbed dwelling) for the 71 dwellings proposed.

Local Residents and the General Public

89. 87 Representations were received on the original submission (80 object, 3 x neutral, 4 support) the comments can be considered to fall under the following:

90. Principle/ consultation

- a. Houses should be built somewhere else in West Bridgford.
- b. Ill thought-out scheme and one that has already caused outrage in the community. Be prepared for a battle over this one.
- c. This site would be an excellent site for a new secondary school in the very centre of the community instead of the proposed site on a flood plain, at the edge of the catchment area, across a main road. There doesn't seem to be any joined up thinking.
- d. Who are houses being built for?
- e. Happy for this area to be redeveloped for housing.
- f. Could have been a sensible development of 2/3/4 bedroom houses of a good size with reasonably sized gardens but current proposal represents overdevelopment, with negative consequences not just for the people living there but on many of the neighbouring properties as well.
- g. With the loss of the Victorian Pump House, development should add something back, instead the current scheme proposes housing packed in to a small space and not in keeping with the dwelling types in the local area, and important trees and wildlife refuges being proposed for destruction.
- h. Proposal does not make use of site's key features (mature trees and existing access routes), proposes the felling of mature trees, and has proposed out of character 3 storey dwellings with flats overlooking existing residents – scheme could be redesigned in many ways, including redesigning/reducing the number of houses.
- i. Travesty that the borough council sold the land and sad that the historical buildings on the site were demolished.
- j. Little consultation over proposals.

91. Highway safety

- a. Two properties access direct from Abbey Road junction.
- b. There is a need for bike storage in the apartments. There is no consideration for cyclists. All new developments should incorporate facilities for cycles.
- c. Currently access to the back of the garages via the existing Abbey Road Depot site. Access to the rear of the garages would be required for maintenance access.
- d. Increase in traffic, parking, speed and level of traffic on Abbey Road is already a concern, given that there are two primary schools at the end

- of the road, with many, many children having to use Abbey Road as the only way that they can reach school.. Surely this is an accident waiting to happen?
- e. Nature of the proposed access to/from Abbey Road. Would exacerbate existing traffic issues, including speed of vehicles in area where children are walking to school. Adding a new junction as proposed seems likely to add a new level of risk.
 - f. Regardless of whether the area around this new junction has parking restrictions or not, new housing is likely to add parking pressure on the already crowded local streets.
 - g. Has consideration been given to ensuring that the current daily parking where the new entry road from Abbey Road is planned will be controlled by yellow lining and if so up to what distance from the actual junction.
 - h. Already congestion in the area with workers and shoppers from town parking in the area.
 - i. The increased traffic flow will cause further issues in and around Buckfast Way for pedestrians and for the elderly residents of the Community housing.
 - j. The roads in the development are to be very narrow causing parking issues that will spill onto the already busy existing roads. The additional traffic from so many houses will have a significant impact on noise levels, pollution and the health and safety of the local people in particular the many children that use the route to access the 2 primary schools at the end of Abbey Road.
 - k. The number of dwellings will lead to a large number of cars which will cause significant additional congestion in Abbey Road, which is already very congested between the former depot entrance and Davies Road.
 - l. Consideration should be given to introduction of measures to address traffic problems in the area.
 - m. Private(service) road at the rear of Abbey Road properties only serviceable to these properties, should not be any infringement i.e. gates etc.
 - n. The through road will create considerable issues. It will increase parking during school drop off and pick up times, especially with the loss of the enclosed public footpath many parents will choose to use the car over walking as they will no longer feel safe with children on a footpath crammed with parked cars.
 - o. No reason why a new access road needs to be built to accommodate these houses - the existing one was good enough for bin lorries scores of times a day, and other utility vehicles.
 - p. Abbey Circus used as a cut through for vehicles coming from the original council depot, increased volume of residences on the same site will create an unacceptable larger volume of vehicular traffic on the road and reduction in on-street parking availability for residents of Abbey Circus due to overflow from the new development.

92. Footpath/PROW

- a. Route of the public path between Abbey Road and Buckfast Way exposes parents and young children to a greater risk of injury and to higher levels of pollution as a result of being along a pavement with a road adjacent, rather than being wholly dedicated to pedestrian access with no vehicular presence (as is the case with the existing route).

- b. Having the alleyway is so much better than having to walk through the estate, the route is heavily used.
- c. the loss of the enclosed footpath even for a year will create discrimination for those less able bodied. Meaning their journey times to Central Avenue, the main shopping area, will increase by at least 15 minutes, and on certain days they will be forced to travel down the very busy traffic congested Abbey Road as the pavements are blocked with bins and cars, as well as overgrown shrubs, trees and hedges.
- d. This is a key route used by children on their way to and from school and agree with Cllr Gowland in relation to the need to make any route change as safe as possible.

93. Landscape/loss of trees/wildlife

- a. Disappointing application that has not made use of the existing site's key features (mature trees and existing access routes) proposes the felling of mature trees.
- b. The current level of new tree planting and the use of bird boxes is not an adequate substitute for the damage that will be done to currently established vegetation.
- c. Ecological impact of the current plans.
- d. Impact and potential conflict arising from existing trees in neighbouring properties from location of new houses.
- e. Proposed tree planting would adversely impact light and amenities of neighbouring properties.
- f. Two current green public areas on Abbey Road and Buckfast have been cordoned off to be included in the development. They are not part of the depot and should be left as they are.
- g. The small patch of grass and mature trees where the new junction is situated will be lost. Replacing a little oasis of green with a road/building is a real shame. Should we not be protecting the small amount of green space we have?
- h. Chopping down mature trees at expense of the proposed housing.
- i. This area is a 'leafy' area with good green space but both the trees and green spaces are under constant threat due to the desire to build houses. It is vital that the 'leafyness' remains.
- j. Site should be turned into a green space.
- k. The site is bounded by a mature hawthorn hedge alongside Buckfast Way and contains within its boundaries several mature trees. Removal of these features would have adverse impact on biodiversity and birds that use them. Replacement planting is inferior.
- l. The movement of the access road does not allow any additional properties to be built on the land, it seems only to serve the purpose of giving a reason for the felling of the trees.
- m. Proposals to plant 3 million trees to celebrate HM Queen's platinum jubilee, but the planning application proposes to fell important and established trees for no gain in terms of land available for housing.
- n. Object to the felling of the tree on the pavement outside of No 49 Abbey Road, loss of this tree will impact the character of Abbey Road.
- o. Object to the location of three houses at the Abbey Road/Eltham Road entrance. These three houses alone will see a marked change in the feel of the area in terms of the removal of two established/mature trees.

- p. A few months ago Rushcliffe BC was giving away trees to encourage people to grow them and improve our environment, now these proposals lead to the felling of beautiful mature trees, solely in order to enable the developer to squeeze in more houses.
- q. Unnecessary felling of mature trees on the site. The A2 Tree survey which was carried out in 2019 on behalf of R.B.C, identified 3 trees of significant value being in category A and B. A lime in A category, which has 40 years of life and two black poplars in B category, with 20 years of life. These not only provide a habitat for nesting birds and insect life but are invaluable in the landscape for climate change and our mental health. There is a lack of mature trees in West Bridgford.

94. Design/ materials/ Density

- a. Buckfast Way residences offering a mixture of 2 story and bungalows and brick being used throughout.
- b. This feels rushed through and without consultation of the local neighbours. It is not in keeping in the aesthetic of the local area and existing houses - support the redevelopment of the site (as it is now just wasteland) but the developers need to consider the surrounding existing properties.
- c. How this development is executed will have a profound effect on the area as a whole. If done correctly, it could be a welcome addition to a lovely community in this part of West Bridgford. If done badly, it has the potential to negatively impact many of the existing residents that circle the site. Leading to potential animosity.
- d. Ugly imposition to the skyline.
- e. No objection to the material pallet for the development. It is positive to see the level of planting that will be installed, however, can any of the existing trees can be retained or relocated within the development.
- f. Totally out of keeping with the neighbourhood.
- g. Faceless homes , nothing for over 65 year olds seeking to downsize, nothing for families with children.
- h. An interesting and attractive scheme with a sensible balance of housing.
- i. The modern designs and welcoming central green space similar to older developments within wider West Bridgford.
- j. Houses on top of one another.
- k. Older people are not going to sacrifice their traditional family homes with character for these diabolical offerings even if they are eco-friendly.
- l. The style of housing is totally incompatible with the area and it's surroundings. The houses and flats are too tall and tower over the other properties on Eltham, Abbey & Buckfast.
- m. Not sensitive to the needs of existing residents especially the positioning of the largest houses which will overlook houses on Eltham and Abbey road. The scale of the development with 71 properties also seems far greater than what was initially proposed.
- n. Why 3 storey when all around are 2.
- o. This is just greed. The houses seem pokey with small gardens.
- p. Suggest reducing the amount of properties and no 3 storey properties. More space all round.
- q. The blocks of flats are far too tall and will compromise the privacy and peace of surrounding homes.
- r. Plot 62 and 63 being 3 storey 4 bedroom houses will significantly overlook the existing properties on Abbey Road seriously infringing on

- the peace and privacy of the residents and again are not in keeping with existing buildings. They also have first floor outside terraces which will overlook all the back gardens and rear of the properties in Abbey Road.
- s. The houses type B2 as in plots 62 and 63 are to be clad in "standing seam metal cladding" (as have other proposed houses on the development) which is completely out of place with the local buildings, making the buildings look more like industrial units than houses and soaring 3 stories at the same time.
 - t. Three storey houses should adjoin the allotments rather than existing properties on Eltham and Abbey Roads.
 - u. The proposed plans fall a long way short of what the local people and the local area deserve.
 - v. Peaceful area will become too busy and congested with so many houses being built.
 - w. Over intensive and not in keeping with the local area - there should be far fewer houses on a plot of this size.
 - x. The focus should be changed from quantity to quality, instead of cramming as many buildings in as possible, build some nice houses that will be a welcome addition and keep the existing green spaces as they are.

95. Affordable housing

- a. Support the development as a whole, but all of the affordable homes are 1 and 2 bed roomed flats and five 2 bed houses. Should include some larger family homes.
- b. No lifts in the flats will mean upper floors will not be assessable to wheelchair users which means visitors who use wheelchairs cannot visit the upper floor apartments. This does not seem to meet the spirit of the Equalities Act.
- c. There are not enough small bungalows in West Bridgford for residents looking to downsize.

96. Amenity/ loss of privacy

- a. Out of character 3 storey dwellings with flats overlooking existing residents.
- b. The privacy considerations for residents have not been appropriately considered.
- c. Any scheme should replace the existing boundary between the site and flats, as this is in poor condition with vegetation encroaching over the boundary from the old depot site.
- d. Maintain height of wall and barbed wire with Mayflower Close and planting be added as deterrent to climb over.
- e. Noise from bin movements on alleyway plots 8-12.
- f. With 71 new houses being built and the corresponding vehicles, object on the basis of increased noise.
- g. Careful consideration needs to be given to boundary treatments to safeguard amenities of neighbouring residents.
- h. Three storey housing and apartments will overlook neighbouring properties.
- i. The proposed flats at the Buckfast Way end of the site will infringe on the existing residents privacy and cause excessive noise, parking and

traffic issues on Buckfast Way which is already very busy and will become dangerous at school pickup drop off times.

97. Infrastructure

- a. Already capacity issues at secondary schools in this catchment area.
- b. Keen to see a play area with equipment installed in the green open space area.
- c. There are no provisions for schooling, public facilities, shopping, parking etc. There is no need for mass housing in central WB, there are plenty of houses in Edwalton.
- d. Services cannot support this extra population and a well-used access footpath will be lost.

98. Flooding

- a. Risk of flooding by further in building.

99. Sustainability/ Energy efficiency

- a. It would be a shame if the opportunity for developing this land is not done in the best way possible to suit the area and the needs of the current, and future residents.
- b. Where are the solar panels, heat pumps, water butts, etc housing of the future - why not use these buildings to inspire some forward thinking in housing.
- c. Any new housing should aim to be carbon neutral
- d. The green technology initiatives proposed are welcome.

100. Disturbance during development

- a. Control hours, noise, dust etc.

101. In respect of the revised plans a further 5 representations have been received from the residents that immediately adjoin the site with comments summarised as follows:

- a. It seems as if the comments made by over 70 local neighbouring residents have not been listened to or addressed.
- b. The Master Plan looks identical to the original plan, the blocks of flats are still in the same position.
- c. Object to this development proposal, as originally and now resubmitted
- d. Aside from plot 69 being changed from a 3 storey house to a 2 storey house, none of the other concerns of neighbours have been taken into consideration or addressed.
- e. 71 dwellings unreasonable for site. Need to compare this with surrounding areas. The density disparity is stark.
- f. Too many properties.
- g. The original plans for this site were community focused with much more green space and would have no doubt received support. The new plans, including the revised ones submitted are far from that.
- h. Still 3 storey dwellings overlooking neighbouring properties.
- i. The road behind the houses on Abbey road belongs to the residences and not Rushcliffe Borough Council.

- j. Query regarding landscaping to rear of property.
 - k. Not opposed to houses being built, but why so many and why do they have to be 3 story. Also see no need for blocks of flats.
102. A further 2 representations (one from the Central West Bridgford Community Association) were submitted on the application to discharge conditions ref: 21/01704/DISCON, although the comments appear, for the most part, to relate to the application for reserved matters. These comments are as follows:
- a. Central West Bridgford Community Association object.
 - b. Loss of amenity due to disproportionate effect on existing neighbourhood.
 - c. The proposal is of an overwhelming scale in comparison to existing residences and would constitute a loss of amenity to those living here.
 - d. Proposed 3-storey buildings should not be positioned so as to overlook existing residences.
 - e. Traffic congestion likely to arise from this development must be positively managed so as not to cause gridlock, particularly on top of school traffic.
 - f. The disappearance of a traffic-free footpath, to be re-routed through the new estate, requires aggressive traffic-calming measures in order for it to be equally safe for small children and other vulnerable non-car users.
 - g. Unnecessary damage to natural features - It is proposed to fell two mature trees, with the statement that their retention is not 'feasible' for the pursuit of the development. Working around such features - rather than eradicating them to cram in as many housing units as possible - also softens the impact a major new development would have on its neighbours.
 - h. Lip service is given to environmental issues.
 - i. New planting would constitute a very long-term, however, it would be a most welcome addition to the existing trees.
 - j. While the range of nesting boxes, native tree plantings, and grassed area promised by the developer could be helpful, there are still a number of concerns about the details. A quantity of shrubbery is proposed to be removed. How will the shelter and foraging opportunities for wildlife be preserved? how can the independence of the ecologist be guaranteed who is surveying for existing nests? Conservation criteria are not always rigorously applied. Whips are to be planted rather than mature saplings. A list of species to be included in plantings does not name any large trees.
 - k. The plans for the new estate look good.
 - l. Please consider Abbey Rd speed restrictions of 20mph to support traffic calming in area.
 - m. Please consider zebra crossings at entrance to estate on Abbey Road & Buckfast to support children walking to school in the area.
 - n. Please consider numerous rubbish bins throughout estate to help with waste & dog mess.
 - o. Please consider using the current noticeboard at Abbey Road end to inform residents of building plans before and during build.
 - p. Please ensure noticeboard is moved to useable place after build - maybe in the park.
 - q. Please consider environmentally friendly materials for play park equipment e.g. wood not plastic and maybe involve the local primary school in designing the equipment to be built.

- r. Please look at removing current fencing at abbey road and Buckfast Way end NOW before building starts so we can ensure the green space before building start.

103. The full content of the representations received in respect of this application can be viewed on the Council's website at:
<https://planningon-line.rushcliffe.gov.uk/online-applications/>

PLANNING POLICY

104. The Development Plan for Rushcliffe consists of The Rushcliffe Local Plan Part 1: Core Strategy (LPP1) and the Local Plan Part 2: Land and Planning Policies (LPP2).
105. Other material considerations include the 2019 National Planning Policy Framework (NPPF), the National Planning Practice Guidance (the Guidance), and the 2009 Rushcliffe Residential Design Guide.

Relevant National Planning Policies and Guidance

106. National Planning Policy Framework and National Planning Practice Guidance - The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.
107. The National Planning Policy Framework (NPPF) 2021 seeks to ensure the planning system contributes to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives). These objectives are:
- Economic
 - Social
 - Environmental
108. Additionally, the NPPF is underpinned by the need to secure good design. The NPPF states that 'good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.
109. Conservation of Habitat and Species Regulations 2017, and the Wildlife and Countryside Act (as amended) 1981 - These regulations/legislation contain certain prohibitions against activities affecting European Protected Species, such as bats. These include prohibitions against the deliberate capturing, killing or disturbance and against the damage or destruction of a breeding site or resting place of such an animal. The Habitats Directive and Regulations provides for the derogation from these prohibitions in certain circumstances. Natural England is the body primarily responsible for enforcing these

prohibitions and is responsible for a separate licensing regime that allows what would otherwise be an unlawful act to be carried out lawfully.

110. Design Council Building for Life 12 - This assessment sets 12 criteria to measure the suitability of schemes and their locations in relation to design, layout, sustainability criteria, adaptability and effect of existing local character and reduction of crime, amongst other things.
111. Environmental Impact Assessment Regulations – The proposed development has been screened in accordance with the Environmental Impact Assessment Regulations 2017, however, as the site does not exceed the thresholds applicable to the relevant category of Schedule 2 development, the Local Planning Authority is of the opinion that an Environmental Impact Assessment need not be required to support this development in this instance.

Relevant Local Planning Policies and Guidance

112. The Rushcliffe Local Plan Part 1: Core Strategy was formally adopted in December 2014. It sets out the overarching spatial vision for the development of the Borough to 2028.
113. The following policies in the Rushcliffe Local Plan Part 1: Core Strategy are relevant:
 - Policy 1 – Presumption in Favour of Sustainable Development
 - Policy 2 - Climate Change
 - Policy 3 – Spatial Strategy
 - Policy 8 – Housing Size, Mix and Choice
 - Policy 10 – Design and Enhancing Local Identity
 - Policy 19 - Developer Contributions
 - Policy 17 – Biodiversity
114. The following policies in the Local Plan Part 2, Land and Planning Policies are relevant:
 - Policy 1 - Development Requirements
 - Policy 11 – Housing Development on Unallocated Sites within Settlements
 - Policy 12 - Housing Standards
 - Policy 13 - Self Build and Custom Housing Provision
 - Policy 17 – Managing Flood Risk
 - Policy 18 – Surface Water Management
 - Policy 32 - Recreational Open Space
 - Policy 37 - Trees and Woodlands
 - Policy 39 - Health Impacts of Development
 - Policy 40 - Pollution and Land Contamination
 - Policy 41 - Air Quality
 - Policy 43 - Planning Obligations Threshold
115. Residential Design Guide 2009.
116. Consideration should also be given to other Borough Council Strategies including the Sustainable Community Strategy, Leisure Strategy, Nature

117. The full text of the policies in the LPP1 and LPP2, together with the supporting text, and the Residential Design Guide can be found in the Local Plan documents on the Council's website at:
<https://www.rushcliffe.gov.uk/planningpolicy/localplan/>

APPRAISAL

Principle of development

118. Planning permission has been granted in outline and the site is a significant brownfield area within a sustainable location in the principal urban area of West Bridgford. The principle of development of the site has been established through the approval of outline planning permission ref: 19/00678/OUT for the residential development following the demolition and clearance of all the buildings and structures on the 1.9ha site.
119. The outline application was assessed on the basis of whether the principle of residential development was acceptable on the site, and whether any impacts of that principle could be mitigated by use of suitably worded conditions. The submission included indicative information regarding plot designs, layouts, heights of buildings, number of units etc., however with the exception of revised access points from Abbey Road and a new access point onto Buckfast Way access, all matters were reserved.
120. Matters of Sequential test, Exception Test Drainage, Contamination, archaeology, ecology, waste, economic impact, health and wellbeing were considered at the outline stage and are subject to condition discharge and so are not part of the consideration of this application.
121. This current application therefore is to consider the matters that were reserved for future approval, i.e. design, layout, scale and landscaping of the scheme. In respect of highway matters, as access was considered at outline the access points at Buckfast Way and Abbey Road as has the removal of the street tree (Lime) has already been established therefore it is the internal layout and conformity with the County Council Highway Design guide that is now under consideration.
122. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. Paragraph 11 of the NPPF advises that there is a presumption in favour of sustainable development and for decision-making this means approving development proposals that accord with the development plan without delay.
123. NPPF paragraph 15 states that the planning system should be genuinely planned. Succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for addressing housing needs and other

economic, social and environmental priorities; and a platform for local people to shape their surroundings.

124. Building for Life 12 (BfL 12) sets out the main considerations of the scheme

- Connections – integrating the development into the surroundings by reinforcing existing connections and creating new ones. Respecting the land and existing buildings of the site.
- Facilities and services – ensuring the development is near to parks, schools, workplaces, community facilities and so on.
- Public transport – good access to different modes of public transport to reduce dependency on cars.
- Meeting local housing requirements – a mix of houses to meet local demand.
- Character – a place with a locally inspired and unique character.
- Working with the site and its context – making use of the local landscape, climate and existing topography.
- Creating well defined streets and spaces – plots organised to form an attractive development.
- Easy to find your way around – well thought out layout to encourage walking, and making it easy to locate and find things.
- Streets for all – creating streets that can be social spaces and that encourage lower vehicle speeds for safety.
- Car parking – providing enough parking for residents and visitors so that vehicles do not dominate the streets.
- Public and private spaces – clearly defined areas, well governed and safe.
- External storage and amenity space – providing space for vehicles, cycles, bins and recycling.

Impact upon the character of the area

125. NPPF paragraph 124 advises that decisions should support development that makes efficient use of land taking into account:

- a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;
- b) local market conditions and viability;
- c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;
- d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and e) the importance of securing well-designed, attractive and healthy places.

126. NPPF paragraph 125 Area-based character assessments, design guides and codes and masterplans can be used to help ensure that land is used efficiently while also creating beautiful and sustainable places. Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site. In these circumstances:

- c) local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework. In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).
127. Chapter 12 of the NPPF is concerned with achieving well-designed places. Specifically, it requires that development should function well and add to the overall quality of the area, not just in the short term but over the lifetime of the development. Development should also be visually attractive as a result of good architecture, layout and landscaping and should be sympathetic to local character and history and establish or maintain a strong sense of place whilst optimising the potential of the site and ensuring that new streets are tree lined and opportunities are taken to incorporate trees elsewhere in developments. Significant weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.
128. LPP1 policy 10, Design and Enhancing Local Identity, states 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 valued local characteristics. Development should be assessed, amongst other things, in terms of its massing, scale, proportions, materials, architectural style and detailing. This is reinforced under policy 1 of LPP2, which also states that development should be sympathetic to the character and appearance of neighbouring buildings and the surrounding area.

Design, scale, materials and layout

129. Planning permission has been granted in outline to a maximum of 76 dwellings. The reserved matters application seeks permission for 71 dwellings in a mix of units and tenure whilst providing the required 30% affordable units.
130. The proposal seeks to achieve a high standard of contemporary design based on a design code that was presented with the outline application. The mixed pallet of materials (red, buff, and black bricks, together with pitched roofs of standing seam cladding in anthracite, grey slate roof, flats roofs) together with brick block detailing and grey aluminium window detailing results in a contemporary design and form that would provide a varied and interesting street scene in terms of building form and appearance. Whilst not conforming to the pallet or design and scale of the properties in the surrounding area, the significant brownfield site is considered to offer a great opportunity to present a different approach rather than a pastiche of what has gone before. As the site is largely enclosed with limited street frontage to Abbey Road and Buckfast Way, it is considered that the site lends itself to a more contemporary design approach, provided that the impact on surrounding (existing) properties is addressed to prevent unacceptable overlooking and other significant impacts which will be considered further in this report.
131. Two blocks of flats are proposed to the south of the site adjacent to Buckfast Way. These are proposed to be two and three storey blocks. The rest of the

site is a mixture of two and three storey dwellings. A variety of heights are proposed with the higher units in locations on the site to prevent significant overlooking and overshadowing of the adjacent (existing) properties. The two storey properties are focused primarily where the distances between proposed and existing properties are 7m upwards with the three storey units and apartments backing onto properties on Abbey Road where the distance would be maintained at around 44m, which is greater than what the Councils Residential Design Guide suggests, and the 23m proposed from the facing properties on Buckfast Way is again considered to be sufficient, considering the intervening landscaping and road.

132. The layout is compact compared to the surrounding residential area and as a result an emphasis is placed upon the quality of design of the houses and also the public realm. There are a range of 2, 3 and 4 bedroom houses and 1 and 2 bedroom flats. All houses have private terraces/balcony and also rear gardens spaces of varying sizes. It is noted that the gardens are small but the inclusion of terraces together with the green environment of the central green area, adjacent allotments, together with the semi-private nature of the proposed streets would result in a development that has areas of public realm that are intended to provide publicly shared areas. The flats are designed to have Juliette style balconies and limited amenity space surrounding, however whilst the private amenity space is more limited, it is considered that this would be compensated for by the quality of the public realm within the wider development. Furthermore, the site is close to public open spaces/play areas in the wider area, including the open space on Buckfast Way.
133. The proposal provides a mix of integral garage/carport spaces and frontage parking, whilst the flats are to have dedicated parking areas of 1 space per flat, plus 3 extra spaces. It is considered that the level of on plot parking is sufficient and in addition there are two areas of dedicated visitor parking at the north of the site. The level of on plot parking and other parking facilities available is such that the displacement of vehicles on the roads on the site should be minimised. Whilst it is not possible to require residents to use the spaces provided, in lieu of on road parking, it is considered that the level provided is sufficient and a condition is proposed to ensure that it is retained for the life of the development. In addition, the appropriate storage and segregation facilities to facilitate collection of waste and cycling is provided at the rear of the properties.
134. Revised plans were received during the course of the application which introduced 3 new houses (Type F) at the entrance of the site towards Abbey Road. One detached house (Type F1) instead of house type B (plot 69), and two semi-detached dwellings (house Type F2) instead of house types D (plots 70-71). The properties were also set-back slightly further in the street with additional landscaping incorporated to the front. The changes were undertaken in order to reduce the ridge and eaves heights so that they are less tall in the street-scene.
135. The plans also included alterations to address the County Highway Officer comments in respect of the traffic calming, the frontage (brick wall and planting) reduced to 0.6m to plots 58-18-68 to assist with vision splays, +0.5m was added to the parking spaces for the flats where they are bound by hedgerows to improve space for getting in and out of cars, inward opening sectional garage composite doors annotation added to all the houses with a garage door. Visitor

parking annotations added to the parking located to the north end of the site. In order to seek to address some of the concerns raised by adjoining occupiers the length of private rear garden access pathways to the rear of plots 1-7 were reduced, the rear of plots 48-50, 50 will now share access with 53 giving 49 a slightly larger garden, 25 will now share access with 22 giving 26 a larger garden, the hedge of plot 1 moved over so that the grass area is included in the front garden and parking spaces for 48, 49 and 50 moved forward to abut the rear of pavement, this allows for a small additional area of soft landscaping directly in front of these houses.

136. In addition, the following changes were made:

- House Type A: internal north and south facing terraces opened to the rear to gain southern sunlight.
- House Type B: internal north and south facing terraces opened to the rear to gain southern sunlight.
- House Type B1 (End of plots 18, 21, 24, 51, 54 and 58): long window added to the stairs, and to corner of the building/entrance to create a more active frontage and provide additional visual interest.
- House Type C: Juliette balcony added facing the central green space.
- House Type C2: Area of cladding added to break up the horizontality and to add vertical emphasis. Juliette balcony added facing the central green space.
- House Type D: no changes
- House Type E: no changes
- House Type F: new house type F added (plots 69-71) with lower eaves/ridge compared to House Type D.
- Overall the exterior of the apartments have been reworked to provide additional glazing, greater variety in materials and incorporation of Juliette balconies to strengthen the visual appeal, particularly to the side and rear elevations.
- Brickwork pattern details added to the rear and side elevations towards Buckfast Way as they will be highly visible from outside of the site.
- Juliette balconies added to the rear elevations towards Buckfast Way.
- Wrap around corner brickwork details and Juliette balconies added to the side elevations towards Buckfast Way.
- Central hall area glazing added at the front to emphasise and break up the horizontality and to add vertical emphasis.
- Central hall area metal cladding added at the rear to emphasis and break up the horizontality and to add vertical emphasis.

137. It is considered that the reserved matters submission demonstrates that a development of 71 contemporary dwellings can be accommodated on the site and provide the private amenity space, adequate car parking provision and general amenity space. Thus, it is considered that the application accords with Policy 10 of the Core Strategy, and the updated NPPF, which acknowledges at Section 12 (Achieving well designed places) that good design is a key aspect of sustainable development, and that acceptable standards of amenity will be maintained and achieved. The details indicate a scheme that, rather than large traditional gardens laid to lawn, illustrates courtyard gardens, balconies and terraces. This would address contamination, flood risk and amenity matters.

Impact upon residential amenity

138. LPP1 policy 10 states that development should be assessed in terms of its impact on the amenity of nearby residents. This is reinforced under policy 1 of LPP2, which states that development should not be granted where there is a significant adverse effect upon the amenity of adjoining properties.
139. Residents surrounding the site have raised concerns regarding the inclusion and location on the site of three storey properties either in the form of dwellings or apartments and the overlooking that would arise. Proposals need to achieve a balance to provide sufficient natural light and ventilation without prejudice to the neighbours' privacy. In this regard, the relationship of the proposed dwellings with the existing adjacent properties, including the location of windows, together with mechanisms for preventing overlooking whilst providing adequate private amenity space for the occupiers of the development and boundary treatment, is a material consideration.
140. 10-16 Buckfast Way are single storey bungalows, which would, following the development, face towards two blocks of flats, one 3 storey and one two storey (increasing to three storey as it goes further into the development). However, there is a distance of between 23 and 29m between the bungalows and the facing apartment buildings with intervening landscaping proposed.
141. In respect of Abbey Road, the proposed properties on the west of the site are a mixture, from the south to the north of 2 and 3 storey flats and 2 and 3 storey houses. In respect of the flats, as a result of the driveway to the rear of the existing properties and their gardens, the resulting built form would be around 44m from the rear facing properties. The two storey properties (plots 46-50) would be 42-46m from the rear elevation of properties on Abbey Road, and the ends of the three storey properties plots 53-61 would be around 40-42m. Plots 62 and 63 are proposed to be 3 storey with an upper terrace area open facing the properties with 64-68 2 storey in height. The distances of these properties with those on Abbey Road are between 44m narrowing to 33m between the property on plot 68 and 49 Abbey Road.
142. The majority of the east of the site adjoins the allotments and whilst the properties, in part, form the boundary with this area, it is not considered that a significant adverse impact would arise. Units 8-15 (all two storey) would back onto existing dwellings on Mayflower Close. The resulting gap between facing properties would be around 18m and facing towards a side/end elevation between 7 and 9m.
143. A turning area and landscaping is proposed to the north of the site, adjacent to the rear gardens of 70-80 Eltham Road. The garden areas of plots 1-7 (3 storey) would back onto 68, 68a, b, c and the facing properties would be at most 44m apart with the nearest corner of unit 1 being around 18.5m from the rear of no. 68a.
144. At the entrance of the development, off Abbey Road, three plots 69, 70 and 71 are proposed. These would all be 2 storey dwellings. The property on plot 69 would have a facing distance of 14m to the flats at 64a and b Eltham Road. The units on plots 70 and 71 would have an oblique nature with these flats and be a distance of between 3m and 11m from the boundary of the same flats on Eltham Road. The same units would be around 20m from the side boundary of

number 62 Eltham Road and would have oblique views towards the rear garden of 2 Abington Road.

145. Visitor parking is proposed in two northern blocks; 9 spaces adjacent to the garages of the flats 64 a, b, c, d and 66 a, b, c, d Eltham Road and a further 5 spaces at the end of unit 8 adjacent to the rear garden of 2 Mayflower Close.
146. Overall, having considered the revised details and the respective distances, it is considered that the proposed development has been designed to ensure that it would not result in any significant overbearing, overlooking or overshadowing impact on neighbouring residential amenity due to the scale of the properties, the respective distances and their relationship with existing neighbouring dwellings. A number of properties have front only first floor terraces and the rear windows, where shorter distances occur, have bathroom windows in the facing upper floors. Oblique views may result of adjacent garden areas from some of the upper terraces, however as advised above these would be over longer distances.
147. In considering the relationship of the properties within the development it is considered that the proposed distances between the integral three storey blocks that have upper facing terraces (plots 16-18, 19-21, 54-58 and fronting 19-21 and 22-24 and 51-54) of 15m, although less than advocated in the residential design guide, is acceptable.
148. Therefore, having taken the above information into account, it is considered that the proposed development would not result in an incongruous or inappropriate form of development. Overall, the scale, layout and design of the development proposal is considered acceptable and will not have an adverse impact on the area or adjacent occupiers in accordance with LPP1 Policy 10, Policy 1 of the LPP2 and the NPPF

Affordable Housing

149. As advised earlier in the report the proposal seeks to secure 30% affordable housing on the site. This would be in the form of sixteen affordable rent - four 2 bedroom and twelve 1 bedroom apartments and five shared ownership two bedroom houses. The level of affordable housing is compliant with the policy requirement for this area and the tenure mix is considered to be acceptable.
150. Concern was expressed during the consultation that no lifts are proposed to the upper floors in the apartment blocks. In response, the applicant has advised that all ground floor affordable units will have suitable access for disabled residents and this will also be available in the shared ownership properties. This approach has been agreed with the register social provider who would be responsible for the management of the affordable housing. It is considered that this would offer suitable accommodation.

Energy efficiency

151. Concern has been expressed in the consultation responses regarding the energy efficiency of the proposal. A separate report was provided during the course of the consideration of the application detailing the full range of environmental sustainability and CO2 initiatives that are to be included throughout the development.

152. It is advised that the development is estimated to deliver in excess of 50% CO₂ reduction compared to building regulations, which is significantly higher than the enhanced standard target of 19% CO₂ reduction for the scheme.
153. The additional information advises that the proposal seeks to delivery all homes with new technology to enable 'gas-less' development. *"Modern living includes open plan spaces that open onto gardens, and 1st floor balconies for many of the homes which marries a new style of outdoor space traditionally not incorporated on first floor rooms within dwellings.*
154. *The energy systems and Smart living technology assists the homeowners to efficiently control their lifestyle and energy consumption. The Shared Ownership affordable homes further benefit from the same energy saving through design, Solar PV and ASHP technology that the Market Sale homes incorporate. The apartments have low energy design and incorporate efficient energy systems. The overall scheme is estimated to deliver in excess of 50% CO₂ reduction compared to building regulations which is significantly higher than the enhanced standard target of 19% CO₂ reduction for the scheme. Some of the houses (with both ASHPs and Solar PV) will deliver up to 80% CO₂ and energy savings compared to current building regulations by using modern energy systems to save energy and Solar PV to generate electricity. The Market sale homes are also given the option to be 100% Carbon neutral by upgrading to a larger PV systems and include a Tesla battery storage system.*
155. *The following represent the range of Technologies and Systems that are proposed to be included across the scheme:*
- *Air Source Heat Pumps (ASHP)*
 - *Solar Photovoltaics (PV)*
 - *Stack Ventilation*
 - *Rainwater Harvesting*
 - *Infra-red heating systems*
 - *Electric Vehicle Charging (EV)*
 - *Smart Home Systems*
156. The submission advises that *"the optional upgrades for home buyers includes the Tesla Powerwall (AC connected) that gives access to the Octopus Tesla Energy Plan with 11.75p/11.75p Import/Export tariffs. Which offers full single-phase Backup, Storm Watch, simple night time charging and an amazing App with information on consumption, generation, import, and export and will allow the PV to function while in Backup mode, so battery and PV power is available (PV in daylight hours). Together with a Zero Energy Design (ZED) package which includes: Extended Solar PV and Tesla Powerwall battery storage."*
157. Whilst not currently something that could be insisted upon through the planning function it is a desirable enhancement to the proposed development and is considered to comply with local policy and national guidance.

Access/Internal highway/parking

158. This site is in a highly sustainable location which will encourage and allow ease of access to local facilities by foot or cycle, reducing the need for car dependency.

159. Access to serve the site was approved at the outline stage after careful consideration and consultation with NCC as Highways Authority and is not part of the consideration of the reserved matters application. Therefore, the access to the site to serve 71 dwellings is acceptable in respect of highway and pedestrian safety. No additional local highway alterations were required at outline stage.
160. The internal access and parking arrangements have been considered by the County Council Highways officer and the amended layout plans submitted on the 22 September are now considered generally acceptable. They do advise that the layout of the internal roads will be subject to a technical approval checking process as part of a section 38 agreement of the Highways Act 1980.
161. The applicant has indicated a Visitor parking management regime introduced in two blocks at the north of the site.

Highway Stopping-Up

162. The Highway Authority have been in further discussions with regard to the highway to be stopped-up where the access on to Abbey Road will be altered. All highway that will no longer serve a highway purpose should be stopped-up, which includes the land to the back edge of the footway. It is however acknowledged that the reserved matters can only relate to the original red line of the outline planning permission, which does not include the full extent of area to be stopped-up. This does not however affect the planning approval, and the additional land will be dealt with as part of the access reinstatement works.
163. A Stopping Up Order will be required under S247 of the Town and Country Planning Act 1990. This is a separate legal process that sits outside of the planning process and will require the applicant to apply to the Department for Transport. It is also noted that any utilities/apparatus present within the highway to be stopped-up will need to be relocated at the applicant's expense. A condition will be required to ensure no part of the public highway is obstructed until it has been formally stopped-up. It is an offence for the highway to be obstructed prior to the granting of an order, and it may adversely affect the granting of a subsequent order.
164. The Highway officer has raised no objections and requested conditions should the application be approved.

Access to the rear of Abbey Road Properties

165. Concern has been expressed regarding the access to the rear of the adjacent Abbey Road properties where there is a current drive/private road. The proposal does not include this access and does not provide for any direct access either for vehicles or pedestrians. Therefore, the existing position will remain unaltered.

Loss of PROW

166. Concern has been expressed regarding the loss of the existing dedicated footpath and its diversion through the proposed development. This matter has already been dealt with through separate legislation.

167. The existing footpath, whilst well used, is not well surveyed and the proposed revised route through the development would provide a lit, visible route. All driveways have been designed to ensure visibility of pedestrians. The proposed reroute is considered to be as convenient as the existing footpath route. No objections relating to this have been received during the course of the consideration of the application from the Highways Authority or the Rights of Way officer at the County Council.

Landscape

168. The outline permission established the closure of the existing access point and its relocation on Abbey Road together with one on Buckfast Way. The change to the access on Abbey Road was required to achieve a satisfactory access to the site in the interest of highway and pedestrian safety. Whilst it is acknowledged that the site access was previously used by employees at the site and by refuse lorries, the pattern of movements would be different from a residential development of 71 dwellings and the redevelopment of the site provides the opportunity to provide an improved access arrangement with highway safety benefits.
169. The resulting removal of frontage trees, a loss of 3 mature trees on the Abbey Road frontage, was considered at the outline stage when the access was under consideration and has been established in the granting of the outline permission.
170. Whilst the loss of the mature trees is regrettable, the opportunity for urban regeneration on a significant scale, which will bring many economic, social and environmental benefits, together with the current details that replaces the tree within the public realm, adequately mitigates against the amenity lost as a result of this part of the development.
171. In response to some concerns expressed by adjacent occupiers, regarding shading from trees and improvements to fencing, the revised landscaping plan proposes more appropriate tree species and boundary treatments in specific areas which are reflected in the revised Landscape and Ecology Management Plan. This plan also indicates that there will be a net biodiversity gain for the site and an increase in overall tree and open space provision.
172. The revised details received during the course of the application included:
- Lime trees – substituted for rowan (*Sorbus aucuparia*) which is a much smaller native that should not cause issues to the neighbouring residents;
 - *Prunus lusitanica* hedges – this is preferred to the lower planting as it will achieve immediate visual softening between vehicle parking, which a lower growing hedge would not. The hedges are also shared ownership/private plots that are likely to be well maintained. To assist visibility down the street, the hedges have, however, been set back 1.5m from the back edge of kerb, with lower growing lavender added in its place.
 - Additional feature planting added to the triangular open space adjacent to plot 70/the existing substation, to enhance its appearance.
 - Grass cutting frequency and max cut height updated

173. The Landscape officer has raised no objections to the proposed landscaping scheme. It is therefore considered to be appropriate and policy compliant.

Ecology

174. The proposal seeks to provide biodiversity enhancements and net gain. As a result of the Sustainability officer comments on the original submission revisions were made as follows:

- Species – the species guide referred to by the Officer is informed by the Borough/Regional Landscape Character Assessments, which deals with landscape character beyond defined settlement limits. This site is within settlement and therefore the statement that *only* these species should be used is not appropriate and inconsistent within urban tree planting guidelines which promote using a mix of native and ornamental species to achieve diversity and resistance to disease pressure and climate change. The RBC website promotes a list of trees for gardens, which also includes a range of ornamental species. Taking this into account, the scheme has been amended to include a greater proportion of native tree species, including fruit bearing trees, while also retaining ornamental species. Together these will deliver a more diverse and future proofed tree stock. In terms of shrubs, the scheme pioneers a species palette that reflects the schemes sustainability credentials by utilising shrubs that will be tolerant of warmer and drier growing conditions, likely to be experienced in the future. This is supplemented with various species for pollinators, together with wildflower turf and flowering lawn mixtures.
- Hedgehog access has been illustrated on the plan. This is provided by gaps being created in boundary fencing/walls, together with under garden gates. A specification is provided in the drawing key.
- Grass cutting – management regime for low use areas, e.g. under tree canopies introduced.
- Herbicide use clarified

175. The Sustainability officer has confirmed that they are satisfied with the amenity grassland proposals, the majority of the amenity trees and the management plan.

Health and well being

176. The NPPF, Policy 12 of the Core Strategy (Local Services and Healthy Lifestyles), Rushcliffe's Sustainable Community Strategy and Nottinghamshire Health and Wellbeing Strategy support the promotion of healthy communities through the creation of safe and accessible environments; high quality public spaces, recreational space/sports facilities, community facilities and public rights of way. Consideration also needs to be given to access to community facilities and services, as a lack of these can lead to people being isolated and suffering from mental health conditions, therefore adversely affecting their health and wellbeing.

177. The provision of open and green space is proposed as part of the development, which would support these policy ambitions. There are also existing open spaces within easy reach of the site. Improvements to existing bus facilities

will also support the ability of less mobile members of the population to visit community facilities as required and to access the facilities within West Bridgford.

Broadband

178. The agent has confirmed that all properties would be provided with cable access to broadband in compliance with condition 19 of the outline planning approval.

Water efficiency

179. The agent has also confirmed that all properties will comply with the required Building Regulation standard by the incorporation of water saving dual flush toilets and water efficient showers, washing machines and dishwashers. A condition is proposed to ensure that this is achieved.

S.106

180. The borough council was the applicant for the application seeking outline planning permission, as such, a section 106 agreement could not be secured at this stage, i.e. the Borough Council could not enter into an agreement with itself. Therefore, a Grampian condition was imposed on the outline permission which stated:

“No development shall commence on the land until such time that the owner/developer of the land has entered into an obligation under Section 106 of the Town and Country Planning Act 1990 binding the land in respect of potential obligations (subject to negotiation) relating, but not limited to open space, health, education, bus stop improvements, off-site play equipment, play pitches, improvements to existing allotments and affordable housing.”

181. During the consideration of the details of the reserved matters application the originally drafted s.106 Agreement has been considered and updated as necessary relating to the reduction in the number of units. As per the terms of the above condition, development on the site (excluding investigation for archaeology, contamination and the demolition of buildings) cannot commence until such time as the s.106 Agreement securing funding for infrastructure arising from the development (allotments, play pitches, off site play, bus stop improvements, education and health) and the affordable housing provision has been signed.

Conditions

182. Paragraph 56 of the NPPF advises that *“Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.”* Due to the nature of development proposed, contamination and the level of amenity space provided, a number of permitted development rights are proposed to be removed by condition.

Conclusion

183. The proposal would be visually acceptable, would not unacceptably impact on residential amenity and would not be harmful to highway safety. There would also be no adverse impact on the character and appearance of the area. Accordingly, the proposed development is considered to conform with the objectives of local policy, national guidance and the Design Guide. The reserved matters application is therefore recommended for approval subject to conditions.
184. The application was not the subject of pre-application discussions. The scheme however is considered acceptable after negotiations with the agent during 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. The development hereby permitted shall be carried out strictly in accordance with the following approved drawings, received with the original submission 11 May 2021:

- Abbey Road Site Location Plan
- 3573-111 B-MATERIALS BOARD DETAILS
- ARWB-BSP-ZZ-XX-DR-C_0100-P02_s38 Stopping up 1 of 2
- ARWB-BSP-ZZ-XX-DR-C_0101-P01_s38 Stopping up 2 of 2
- ARWB-BSP-ZZ-XX-DR-C_0130-P03_S38 Construction Layout 1 of 2
- ARWB-BSP-ZZ-XX-DR-C_0135-P01_S38 Construction Details

Additional plans received 1 September 2021:

- Additional Supporting Statement
- Sustainability and CO2 Saving document
- RammSanderson Landscape and Ecological Management Plan RSE_4660_R1_V5_LEMP September 2021
- 3573-107 D-Unit Mix and Affordable Housing
- 3573-108 D-Street Elevations 1
- 3573-109 D-Street Elevations 2
- 3573-110 D-Street Elevations 3
- 3573-201 L-Housetype GAs - House Type A
- 3573-202 L-Housetype GAs - House Type B
- 3573-203 K-Housetype GAs - House Type B
- 3573-205 K-Housetype GAs - House Type C
- 3573-206 K-Housetype GAs - House Type C
- 3573-207 I-Housetype GAs - House Type D
- 3573-208 D-Housetype GAs - House Type D

- 3573-209 D-Housetype GAs - House Type E
- 3573-210 D-Housetype GAs - House Type E
- 3573-211 F-Housetype GAs - Apartments Block 1
- 3573-212 E-Housetype GAs - Apartments Block 2
- 3573-213 F-Housetype GAs - Apartments Block 2
- 3573-214 A-Housetype GAs - House Type F
- Abbey rd, Low Carbon and Energy Statement 31.08.21.
- ARWB-BSP-ZZ-XX-DR-C-0105-P03_SPA_Refuse_Vehicle_1of2
- ARWB-BSP-ZZ-XX-DR-C-0106-P03_SPA_Refuse_Vehicle_2of2
- ARWB-BSP-ZZ-XX-DR-C-0111-P04_S38_HA_&_Setting_Out_2of2
- ARWB-BSP-ZZ-XX-DR-C-0120-04_S38_Longitudinal_Sections_1of2
- ARWB-BSP-ZZ-XX-DR-C-0121-04_S38_Longitudinal_Sections_2of2
- ARWB-BSP-ZZ-XX-DR-C-0131-P04 S38 Construction Layout 2of2

Further additional plans received on the 21 September 2021:

- 3573-103 T Proposed Masterplan
- 3573-106 F Hard Surfacing & Energy strategy

And 22 September:

- ARWB-BSP-ZZ-XX-DR-C-0135_P02_S38_CONSTRUCTION_DETAILS

And 23 September:

- GL1535 01C DETAILED LANDSCAPE PROPOSALS

And 24 September:

- GL1535 - Landscape Management Plan - Rev C 24-09-2021

And 28 September:

- ARWB-BSP-ZZ-XX-DR-C-0110-P06_S38_HA_&_Setting_Out_1of2
- ARWB-BSP-ZZ-XX-DR-C_0130-P06_S38 Construction Layout 1 of 2
- ARWB-BSP-ZZ-XX-DR-C-0132-P06 _S38_AGREEMENT_PLAN

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

3. The external elevations of the development hereby permitted must be constructed using only the materials specified in the submitted application and materials board submitted and approved under condition 2.

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

4. The construction of the dwellings hereby permitted must not proceed above damp proof course level until a scheme for the provision of Electric Vehicle

Charging Point(s) (EVCP) has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme must include details of the type, number and location of the proposed EVCP apparatus. The dwellings hereby permitted must not be first occupied until the plot specific EVCP's has been installed in accordance with the approved details. Thereafter EVCP's must be permanently retained on the site in accordance with the approved scheme throughout the lifetime of the development.

[To promote sustainable transport measures that will help lead to a reduction in carbon emissions within the Borough and help contribute towards an improvement in general air quality having regard to Policy 2 (Climate Change) of the Local Plan Part 1: Core Strategy (2014) and Policy 41 (Air Quality) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Paragraph 112 of the National Planning Policy Framework (February 2021).

5. Prior to their first occupation, each dwelling within the development hereby permitted must have been provided with a full fibre broadband connection in accordance with condition 19 of the outline permission.

[To ensure the provision of advanced high quality and reliable communications infrastructure that can enable working from home initiatives that reduce travel demand, supports economic growth and helps to promote social well-being having Policy 14 (Managing Travel Demand) of the Rushcliffe Local Plan Part 1: Core Strategy (2014); Policy 13 (Health Impacts of Development) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Paragraph 114 of the National Planning Policy Framework (February 2021)].

6. Dwellings within the development hereby permitted shall not be occupied until the optional requirement for water efficiency (i.e: not exceeding 110 litres per person per day) set out at Regulation 36(2)(b) of the Building Regulations 2010 as amended)(or any equivalent regulation revoking and/or re-enacting that Statutory Instrument) has been complied with. Thereafter this water efficiency standard must be retained throughout the life of each dwelling on the site.

[To promote a reduction in water consumption having regard to Policy 12 (Housing Standards) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)].

7. The hard and soft landscaping shown on the submitted drawing(s) (RammSanderson Landscape and Ecological Management Plan RSE_4660_R1_V5_LEMP 1 September 2021, 3573-103 T; Proposed Masterplan and 3573-106 F Hard Surfacing & Energy strategy received 21 September; GL1535 01C DETAILED LANDSCAPE PROPOSALS received 23 September 2021 and GL1535 - Landscape Management Plan - Rev C 24-09-2021 received on the 24 September 2021) must be carried out and completed in accordance with those approved details not later than the first planting season (October – March) following either the substantial completion of the development hereby permitted or it being first brought into use, whichever is sooner. If, within a period of 5 years of from the date of planting, any tree or shrub planted as part of the approved LS is removed, uprooted, destroyed, dies or become diseased or damaged then another tree or shrub of the same species and size as that originally planted must be planted in the same place during the next planting season following its removal.

[To ensure the development creates a visually attractive environment and to safeguard against significant adverse effects on the landscape character of the area having regard to Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014); Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Chapter 12 (Achieving Well-designed Places) of the National Planning Policy Framework (February 2021)].

8. Notwithstanding the provisions of the Schedule 2 Part 1 Class A, B, C, D, E and F of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and/or re-enacting that Order) no enlargement, porches, or any other alteration including to the roof of the dwelling(s) and including the insertion of windows, shall be carried out to the dwelling(s) hereby permitted and no outbuildings or other structures shall be erected, and no hard surfaces or alterations to garden levels shall be constructed or undertaken within the curtilage of the dwelling(s) on plots 1-29 and 46-71 hereby permitted without express planning permission from the Local Planning Authority.

[To enable the Local Planning Authority to retain control over any future enlargements and/or alterations that may harm the amenities of neighbouring properties, the appearance of the dwelling, the character of the area and to ensure that any unexpected contamination that is encountered is appropriately remediated so that the site is suitable for the approved development without resulting any unacceptable risk to the health of any construction workers, future users of the site, occupiers of nearby land or the wider environment having regard to Policy 1 (Presumption in Favour of Sustainable Development) and Policy 10 (Design and Enhancing Local Identify) of the Rushcliffe Local Plan Part 1: Core Strategy (2014), Policies Policy 1 (Development Requirements), 39 (Health Impacts of Development) and 40 (Pollution and Land Contamination) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Paragraphs 183 of the National Planning Policy Framework (February 2021)].

9. The flat roof areas above the 2nd floor level of the dwellings on plots 1-7, 16-24, 30-35, 36-45, 51- 61, 62 and 63 (other than those expressly authorised by this permission) hereby permitted must not be used as a balcony, roof garden or any other similar amenity area whatsoever.

[To protect the amenities of occupiers of neighbouring properties from adverse overlooking/loss of privacy having regard to Policy 10 (Design and Enhancing Local Identify) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)].

10. Notwithstanding the provisions of section 55(2)(a)(i) and 55(2)(d) of the Town and Country Planning Act 1990 or Article 3(1) of the Town and Country Planning (Use Classes) Order 1987 the garages/ car ports/parking areas serving plots [1-7, 13-15, 18, 21, 24, 51, 54, 58, 62-68] hereby permitted must be kept available at all times for the parking of motor vehicles of the occupants of the dwelling(s) and their visitors and must not be used for any other purpose whatsoever. The garage doors shall open as per the approved plans, and the car ports shall be retained with no doors, for the life of the development.

[To ensure that sufficient parking provision is retained at the site having regard to Policy 10 (Design and Enhancing Local Identify) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)].

11. The windows serving bathrooms and ensuites to all plots hereby approved, must be fitted with glass which has been rendered permanently obscured to Group 5 level of privacy or equivalent and the window on the second floor side elevation serving a bedroom in House Type A hereby permitted must be:
 - a. non-opening to the side facing and;
 - b. fitted with glass which has been rendered permanently obscured to Group 5 level of privacy or equivalent.

Thereafter, those window(s) must be retained to this specification throughout the lifetime of the development and no window openings (other than those expressly authorised by this permission) shall be inserted into the elevations of the dwelling(s) hereby permitted without express planning permission from the Local Planning Authority.

[To preserve the amenities of neighbouring properties, and to enable the Local Planning Authority to retain control over the insertion of any additional window openings or rooflights that may adversely affect the amenities/privacy of neighbouring properties having regard to Policy 10 (Design and Enhancing Local Identify) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)].

12. Occupation of the proposed dwellings/apartments shall not take place until details of their respective bicycle parking/storage has been submitted for the prior written approval of the Borough Council and the bicycle parking/ storage has been provided in accordance with the approved details. Thereafter the bicycle parking/storage must be retained on the site in accordance with the approved details and must be kept available for the parking bicycles at all times.

[To ensure there is adequate provision for the secure and undercover parking/storage of bicycles within the site to encourage the use of bicycles as an alternative to using motor vehicles having regard to Policy 14 (Managing Travel Demand) of the Rushcliffe Local Plan Part 1: Core Strategy (2014)].

13. The development will require the stopping up of public highway and no part of that development hereby permitted (or any temporary works or structures) shall obstruct the public highway until it has been formally stopped up.

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

14. No part of the development hereby permitted shall take place until details of the new roads have been submitted to and approved in writing by the Local Planning Authority, including longitudinal and cross-sectional gradients, street lighting, drainage and outfall proposals, construction specification, provision of

and diversion of utilities services, and any proposed structural works. The development shall be implemented in accordance with these details to the satisfaction of the Local Planning Authority.

[To ensure that the estate streets serving the development are completed and thereafter maintained to an acceptable standard in the interest of residential/highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the development; and to safeguard the visual amenities of the locality and users of the highway, having regard to Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019). This is a pre commencement condition required to ensure that the setting out of the development accords with Highway design guides].

15. No dwelling shall be occupied until any redundant accesses have been permanently closed and the access reinstated as verge/footway in accordance with details first submitted to and approved in writing by the Local Planning Authority.

[To reduce the number access points into the site in the interest of highway safety, having regard to Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)].

16. Occupation of the proposed dwellings shall not take place until their respective driveways have been surfaced in a bound material (not loose gravel) for a minimum distance of 5 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 lifetime of the development.

[In the interest of highway safety and to ensure adequate vehicle parking spaces are provided on the site for use in connection with the development hereby permitted having regard to Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)].

17. Notwithstanding Class A or AZ of Part 20 of Schedule 2 of the General Permitted Development Order 2015 (as amended) the flats hereby approved shall not benefit from the construction of up to two additional floors on a purpose built detached block of flats or for the Demolition of buildings & construction of new flats or a house for the life of the development.

[To enable the Local Planning Authority to retain control over any future enlargements and/or alterations that may harm the amenities of neighbouring properties, the appearance of the dwelling or the character of the area having regard to Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)].

18. Notwithstanding Class AA of Part 1 or Class AC and Class AD of Part 20 Schedule 2 of the General Permitted Development Order 2015 (as amended) the dwellinghouses hereby approved shall not benefit from the enlargement of a dwellinghouse by construction of additional storeys, or new flats on terrace

buildings in use as houses or new flats on detached buildings in use as houses for the life of the development.

[To enable the Local Planning Authority to retain control over any future enlargements and/or alterations that may harm the amenities of neighbouring properties, the appearance of the dwelling or the character of the area having regard to Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)].

Notes to Applicant

The applicant is reminded that the development is also subject to a planning obligation made under the provisions of section 106 of the Town and Country Planning Act 1990 (as amended) the purpose of which is to exercise controls to secure the proper planning of the area. The planning obligation runs with the land and not with any person or company having an interest therein.

Condition 6 requires the new dwelling(s) to meet the higher 'Optional Technical Housing Standard' for water consumption of no more than 110 litres per person per day. The developer must inform their chosen Building Control Body that this requirement is a condition of this planning permission. Guidance of this process and the associated requirements can be found in Approved Document G under requirement G2, with the requirements laid out under regulations 36 and 37 of the Building Regulations 2010 (as amended).

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.

The owner of the neighbouring property claims that there is a legal right of access to your ground in order to maintain that property. You may wish to seek legal advice as to whether that is the case. This grant of planning permission does not override or supersede any such right.

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.

A Stopping Up Order will be required under S247 of the Town and Country Planning Act 1990. This is a separate legal process that sits outside of the planning process

and will require the applicant to apply to the Department for Transport. It is an offence for the highway to be obstructed prior to the granting of an order.

The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the Highways Authority, the new roads and any highway drainage will be required to comply with the Nottinghamshire County Council's current highway design guidance and specification for roadworks.

- a) 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.
- b) It is strongly recommended that the developer contact the Highway Authority at an early stage to clarify the codes etc. with which compliance will be required in the particular circumstance, and it is essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the County Council (or District Council) in writing before any work commences on site.

Correspondence with the Highway Authority should be addressed to:
hdc.south@nottscc.gov.uk

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 for details.

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

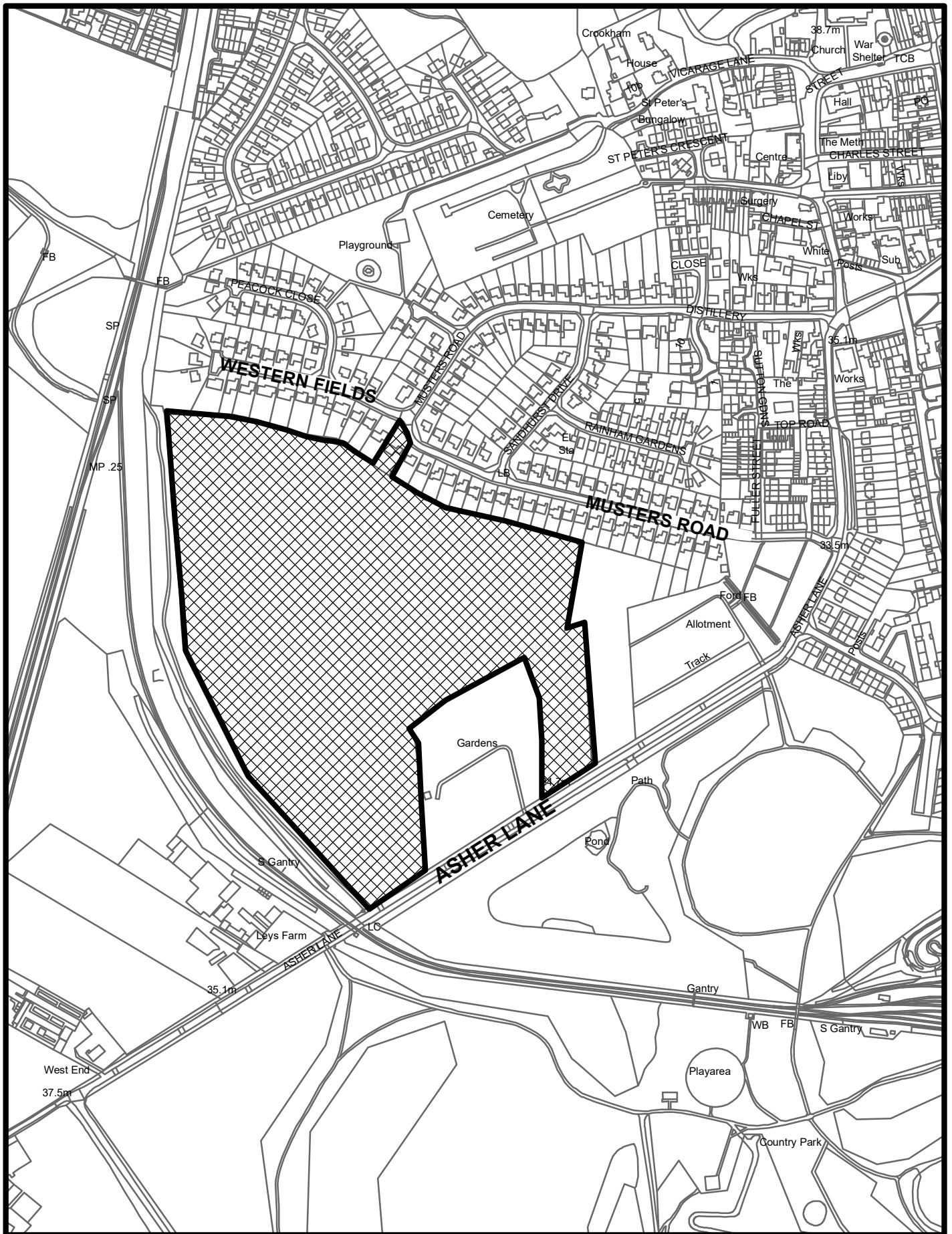
Severn Trent Water advises that there is a public sewer located within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003 and you may not build close to, directly over or divert a public sewer without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development. If the applicant proposes to divert the sewer, the applicant will be required to make a formal application to the Company under Section 185 of the Water Industry Act 1991. They may obtain copies of our current guidance notes and application form from either our website (www.stwater.co.uk) or by contacting our Developer Services Team (Tel: 0800 707 6600)

For the use or reuse of sewer connections either direct or indirect to the public sewerage system the applicant will be required to make a formal application to the Company under Section 106 of the Water Industry Act 1991. They may obtain copies of our current guidance notes and application form from either our website

(www.stwater.co.uk) or by contacting our Developer Services Team (Tel: 0800 707 6600).

Notwithstanding the submitted and approved plans the tree identified as 'replacement street tree' is not acceptable for the purposes of the mitigation scheme required under condition 24 (Removal of the mature highway tree - Tree 15) from planning permission 19/00678/OUT. You are advised to liaise directly with Nottinghamshire County Council regarding what would constitute a suitable mitigation scheme. Please also note that once a scheme is approved under the discharge of condition 24 of 19/00678/OUT separate permission will be required from Nottinghamshire County Council to remove the tree identified as T15 in the AT2 tree survey.

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Application Number: 21/00775/VAR
Land off Asher Lane Ruddington



scale 1:4500

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21/00775/VAR

Applicant Mrs Amy Gilliver

Location Land North Of Asher Lane Asher Lane Ruddington Nottinghamshire

Proposal Variation of Condition 9 of planning permission ref 18/00300/OUT to allow a change in time frame for offsite highway improvements.

Ward Ruddington

THE SITE AND SURROUNDINGS

1. The site comprises of an arable field measuring a total of 9.68 ha in area. It is located south-west of the village of Ruddington. The field is bounded by mature hedgerows. Ruddington is located approximately 7km to the south of Nottingham, between the A60 to the east and the former Great Northern Railway Line to the west.
2. The site is bordered to the north by the private rear residential gardens of properties located along the south side of Musters Road and Western Fields. The southern boundary adjoins, in part, the private allotment gardens known as Buttercup Gardens and Asher Lane, beyond which is Rushcliffe Country Park. The western boundary is parallel to an informal public footpath with the Great Central Railway Line beyond. To the east, beyond a smaller arable field, is a second private allotment garden known as Hareham Gardens.
3. Following the adoption of the Rushcliffe Local Plan Part 2: Land and Planning Policies in October 2019, the site is no longer in the Green Belt and is allocated for housing.
4. The access arrangements via Muster Road have been implemented which necessitated demolition of 75 Musters Road and a significant number of houses have been constructed with work continuing to progress on other plots.

DETAILS OF THE PROPOSAL

5. The application seeks to vary one of the conditions on the outline permission (reference 18/00300/OUT). The condition as approved reads:

No dwellings shall be occupied until the following off-site highway improvement works have been completed:

- a) *Access arrangement off Musters Road (as indicated on drawing 20999_08_020_11) unless otherwise submitted to and approved in writing by the Local Planning Authority.*
- b) *Junction Improvements to the High Street/Kirk Lane/Charles Street junction and the A60/Kirk Lane/Flawforth Lane junction, in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority.*

- c) *Mitigation of on-street car parking on Asher Lane, between Musters Road and Distillery Street.*
6. The proposed amendment is as follows:
- No dwellings shall be occupied until the following off-site highway improvement works have been completed:*
- a) *Access arrangement off Musters Road (as indicated on drawing 20999_08_020_11) unless otherwise submitted to and approved in writing by the Local Planning Authority.*
- b) *Mitigation of on-street car parking on Asher Lane, between Musters Road and Distillery Street.*
- And no more than 35 dwellings shall be occupied until:*
- c) *A financial contribution has been made to the Local Highway Authority in lieu of Improvements to the High Street/Kirk Lane/Charles Street junction.*
- d) *The off-site highway improvement works to the A60/Kirk Lane/ Flawforth Lane junction have been completed in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority.*
7. The application is supported by a Technical Note which addresses whether a signalised junction at High Street/Kirk Lane/Charles Street would be a viable arrangement and a separate Technical Note which assesses whether a delayed trigger point to carrying out the works required to the A60/Kirk Lane/Flawforth Lane junction would be warranted.

SITE HISTORY

8. 14/02540/OUT - Outline planning application for proposed development of 250 dwellings including vehicular access, pedestrian links, public open space, car parking, landscaping and drainage. Withdrawn
9. 16/03123/OUT - Outline planning application for proposed development of 175 dwellings including vehicular access, pedestrian links, public open space, car parking, landscaping and drainage. Allowed at appeal
10. 18/00300/OUT - Outline planning application for proposed development of 175 dwellings including vehicular access (via 75 Musters Road), pedestrian links, public open space, car parking, landscaping and drainage. Allowed at appeal.
11. 19/01983/REM - Reserved matters application for outline permission 18/00300/OUT to seek approval of the access, appearance, landscaping, layout and scale for the development of 175 new dwellings. Approved.
12. 20/01349/NMA - Application for a non-material amendment to planning permission 19/01983/REM to propose alternative materials, required due to shortages in supply and availability of the approved materials. Agreed.
13. In addition. various applications have been made to discharge conditions at the site.

REPRESENTATIONS

Ward Councillor(s)

14. One Ward Councillor (Cllr. Walker) objects because the Planning Inspector twice determined the application at appeal and considered the highway improvements were the only way to facilitate the development, the Cllr queries what has changed. She goes on to state that if the financial contribution is acceptable to the Highway Authority the amount to be paid must be clarified and proper breakdown of costs provided, and the money must be ring fenced to be spent within Ruddington. The money should be paid prior to occupation of any homes.
15. One Ward Councillor (Cllr Gaunt) also objects and agrees with the Parish Council comments (below). He also concurs with the comments of Cllr. Walker (above).

Town/Parish Council

16. The Ruddington Parish Council objects in the strongest possible terms, the highway improvement works were necessary for the development to be allowed and to lessen its effects on the people who live and work in Ruddington prior to homes being brought into occupation. The Parish also state that, if the Council is minded to approve the application, the developer should pay no less than what the mitigations works would have costs, and money ring fenced to be spent in Ruddington. The burden should not be placed on Council Tax payers and any measures should be subject to consultation with the Parish Council and whole of Ruddington.

Statutory and Other Consultees

17. The Borough Council's Planning Policy Officer has commented that the Local Plan policy was developed on the back of the appeal decision requirements, and any decision should be in accordance with the development plan unless material considerations indicate otherwise. If Highways are happy with the amended arrangement this would weigh strongly in favour of a variation compared to the policy requirement. This must be weighed in the planning balance.
18. The Borough Council's Conservation Officer states that there are no designated heritage assets either within the site or within the vicinity which might have their settings impacted upon by the proposed development.
19. Highways England has responded that the proposal will have no material impact on the Strategic Road Network.
20. The NHS Nottingham and Nottinghamshire CCG has no comments to make as the number of dwellings is not affected.
21. The Nottinghamshire Council as Lead Local Flood Authority has not provided bespoke comments and offers general advice regarding surface water drainage.
22. The Group Aerodrome Safeguarding Officer has no objection to the variation.

23. The Borough Councils' Environmental Sustainability Officer considered the application should not materially impact ecological issues on site and has no comments to make.
24. The Nottinghamshire County Council Planning team has no comments to make.
25. The Nottinghamshire County Council as Highway Authority responded as follows; *"With regard to parts a and b, we would note that both these items have already been substantially completed on site, subject to completion of some minor snagging items we are content with what has been provided, consequently we have no issue with what is proposed as the requirements have already been satisfied.*
26. *With regard part c, having reviewed the content of the Transport note associated with the development we are broadly supportive of what is proposed. Since the developments inception we have held concerns as to whether the proposed traffic lights at the junction of Kirk Lane/High Street/ Charles Street could be delivered in a safe manner which meet the relevant design standards with regard to visibility.*
27. *We also had concerns with regard the adverse impacts on the High Street in terms of loss of parking, and the impact additional street furniture would have on the already narrow footways on the corner of Kirk Lane/High Street.*
28. *Modelling undertaken in the supporting note demonstrates, that any capacity benefits offered by the signalisation are not significant and hence the overall benefit of the proposal when compared to the issues it creates would be considered marginal at best.*
29. *Nonetheless we do recognise there is a need to mitigate the traffic impacts of the development on the village centre. In this regard we welcome the offer to provide a financial contribution in lieu of the works. We would expect this contribution to spent on works in and around Ruddington Village Centre to reduce single occupancy car use and sustainable transport measures which encourage non-motorised transport such as cycling and walking.*
30. *No indication has been provided as to the value of the contribution. For clarity we would wish to see any contribution provided to be of an equivalent value what would have been the full implementation cost of the signalised junction, including design costs, legal fees, commuted maintenance sums etc.*
31. *Finally, with regard to part d) we would not be opposed to this as the traffic generated by 35 dwellings would only result in circa 20 additional trips in the peak period. This is well within daily variations of traffic at this junction. It is also below the recommend threshold of 30 trips at which an impact on a junction would be considered material if we were considering as part of a formal planning application.*
32. *In conclusion we are not opposed to the principle of this application, however further information is required with regard to the value of the contribution suggested in part c) and how this will be secured before we are fully able to recommend approval of the proposed variation.*

Local Residents and the General Public

33. 62 comments objecting to the application have been received. The objections relate to the following:
- a. Changes are not justified.
 - b. Avant should be held to original timetable, what is to stop them applying for a further delay after 35 homes have been occupied.
 - c. Was the information originally submitted at appeal incorrect.
 - d. Number of dwellings should be reduced.
 - e. This estate is unwanted, unnecessary and unhealthy for Ruddington.
 - f. The construction traffic has been using the wrong access, there has been no response to suggestion of a ditch along the northern boundary of the site to mitigate potential flooding.
 - g. Application is entirely in the interests of the builder.
 - h. There is already congestion in the village, the works should not be delayed.
 - i. Concerns about emergency vehicles getting through the village.
 - j. Money saved on traffic lights should go towards the new Community Centre car park.
34. The Ruddington Action Group (RAG) comment that their key objection to the original planning application was regarding the impact traffic generation would have on the centre of the village. In particular, concerns were raised about installing traffic lights at the High Street/Kirk Lane/Charles Street junction and the impact on the built environment and loss of on-street parking. Therefore, in principle RAG has no objection to amending this part of the condition.
35. RAG considers that the costs of the works should be reflected by the level of financial contribution in lieu and this should be secured by the S106 process. The monies should be solely used on improving the traffic through the Village centre. The group also considers that the local community is engaged on how best the money could be spent and makes the following suggestions:
- a. additional pedestrian crossing points
 - b. improved/additional pedestrian signage
 - c. improved cycle parking
 - d. better provision for people who need to drive into the village to work
 - e. potential one way system on Church Street with cycle lane
 - f. permanent 20mph speed limit through centre of village and expand to cover more of the village
36. RAG object to the delay in payment until 35 homes are occupied. If it is decided to accept the delayed payment an initial pre-occupation payment should be made to fund an assessment of the village centre and guide how the rest of

the money would be best spent. RAG also object to delaying the improvements to the A60/Kirk Lane/Flawforth Lane junction. RAG also suggest further consideration is given to the scheme for mitigating parking on Asher Lane, it is noted a scheme for double yellow lines has been approved. RAG queries whether the proposed widening of Asher Lane for its junction with Top Road to Musters Road would actually encourage greater vehicle speeds, and this would also narrow the pavement along this stretch of Asher Lane which would be detrimental to pedestrians. It is suggested a commuted sum could also be offered in lieu of these works.

37. RAG suggest the following amended wording be approved instead:

Access arrangement off Musters Road (as indicated on drawing 20999_08_020_11) unless otherwise submitted to and approved in writing by the Local Planning Authority (this could be deleted as the works have already been carried out).

- b) *Mitigation of on-street car parking on Asher Lane, between Musters Road and Distillery Street or a financial contribution in lieu of these works.*
- c) *A financial contribution has been made to the Local Highway Authority in lieu of improvements to the High Street/Kirk Lane/Charles Street junction.*
- d) *The off-site highway improvement works to the A60/Kirk Lane/Flawforth Lane junction have been completed in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority.*

38. 1 comment neither supporting nor objecting to the application:

- a. Seems to be no current solution to anticipated increase in traffic volume.
- b. Surely this means the information provided to the appeal was incorrect and the appeal would not have succeeded if the traffic lights proposal was not a viable option.
- c. Therefore, should the planning application be reversed or number of dwellings reduced so that the current highway layout can cope with the additional number of dwellings.

PLANNING POLICY

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

Relevant National Planning Policies and Guidance

40. The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and makes clear at paragraph 3 that the Framework should be read as a whole, including footnotes and annexes. The

sections of the NPPF which are considered to be of particular relevance to the current application are as follows:

- Chapter 2 - Achieving sustainable development
- Chapter 5 – Delivering a sufficient supply of homes
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment

41. The full text of the NPPF can be viewed on the gov.uk website at <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

Relevant Local Planning Policies and Guidance

42. The following policies of the LPP1 are considered to be relevant to the current application:

- Policy 1 – Presumption in Favour of Sustainable Development
- Policy 2 – Climate Change
- Policy 3 – Spatial Strategy
- Policy 8 – Housing Size, Mix and Choice
- Policy 10 – Design and Enhancing Local Identity
- Policy 14 – Managing Travel Demand
- Policy 17 – Biodiversity

43. The following policies of the LPP2 are considered to be relevant to the current application:

- Policy 1 - Development Requirements
- Policy 6.4 – Housing Allocation – Land North of Asher Lane Ruddington
- Policy 12 – Housing Standards
- Policy 18 – Surface Water Management
- Policy 32 – Recreational Open Space
- Policy 34 – Green Infrastructure and Open Space Assets
- Policy 37 – Trees and Woodland
- Policy 38 - Non-Designated Biodiversity Assets and the Wider Ecological Network.
- Policy 43 – Planning Obligations Threshold

44. The full text of the policies in the LPP1 and LPP2 together with the supporting text can be found in the Local Plan documents on the Council's website at: <https://www.rushcliffe.gov.uk/planningpolicy/localplan/>

45. The Rushcliffe Residential Design Guide is adopted Supplementary Guidance and sets out advice on design principle and approaches to ensure the delivery of appropriately designed residential development across the Borough.

46. The Ruddington Neighbourhood Plan was adopted in June 2021. Section 9 sets out Connectivity Policies in particular Policy 8 – Traffic and new development.

APPRAISAL

47. The development has been approved both in principle at outline stage (via the appeals process) and also at reserved matters stage. Although an application submitted under S.73 of the Act to vary one of the conditions does result in a new planning permission being granted (and accordingly any relevant conditions need to be copied across) it must be noted that permission has already been granted for the scheme in principle, this permission is extant and is being implemented and this is a material consideration to which great weight should be attached.

48. The policy situation has changed since the original grant of outline permission. When application 18/00300/OUT was determined the site lay within the Green Belt. The Rushcliffe Local Plan Part 2: Land and Planning Policies was adopted in October 2019 and Policy 6.4 allocates the application site for housing. The policy sets out:

“The area, as shown on the policies map, is identified as an allocation for around 175 homes.

The development will be subject to the following requirements:

- a) Asher Lane must be brought up to adoptable highway standard, including the provision of a footpath along its entire length;*
- b) appropriate junction Improvements including traffic signals to the High Street/Kirk Lane/Charles Street junction and the A60/Kirk Lane /Flawforth Lane junction;*
- c) mitigation of on-street car parking on Asher Lane, between Musters Road and Distillery Street;*
- d) existing trees and hedges must be retained;*
- e) a financial contribution to a package of improvements for the A52(T) between the A6005 (QMC) and A46 (Bingham); and*
- f) it should be consistent with other relevant policies in the Local Plan.*

49. To turn to the specific condition which is the focus of this application (as set out in paragraph 5 above), Part a) and c) of the original condition remain unaltered and would simply be shifted to parts a) and b).

50. Condition b) of the original permission would be split into two - Parts c) and d) which introduce new elements to be considered. Both parts c) and d) shift the trigger point to *“no more than 35 dwellings shall be occupied until”*, in addition the proposed junction improvements to High Street/Kirk Lane/ Charles Street junction (which were demonstrated in the original Transport Assessment (January 2018) to be a signalised junction) are no longer proposed and would instead be replaced by a financial contribution to the Highways Authority to make other improvements. The submitted Technical Note has been prepared using updated traffic counts (January 2020) and revised modelling software. The modelling has predicted traffic flows up to 2023.

51. Firstly, in terms of part c) of the proposed condition the Technical Note provides modelling and makes the following summary and conclusions (for reference a PCU is a Passenger Car Unit):
52. *“The existing junction is overcapacity although stationary queues at the Kirk Lane arm only extend to six vehicles in the worst case evening peak hour. In 2023, with the development in place, the queue on Kirk Lane would increase to 23 vehicles, a queue length of 138m. Improvements to the existing priority-controlled layout have been considered notably changing the priority so that the High Street south arm gives way to the Kirk Lane arm which generates more traffic. Whilst this would improve the performance of the junction from a capacity perspective, significant safety problems would arise notably the lack of forward visibility due to the existing buildings.*
53. *The consent for the development includes Condition 9 which proposes improvements at the junction before occupation of the dwellings. Therefore, a signals layout has been explored. Due to the site constraints, stoplines have been setback from the proposed pedestrian crossings to accommodate vehicle tracking of a double decker bus. However, larger vehicles notably a 16.5m articulated vehicle would still overlap with the stoplines and would require the stoplines to be further setback. Intervisibility is also not achievable on the Kirk Lane arm of the junction due to the existing site constraints and would greatly increase the risk of accidents at the junction.*
54. *In terms of the modelling of the signals layout, the junction would operate within capacity in the morning peak hour but over capacity in the evening peak hour. Further, there would be a queue of 16 PCUs on the Kirk Lane approach in the worst case evening peak hour with the development in place compared to the 23 PCUs with the development in place but retained priority-controlled arrangement.*
55. *Therefore, given the above, the signals layout would not significantly improve the queues on Kirk Lane to a level that outweighs the safety and physical constraints the signals layout presents. As a result, it is considered that the junction should remain as a priority-controlled T-junction until a time that a significant improvement scheme is identified.”*
56. The Highways Authority has provided its comments (see above) and in principle does not object to this change, they consider the previously proposed scheme of signalisation would offer only a marginal benefit (at best) and have concerns about the impact of loss of on-street parking and impact on the already narrow pedestrian footways. As such, the Highways Officer recommends accepting a payment instead which would likely be spent on other improvements in the area and/or integrated transport measures. This would be defined within the S106 agreement as to be spent solely to make improvements within the Ruddington area and would not be able to be used elsewhere in the Borough.
57. Although specific measures have not yet been agreed at this stage it is foreseen they would likely incorporate some of the measures set out in the submitted Highways Report and suggested by RAG – in particular additional pedestrian crossings and improved cycle productivity. A further update to these suggested measures will be provided to the Committee verbally.

58. In terms of the proposed trigger point the developer has offered to pay the financial sum upon completion of the S106/grant of planning permission.
59. It is acknowledged that the proposal is not strictly in accordance with requirement b) of Policy 6.4 (above) which is very prescriptive of the type of improvements to be made to the junction of High Street/Kirk Lane/Charles Street. As such the development has been publicised as a Departure from the Local Plan.
60. Nonetheless, robust justification has been provided by the applicant in the form Technical Note which the Highways Authority has accepted. Specifically, the Highways Officer has stated that; *“Modelling undertaken in the supporting note demonstrates that any capacity benefits offered by the signalisation are not significant and hence the overall benefit of the proposal when compared to the issues it creates would be considered marginal at best.”*
61. In terms of the delayed trigger point for the works to take place the Technical note provided models that the additional traffic movements associated with 35 dwellings would result in a 5 second delay at the A60/Kirk Lane/Flawforth Lane junction and concludes as follows:
62. *“Regarding queues, the arm with the longest queues is the A60 (S). When comparing the 2022 base and 2022 with development (35 dwellings) scenarios, there would only be one vehicle generated by the 35 dwellings on the A60 (S) approach. The arm the development impacts the most in the worst case morning peak hour is Kirk Lane where queues would increase from 22 PCUs in 2022 without the development to 26 PCUs in 2022 with 35 dwellings occupied.*
63. *This is not a significant increase and queues would not extend to and block the Kirk Lane/Elms Park junction which is a key junction serving a significant number of dwellings in the southern part of Ruddington. Hence, it is deemed 35 dwellings is a suitable trigger point for the improvement works as it would enable the works to be carried out before other key junctions are significantly impacted by the increased queues and delays at the crossroads.”*
64. In relation to part b) of the proposed new condition wording “Mitigation of on-street car parking on Asher Lane, between Musters Road and Distillery Street.” the Highways Officer has confirmed that a S278 agreement has been entered into by the developer and a Traffic Regulation Order is in place. Physical works have taken place to provide yellow lining and widening to create parking bays. There is an outstanding issue with some of the yellow lining but this can be addressed through the S278 agreement. As such this part of the condition can be deleted. Parts c) and d) discussed above therefore become parts b) and c).
65. As such, it is recommended that the variation to the approved conditions is accepted, any existing conditions should be copied across from the previous permission with relevant updates to their status.
66. The application has not been subject to pre-application advice, negotiations have taken place during the course of the application to secure a suitable sum and trigger point as part of the deed of variation to the S106 agreement which has resulted in a favourable recommendation.

RECOMMENDATION

It is RECOMMENDED that the Director for Development and Economic Growth is authorised to grant planning permission subject to the prior completion of a S106 agreement and subject to the following condition(s):

1. The access, appearance, landscaping, layout, and scale, (hereinafter called 'the reserved matters') shall be carried out in accordance with those details submitted and approved under application 19/001983/REM.

[This is an outline planning permission and the matters specified above have been reserved for subsequent approval by the Local Planning Authority in accordance with the provisions of Section 92 of the Town and Country Planning Act 1990 and Parts 1 and 3 of the Town and Country Planning (Development Management Procedure) Order 2015].

2. Existing trees and hedges which are to be retained shall be protected in accordance with details submitted and approved under 20/00704/DISCON 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 any fence erected to protect the retained trees and/or hedges, nor is any excavation work to be undertaken within the confines of the fence, without the written approval of the Local Planning Authority. No changes of ground level shall be made within the protected area without the written approval of the Local Planning Authority.

[To ensure the adequate protection of the existing trees and hedgerows on the site during the construction of the development regard to Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014); Policies 37 (Trees and Woodlands) and 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Chapter 15 (Conserving and Enhancing the Natural Environment) of the National Planning Policy Framework].

3. With the exception of the sections to be removed to enable the provision of the vehicular and pedestrian access points, the hedgerows located along the southern, western and northern boundaries of the site shall be retained and any part of the hedgerows 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 Local Planning Authority, within one year of the date of any such loss being brought to the attention of the Local Planning Authority.

[To ensure the adequate protection of the existing trees and hedgerows on the site during the construction of the development having regard to regard to Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014); Policies 37 (Trees and Woodlands) and 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Chapter 15 (Conserving and Enhancing the Natural Environment) of the National Planning Policy Framework (February 2019)].

4. The development shall be carried out in accordance with the details submitted as part of the Construction Management approved under reference 20/00471/DISCON

[In the interests of highway safety and to protect the amenities of the area having regard to Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)].

5. No dwellings shall be occupied until the following off-site highway improvement works have been completed:
 - a) Access arrangement off Musters Road (as indicated on drawing 20999_08_020_11) unless otherwise submitted to and approved in writing by the Local Planning Authority.

And no more than 35 dwellings shall be occupied until;

- b) A financial contribution, secured via the S106 agreement, has been made to the Local Highway Authority in lieu of Improvements to the High Street/Kirk Lane/Charles Street junction.
- c) The off-site highway improvement works to the A60/Kirk Lane/ Flawforth Lane junction have been completed in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority.

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

6. No development hereby permitted shall take place 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 in accordance with the provisions of the A52/A606 Improvement Package Developer Contributions Strategy Memorandum of Understanding September 2015.

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

7. The dwellings hereby approved shall not be occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The requirements as set out in the approved Travel Plan shall be implemented from occupation of the first dwelling and operated thereafter.

[To promote sustainable travel within the Borough having regard to Policy 14 (Managing Travel Demand) of the Rushcliffe Local Plan Part 1: Core Strategy (2014)].

8. The design, layout and specifications for the surface water drainage system shall be carried out in accordance with the details approved under 20/00566/DISCON. 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 ensure that the development increases water attenuation/storage on the site and minimises the risk of flooding elsewhere having regard to Policy 2 (Climate Change) of the Rushcliffe Local Plan Part 1: Core Strategy (2014), Policies 17 (Managing Flood Risk) and 18 (Surface Water Management) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Paragraphs 163 and 165 of the National Planning Policy Framework].

9. The development shall not be brought into use until the facilities for the disposal of foul water drainage have been provided, in accordance with details approved under 21/00053/DISCON

[To ensure a satisfactory standard of development in terms of the disposal of foul water having regard to Policy 2 (Climate Change) of the Rushcliffe Local Plan Part 1: Core Strategy (2014), Policies 17 (Managing Flood Risk) and 18 (Surface Water Management) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Paragraphs 163 and 165 of the National Planning Policy Framework].

10. The dwellings shall be constructed in accordance with the glazing and ventilation specifications approved under 20/01121/DISCON. The said glazing and ventilation shall thereafter be retained and maintained to the approved specifications. Each dwelling, to which the acoustic boundary fencing is to be installed, shall not be occupied until the approved acoustic boundary fencing for that dwelling has been installed. The acoustic fencing shall thereafter be retained and maintained to the approved specifications.

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

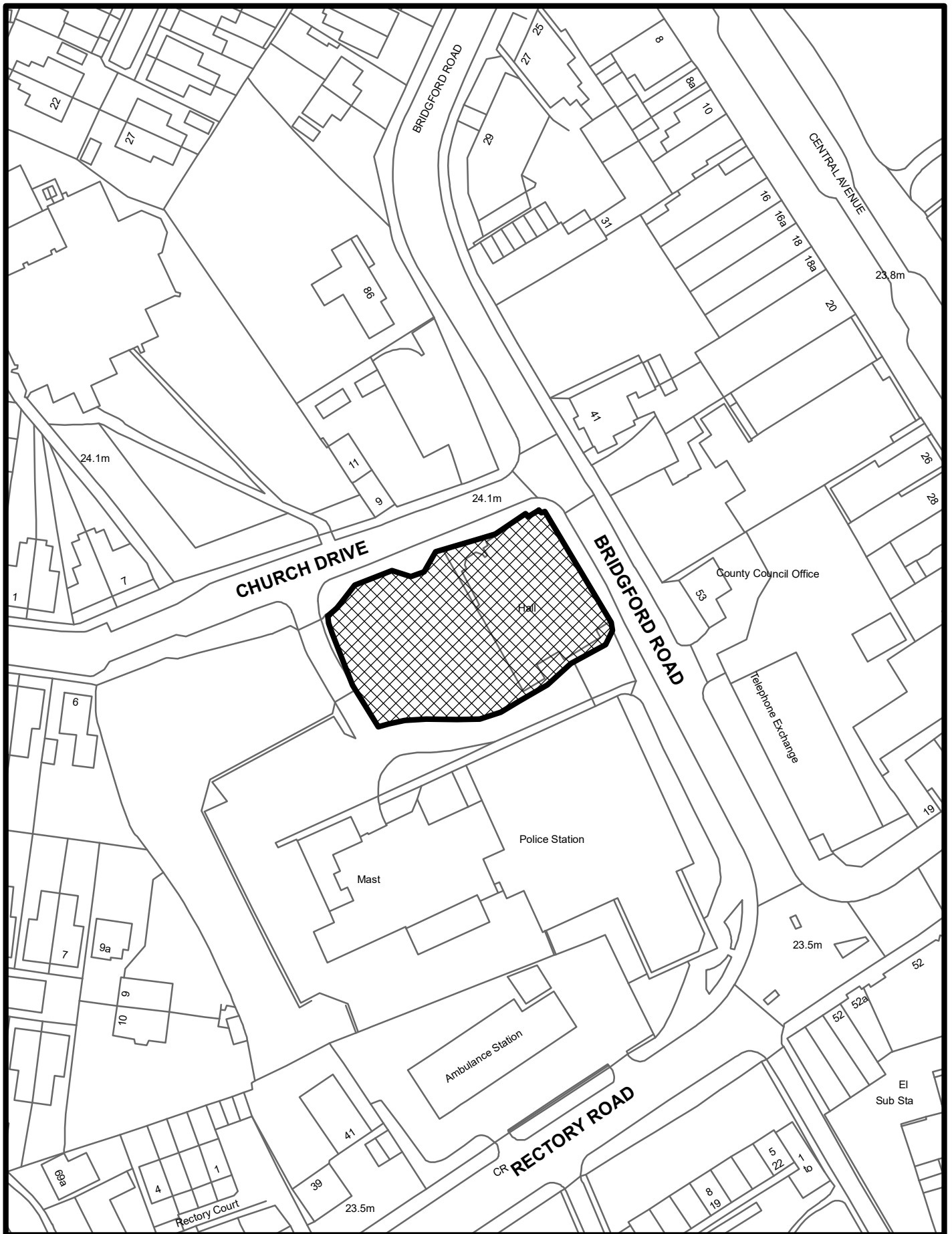
11. The dwellings hereby approved shall not be occupied until bird boxes and bat boxes and/or access points to bat roosts have been installed in accordance with details previously submitted to and approved in writing by the Local Planning Authority. Thereafter the bird and bat boxes and/or access points shall be permanently retained and maintained.

[To ensure the development contributes to the enhancement of biodiversity on the site having regard to Policy 17 (Biodiversity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014); Policy 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019); Chapter 15 (Conserving and enhancing the natural environment) of the National Planning Policy Framework].

12. The development shall be carried out in accordance with the Bird Management Plan (BMP) approved under 20/00654/DISCON.

[To ensure the development contributes to the protection of biodiversity on the site having regard to Policy 17 (Biodiversity) of the Rushcliffe Local Plan Part

1: Core Strategy (2014); Policy 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019); Chapter 15 (Conserving and enhancing the natural environment) of the National Planning Policy Framework].



Application Number: 21/01802/FUL & 21/01803/LBC
Lutterell Hall, Church Drive, West Bridgford



scale 1:1000

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Rushcliffe Borough Council - 100019419

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21/01802/FUL & 21/01803/LBC

Applicant Ms Catherine Evans

Location Rushcliffe Borough Council Lutterell Hall Church Drive West Bridgford Nottinghamshire

Proposal

- (i) Internal alterations to existing toilets, installation of boiler flue and new external storage container
- (ii) Internal alterations to existing store to create accessible WC and to existing female/junior toilets including the removal of the existing partially glazed door within the entrance hall, installation of boiler flue, clipped to the existing wall, fixings into mortar joints and new external storage container

Ward Trent Bridge

THE SITE AND SURROUNDINGS

1. This application is referred to Planning Committee as the applicant is the Borough Council. This is a joint report covering the application for planning permission and Listed Building Consent, for minor internal alterations.
2. The application site comprises Lutterell Hall, a Grade II listed community hall, located at the junction of Church Drive and Bridgford Road, with a car park to the side with access from Church Drive, located on the western edge of West Bridgford Centre. The police station is adjacent to the south (currently subject to an application for residential redevelopment), and there is a day nursery on the opposite side of Bridgford Road. The Grade II listed St Giles Church is on the opposite side of Church Drive, with Victorian residential properties to the west.

DETAILS OF THE PROPOSAL

3. Planning permission and listed building consent are sought for internal alterations to improve toilet facilities including those for the disabled, the play group and an external storage facility.
4. The alterations to provide the additional toilet facilities will involve the reconfiguration of the existing toilets creating a unisex assessable toilet by portioning off a section of the existing gents toilet and a cleaners cupboard and the play groups toilets would be formed from the existing staff disabled toilet and a lobby area.
5. The new storage facility would be located next to an existing out-building located the rear of the car park. The structure would measure 1.2 metres in width, 2 m deep and 2 m high. Constructed from prefabricated panels and with a pebble dash finish, matching the existing structure.

SITE HISTORY

6. 21/01306/FUL - Single storey rear infill extension. Installation of internal glazed doors between main hall and bar/cafe area. Replacement external security door.
7. 21/01307/LBC - Single storey rear infill extensions. Installation of fully glazed Crittal style double doors within between main hall and bar/cafe area within existing arches. Replacement external security door.

REPRESENTATIONS

Ward Councillor(s)

8. Both Ward Councillors have been consulted on the proposals but have not returned any comments.

Statutory and Other Consultees

9. Historic England - did not want to comment on the proposals.
10. RBC Conservation Officer – has assessed the revised proposals and have the following comments to offer. The works proposed are now largely related to reconfiguring of the toilets (male, female, an accessible toilet and those for the play group) within Lutterell Hall. The area within the male toilet proposed as a boarded void would have a vent and an inspection hatch. A small ventilation fan for the new accessible toilet would be required and therefore visible externally, but this is considered to be acceptable. The external flue proposed has been removed from the application and instead a flue liner will be used inside the existing chimney stack.
11. Details have been provided for the additional small storage container that would be sited in the carpark area adjacent to the existing storage unit and this is also considered to be appropriate. In general, the design, materials and methods are appropriate as well as being reversible and therefore, the alterations are considered to not affect the special interest of the Grade II listed building. For these reasons it is considered that the proposal would not cause harm to the significance of the Listed Building and its setting, nor would it harm the significance of the nearby listed buildings and their settings.
12. RBC Environmental Health Officer – advises that there are no objections or comments to make in respect of the proposal.
13. Nottinghamshire County Council as Highway Authority – raises no objections to the proposals.

Local Residents and the General Public

14. No Comments received.

PLANNING POLICY

15. The development plan for Rushcliffe consists of the Rushcliffe Local Plan Part 1: Core Strategy (LPP1) and the Local Plan Part 2: Land and Planning Policies

(LPP2). Other material considerations include the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG)

Relevant National Planning Policies and Guidance

16. The following sections of the NPPG are relevant to the consideration of this proposal. Paragraphs 11 c) and Chapters 12 (Achieving well designed places), and 16 (Conserving and enhancing the historic environment).
17. In addition, Sections 16 (for listed building consent applications) and 66 (for planning applications) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard is given to the desirability to preserve Listed buildings, their settings and features of special architectural or historic interest which the building possesses. Preservation in this context means not harming the interest in the building, as opposed to keeping it utterly unchanged.
18. The Environment Agency Standing Advice for minor extensions is also relevant.

Relevant Local Planning Policies and Guidance

19. The Rushcliffe Local Plan Part 1: Core Strategy (LPP1), in particular Policies 1 (presumption in Favour of Sustainable Development), 10 (Design and Enhancing Local Identity) and 11 (Historic Environment).
20. The Rushcliffe Local Plan Part 2: Land and Planning Policies (LPP2), in particular Policies 1 (Development Requirements), policy 17 (Managing Flood Risk) and 28 (Conserving and Enhancing Heritage Assets).
21. The full narrative of the LPP1 and LPP2 can be viewed on the Rushcliffe Borough Council website.

APPRAISAL

22. The main consideration in respect of this application is:
 - The impact on the listed building
 - The impact on the setting of the listed buildings

Impact in the listed Building.

23. The initial proposal included an external flue but this has now been amended and the flue carefully repositioned within an existing chimney stack. With the exception of the proposed storage building and a small extract fan to the female toilets, the works proposed are all internal, with no adverse impact on the external appearance of the building, therefore preserving the character and appearance and architectural and historic appearance of the building.
24. In considering works to listed building, a factor to be examined is the effect of alterations in terms of its permanence and reversibility of any proposals. In this regard, a small length of internal wall would be removed to accommodate the improvements to form a separate toilet facility for the play group, to which there are no objections. The remainder of the proposed works involve the

reconfiguration of the existing toilet facilities with the existing structural elements being retained and the use of stud walls to form new room layouts. This retains the key elements of the building in terms of existing/historic room formats and layouts and also means the work is reversible, enabling the floor layouts to be reinstated if desired in the future.

25. In view of the comments of the Conservation Officer, and the relocation of the flue to within an existing chimney structure, it is considered that the proposed development and internal works would not cause harm and would preserve the special architectural and historic interest of the listed building.

Impact on the setting of the listed building.

26. In addition to the host building itself, there is also the nearby the St Giles Church. The alterations set out above have no impact on the setting of the building of the St Giles Church. The only matter for consideration is therefore the small storage building to be positioned within the carpark. Of the same design and construction to the storage building on site and being located directly abutting it, along with its size and positioning to the rear of the car park, it is considered there is no impact or harm on the setting of either Lutterell Hall itself or St Giles Church.
27. Consequently, the proposed development achieves the objectives described as desirable of Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Conclusion

28. Given all the matters as considered above and having assessed the development proposal against the policies set out in National Guidance and the development plan for Rushcliffe, the scheme is considered to be acceptable. Therefore, it is recommended that planning permission and Listed Building Consent are granted.
29. The proposals were not subject to pre-application discussions. Amendments have been made to the proposal during the consideration of the application resulting in an acceptable scheme.

RECOMMENDATION

- (i) 21/01802/FUL - 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:
 - G/1168/03 – Proposed Play Group Toilet Plans

- G/1169/04 – Proposed Male and Assessable Toilet
- Proposed internal and External Alterations received August 2021

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

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

[To ensure the appearance of the development is satisfactory having regard to Policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

- (ii) 21/01802/FUL - It is RECOMMENDED that listed building consent 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 18 of the Planning (Listed Buildings & Conservation Areas) Act 1990].

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

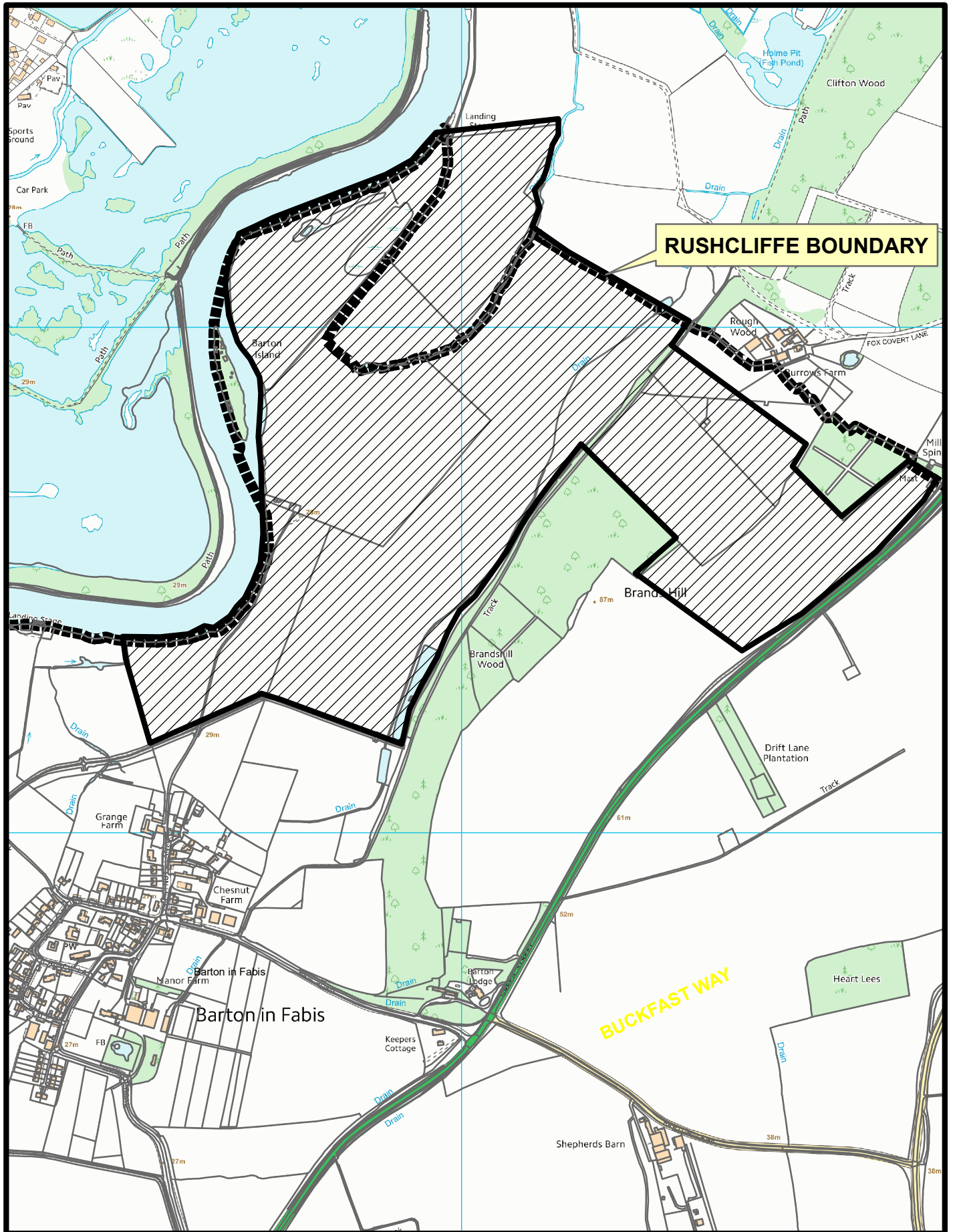
- G/1168/03 – Proposed Play Group Toilet Plans
- G/1169/04 – Proposed Male and Assessable Toilet
- Proposed internal and External Alterations received August 2021

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

3. Only like-for-like traditional materials (lime plaster and breathable paint) shall be used in the making good of the existing plaster walls should any repairs be necessary following the approved alterations.

[In the interests of the special architectural and historic interest of the listed building and to comply with policy 11 (Historic Environment) of the Rushcliffe Local Plan Part 1: Core Strategy and policy 28 (Conserving and Enhancing Heritage Assets) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

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Application Number: 17/02096/CMA
Barton Lane, Barton in Fabis



scale 1:10,000

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Rushcliffe Borough Council - 100019419

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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, beyond the River Trent, is Attenborough Nature Reserve. The east is bordered by Brandshill Wood. To the south, the nearest property in Barton in Fabis is within approximately 150m of the site. Burrows Farm is an isolated property to the north 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). Brands Hill Wood on the south eastern boundary was designated as an ancient woodland in 2018. Five 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. The Council made its initial observations in 2017 (please see previous Planning Committee report of October 2017). No decision was made by the County Council but since the Borough Council's original observations were made additional information was sought by the County Council and provided by the applicant as Regulation 25 submissions (supplementary information provided under the Town and Country Planning Environmental Impact Assessment Regulations 2017). This subsequent information has been submitted to the Borough Council in order for it to provide further comments (see background update below).

6. The latest consultation with the Borough Council regarding the Regulation 25 information was received on the 19 July 2021 and consultation has been undertaken internally. It is not the Borough Council's role to undertake any external consultation with stakeholders or the general public, this falls to the Nottinghamshire County Council as the determining authority. A number of changes have occurred since the application was originally submitted in 2017:
 - Rushcliffe Local Plan Part 2 has been adopted (2019);
 - Nottinghamshire County Council Minerals Local Plan has been adopted (2021)(in which this site has been included as an allocation);
 - Nottingham City Council Local Plan has been adopted (2020); and
 - The National Planning Policy Framework (NPPF) has been updated (2021).
7. As such it is considered that the submission should be reviewed and the Council's formal response be determined at Planning Committee. As before, the Borough Council are a consultee making observations to the determining authority which is Nottinghamshire County Council.

Proposal

8. The proposal relates to the extraction and processing of sand and gravel, including the construction of a new access road, landscaping and screening bunds, minerals washing plant and other associated infrastructure with restoration to agricultural and nature conservation areas on land at Mill Hill and Barton in Fabis.
9. 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.
10. Further to previous Regulation 25 information, the latest documentation includes a revised planning statement outlining the development, geology, proposed phased working and restoration scheme, policy assessment; an updated Environmental Impact Assessment dated June 2021 with further information provided regarding Noise, Ecology, Biodiversity Impact Assessment, Archaeology together with information relating to an Independent Examination of the Nottinghamshire Minerals Local Plan, Potential Aggregate Market and Future Major Construction Schemes near the proposed quarry, Proposed Built Structures, Surface Water and overland Flow Modelling and a Statement of Community Involvement.
11. The submitted documentation suggests that the estimated extraction area would be 46ha containing 3.1million tonnes (a reduction from 3.4 million tonnes originally sought) 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 (only essential plant maintenance and essential safety work may take place outside of these hours). A processing plant would be located to the north of the site.
12. It is anticipated that the total timescale for the project and restoration would take place within a period of around 15 years (12- 15 years extraction with a 2

year restoration). It is proposed to be a 5 phase extraction of approximately 250,000 to 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).

13. Minerals would be extracted, processed, stockpiled and loaded on to Heavy Goods Vehicles (HGV's) 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.
14. 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 now proposed to be no greater than 18 degrees (previously 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.
15. Within the plant area there would be washing and screening plant (nominal height between 7.4 and 10.3m) with a clean water lagoon and two silt lagoons (total area of 8,700m² to a depth of 5m) to be maintained to prevent bird activity. The excavated material (36,000m³) would be placed in a storage bund to the west of the plant area (6m high with slopes of 26 degrees to be covered with soils and grass seeded) together with a number of stocking areas. A weighbridge (specifications to be provided prior to commencement but indicated as being some 15m long) with wheel wash (if deemed necessary some 7m long x 3m wide) and associated raised office 9.5m x 2.5m x 2.3m high (1m off ground level), office and welfare facilities in portacabin type structures approx. 9.7m x 3.6m x 2.5m and 8.5m x 3.6m x 2.5m, a workshop (24.5m x 20m x 9.5m in height) and parking for up to 16 cars and 8 HGV's (previously 12 HGV's) will also be located in this area together with fuel tanks.
16. The submission advises that the scheme does not include any extraction within the area at the base of Brandshill known as "Brandshill Marsh". A conveyor and vehicle access track are proposed to link the floodplain extraction area and the processing. This conveyor corridor is proposed to pass through the Brandshill Marsh area and the conveyor would pass beneath the Bridleway (formed by cutting below the bridleway installing a concrete box tunnel or similar and raising the bridleway by a maximum of 1m) and up through Brandshill Grassland. Advanced planting (2015) has taken place to offer screening this, together with existing vegetation along the route, is suggested would restrict views.
17. An aspirational small Permissive Footpath is suggested to be opened to link Bridleway No.3 at the base of Brandshill and Footpath No.2 adjacent to the floodbank in the southern part of the site. This Permissive Footpath would be open for the duration of the works but is subject to landowner and EA Approval. Additional Permissive Footpaths are proposed as part of the restoration.
18. The submission advises how the development would protect services such as the National Grid/Cadent High Pressure Gas Pipeline and Severn Trent Water Main by way of an easement or standoff zones and methods to ensure that the precise route is identified prior to commencement of the phase together with

how areas would be treated during works, backfilled and stability assessments regarding the long-term stability.

19. Lighting would be low emission light where possible and would be directional and shielded to minimise their off-site impact and provided in the form of mobile plant lighting which would be turned off when the plant is not in operation. Low emission lights located around the offices would remain on during the hours of darkness with all other lights around the plant and workshops areas being switched off when the site is closed. Limited lighting would be along the conveyor and access road down Brandshill during working hours and the bridleway may be illuminated where the access road crosses it for safety and maintenance. During the mineral extraction campaigns, within the designated extraction areas and haul routes, mobile plant would be used together with lights on the vehicles during low light periods. No lighting is proposed in the extraction area or the site entrance due to that which exists at the Mill Hill roundabout.
20. 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.
21. 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.
22. Vehicles are indicated as entering the site via Mill hill Roundabout and the A453 and those leaving the site would turn left back onto Green Street and back to the Mill hill Roundabout. The submission advises that the aggregates could then be transported to the new housing allocations proposed within Rushcliffe, the Sustainable Urban Extension south of Clifton (Fairham Pastures), as well as serving the Greater Nottingham construction market and providing infrastructure schemes located near to the M1, such as HS2. No HGV's would need to use Green Street south of the entrance.
23. 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. No mineral extraction campaigns are therefore proposed during periods of Environment Agency Flood Warning. The excavated material would be stockpiled at the base of Brandshill and transported up the hill to the plant area by a field conveyor. As the excavation progresses overburden and soils would be placed in the void and against the exposed sand and gravel faces on the site boundaries and adjacent to the National Grid gas pipeline, Severn Trent water pipeline, floodbank and River Trent. The exposed faces would be backfilled and compacted with overburden and or bedrock to ensure long term stability of the faces prior to final restoration allowing some partial restoration.
24. All surface water run-off would be directed into silt lagoons, or to surface water catchment ponds located around the site. There would be no discharge of surface water to any off-site drainage or sewer system. Surface water collected from the HGV parking area and the fuel tanks area would be directed through an interceptor pond to ensure no oils/fuel enter the surface water drainage

system. Surface water would be collected in drains and ditches within the extraction area and these would issue into the de-watering and silt settlement system. 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, as a result, a scheme of de-watering is proposed.

25. Samples tested from boreholes indicate that the deposit is gravel rich with predominantly medium to coarse quartz sands. Silt content is proposed to be removed by washing to produce a saleable product. A lignite plant has been included within the processing plant to remove this material. Oversized (+40mm) gravel may be crushed on site to produce a finer aggregate product should there be a limited market for such.
26. The submission provides information regarding face stability and that the faces at the limits of extraction are required to be stable during the excavation phases, thus they would be backfilled progressively during each phase of extraction. This would result in the slopes being backfilled within a few weeks of initial excavation, in order to eliminate the potential for any face failure in the longer term around the site boundaries or adjacent to the underground services.
27. The proposed restoration of the site would include a range of conservation habitats including pond, lake, reedbeds, marshland, wet woodland and floodplain grazing marsh and back to agricultural land some ground levels would be raised above the local water table. The submission advises that 'the processing plant area would be restored to mainly agricultural land using stored soils and some grassland habitat. A Biodiversity Metric has suggested an overall Net Gain following restoration over 20% compared to the pre-development habitat'. The restoration proposal would be undertaken for each phase of extraction. It suggests that an aftercare programme for the restoration of the plant and extraction areas would extend beyond the minimum 5 years period for such as nature conservation (being up to 20 years).
28. 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, the Ancient Woodland at Brandshill or any other designated area. The submission advises that 'During the consultation period, three small (non-statutory) areas have been excluded from the extraction proposals and will be retained (undisturbed) including the Brandshill Marsh, Barton Flash and a small area of ridge and furrow.' and that proposed measures are recommended to ensure no impact on any protected species or habitats.

SITE HISTORY

Background to the application (since it was originally consulted upon in 2017):

29. The Council previously considered the application at October 2017 Planning Committee whereby it was resolved to advise the County Council that the

Borough Council objected to the proposal and recommended 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.
30. Subsequently, further information was provided to the Borough Council (County Council Regulation 25 request) and the Council responded 22 March 2018 Stating that:

The Borough Council raises an OBJECTION to the application for the following reasons:

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.
 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, ecology or the cumulative impact with the housing allocation/application.
31. On 13 August 2018 the County Council Officer sought clarification from the Environmental Health officer in respect to their previous comments on Air Quality that advised further information was required. The Borough Council responded on 30 August 2018 in which the County Council was advised that, having reviewed the information regarding Air Quality further the Environmental Health Officer commented that:

32. *'I have reviewed the comments from Nottinghamshire County Council and can confirm that there does not appear to be a need undertake a full assessment of nitrogen oxides or particulate emissions from HDV movements connected with this application. I have referred to the LAQM.TG16 – Technical Guidance Manual, that was published earlier this year which provides screening criteria in Table 7.1 – Screening Assessment of Road Traffic Sources. This indicates that: - A high flow of HDV would be considered to be more than 2500 HDVs/day - New roads would only be of concern if traffic flows are greater than 10,000 vehicles per day - Increases in traffic flow only need to be considered if there is a 25% increase where the road carries greater than 10,000 vehicles per day None of the above appear to apply in this case. This concurs with the DMRB screening which is also referred to in TG16.'*
33. The Council advised the County Council that the previous comments provided continue to apply and therefore the Borough Council continues to raise an OBJECTION to the application for the following reasons:
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.
 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, landscape impact; archaeology, ecology or the cumulative impact with the housing allocation/application.
34. 9 January 2019 - further regulation 25 information was submitted to the Borough Council. The Council did not formally respond to the County Council, however the consultee responses were published online and the County Council is aware of the comments. The consultees advised the following:
35. Planning policy officer's summary states: *"Located within the Green Belt, the visual impact of transportation, processing and loading of sand and gravel remain a concern and are considered inappropriate development as they reduce the openness of the Green Belt and conflict with Green Belt purposes.*
36. *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.*
37. *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 (see previous advice). These may outweigh the benefits of providing sand and gravel from this location."*

38. Environmental Health Officer recommended: *“The assessment of the dust and noise impacts from the proposed quarry have been carried out in accordance with the appropriate planning and technical guidance. The assessments conclude that the proposed quarry and processing plant can operate within the relevant dust and noise emission standards and is not expected to have a significant adverse impact on any sensitive human receptors. There are no EH objections to the proposal provided that the controls recommended in the above reports are conditioned in any consent that is given so as to minimise noise and dust emissions.”*
39. Sustainability officer advised: *i) Net Gain review - I am satisfied this has been carried out correctly, although I consider open water to not be equivalent to reed beds and unimproved/wet grassland in value (quality or distinctiveness). I note that it is expected that all mitigation is expected to achieve good quality and therefore no trading down correction has been applied, I query the likelihood of it all achieving good quality. ii) Emissions - I am satisfied this has been addressed iii) Noise - I am satisfied this has been addressed, I recommend the proposed condition relating to timing of the noisiest works is adopted. iv) Ancient Woodland Status - I am satisfied this has been addressed v) Bat Foraging area - I am satisfied this has been addressed vi) Bat roosting - I am satisfied this has been addressed vii) Necklace ground beetle - the proposed methodology appears acceptable and should be conditioned. This should be carried out prior to works commencing allowing enough time to monitor success and seek to re-establish any translocated populations that fail. viii) Barn Owl - I am satisfied that this has been addressed”*
40. Design and Conservation Officer advised: *“I have considered the additional information relating to archaeology which identifies a generally high likelihood of archaeology across the site, with a division in occupation with earlier prehistoric remains mostly confined to the low lying western part of the site and remains from later prehistory through the iron age and into the RB period more focused to the eastern part of the site. Whilst there is a discrete split in periods of occupation the likelihood of encountering archaeology is generally high with the earlier prehistoric remains in the western part of the site having the highest potential to be of regional or national significance. The later remains in the eastern part of the site still have a potential to be of local or regional significance but would be less valuable in terms of meeting regional research objectives, largely owing to the fact that Iron Age and RB settlement and activity within the region is comparatively well understood when compared to Bronze Age and earlier periods. Clearly there will be a need to ensure that the proposed excavations and extraction of minerals, which will effectively remove any archaeology which the site contains, are subject to and/or preceded by appropriate and thorough mitigation to enable archaeological remains to be adequately explored and recorded. No mitigation strategy has yet been developed but the reports provide adequate understanding of the likely archaeological content of the site to enable such a mitigation strategy to be developed.”*

Planning History

41. 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.

Planning history Sustainable Urban Extension

42. Land on the opposite side (east) of the A453 is the subject of a permission for a Sustainable Urban Extension involving mixed use development including up to 3000 dwellings and employment land etc. ref: 14/01417/OUT. Approved 24 May 2019 subject to a s.106 Agreement. There have been a number of subsequent applications for approval of reserved matters and applications to discharge conditions and work has now commenced on site, including the provision of roads/infrastructure and one of the commercial units.

REPRESENTATIONS

Ward Councillor(s)

43. None received at time of writing this report.

Town/Parish Council

44. None were consulted by RBC. However, a joint comprehensive response (115 pages) has been received from Barton in Fabis, Gotham and Thrumpton Parish Council (and other bodies within the SAVE Campaign Group). The full report can be found on the Borough Council's website covering the following: Introduction; Applicant and site development brief; Planning Policy; Green Belt; Heritage; Biodiversity; Hydrology and Flooding; market Analysis and Transport; Air Quality Bird Management Plan; Archaeology; Restoration Concept; Recreation and Public Amenity and Cumulative Impacts.
45. The executive summary states as follows:
46. *Background - In the period since submission of the original Planning Application there have been three rounds of Regulation 25 consultation. Over this period, and in the current revised Planning Application, the Applicant has failed to show that there are any benefits of the proposals that outweigh the adverse impacts have been identified through the EIA and consultation processes.*
47. *The only factor that has materially changed since the original submission is the adoption of the Minerals Local Plan for Nottinghamshire which now includes the at Mill Hill/Barton in Fabis. Although the Planning Application ES/3712 was made before the Minerals Plan was adopted, it does not follow that the granting of permission is now automatic. Any site being proposed still has to be considered on its merits.*
48. *The Applicant states in the revised Planning Application that a new Environmental Impact Assessment was not necessary. However, if the original impacts had been shown to be insignificant, then the extensive Regulation 25 process would not have been necessary. That it was needed, shows the application to be problematic. That, during the Regulation 25 and Revision Processes, the Applicant has failed to demonstrate that impacts can successfully be mitigated, shows that the Planning Application should be rejected. The proposal is not compliant with the government's aims of Sustainable Development nor with the policies, objectives and strategy of the Nottinghamshire Minerals Local Plan (NMLP).*

49. The Applicant (See section 2) - Evidence indicates that Applicant does not possess the financial strength or experience required to manage the complexity of this site, along with the environmental and economic implications of the many controls and mitigations being proposed. There is a risk that the site will not be restored to the standards required. London Rock Supplies Ltd is not part of the MPA's 'Restoration Guarantee Fund which underwrites the completion of restoration schemes in the long term. Nor does London Rock Supplies claim compliance with Environmental Management System ISO 14001.
50. Site Development Brief (See section 2) - The Revised Planning Application presented in PASS21 fails to meet the requirements of the Site Development Brief in the adopted NMLP. Principally the Applicant:
- Fails to show that the biodiversity-led restoration proposed can achieve a net biodiversity gain of more than 10%.
 - Fails to show how the site will be managed during the extended period of after-care that is needed to achieve or sustain restoration targets.
 - Fails to show that the development would not have adverse impacts on neighbouring SSSIs (Attenborough and Holme Pit).
 - Fails to mitigate the harms to heritage that arise in the context of Clifton Hall and its Registered Park and Garden.
 - Fails to address the spatial constraints along the high pressure gas-pipeline that bisects the site that arise from the relevant easements associated with this element of critical national infrastructure.
51. Planning Policy Green belt (See section 4) - The NPPF states (Para 148) that: "When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt". Harms can arise by impacts on the **openness** and **permanence**.
52. The 2nd and 3rd Regulation 25 submissions made by the Applicant do not demonstrate that any special circumstances exist that outweigh the harm done to the Green Belt in its openness and/or permanence, in relation to landscape, the historic and natural environment, and in relation to the changes to landscape and the historic and natural environment that would persist after the development.
53. NMLP Policy SP6 states that inappropriate development will not be approved except in very special circumstances, and that site restoration proposals should seek to enhance the beneficial use of the Green Belt. The market analysis provided by the Applicant demonstrates no special circumstances that outweigh the harms done to the Green Belt by the proposals, nor do the restoration proposals enhance the beneficial use of the Green Belt. The Planning Application should therefore be rejected.
54. In support of their position on the Green Belt, the Applicant cites Supreme Court Judgment – Sam Smith Brewery v N Yorks CC (5th February 2020). While mineral extraction does not conflict with NPPF Green Belt Policies, they fail to note the requirement for environmental restoration. On these grounds, this application falls well below the necessary threshold for the high environmental standards and the quality of restoration. Were this application to be permitted in its current form, there would be clear grounds for legal challenge, using this judgement as precedent.

55. Historic Environment – Heritage Assets (See section 5) - The historical, social and economic connections between the setting of the Grade 1 Listed Building of Clifton Hall and its Registered Park and Garden, and the wider landscape will suffer harm from the proposed development. During the operational period noise, dust and light impact on the setting of Clifton Hall, and as a result of the development there will be a permanent loss of the historic value of the landscape that constitutes the setting of Clifton Hall.
56. In relation to NMLP Policy SP5 The Built, Natural and Historic Environment, the Application therefore does not deliver a high standard of environmental protection and enhancement to ensure that there are no unacceptable impacts on the built, historic and natural environment, and so should be rejected. In relation to NMLP Policy DM6 Historic Environment, the Application therefore does not enhance the historic environment, including individual heritage assets or historic landscapes, and so should be rejected.
57. Biodiversity (See section 6) - The biodiversity gain estimated by the Applicant in the revised Planning Application is inaccurate, in that they include non-priority habitat (open water/lake) and assume too optimistic target conditions for restoration of key habitats (reedbeds). A realistic biodiversity gain estimate is 7%. The Applicant provides no detailed on how the site would be managed during the periods of restoration and aftercare, so that it is unclear how **any** biodiversity targets can be achieved.
58. The Planning Application should be rejected because it fails to meet the requirements of NMLP SP5 The Built, Natural and Historic Environment, which states that restoration schemes should seek to maximise biodiversity gains and achieve a net gain in biodiversity. It is also in conflict with Rushcliffe Core Policy 17 (Biodiversity) on protecting, restoring, expanding and enhancing existing areas of biodiversity interest, including areas and networks of priority habitats and species listed in the UK and Nottinghamshire Local Biodiversity Action Plans.
59. The proposals also fail to address NCC and City Policies on appropriate restoration. The Applicant provide no information about how the long-term gains will be achieved or sustained.
60. The Applicant has failed to show that the proposals would not do so in relation to the neighbouring SSSI and other retained habitats, and so do not meet the requirements of NMLP Policy DM4.
61. NMLP Policy DM4 (d) Protection and Enhancement of Biodiversity, states that proposals for minerals development will be supported if they would not result in the loss of populations of a priority species. Since the Applicant has failed to show that the proposals would not lead to loss in relation to grass snakes, harvest mice, otters, common toads, badgers, bats, hedgehogs, brown hare, barn owls and necklace ground beetle, the Planning Application should be rejected.
62. Hydrology and Flooding (See section 7) - The Revised Planning Application does not meet the stand-off requirements of the Development Brief for the site as set out in the NMLP.

63. *The Applicant fails to meet the requirements of the Development Brief regarding water and flooding, and in particular the impacts of drainage on Holme Pit SSSI. The analysis provided in the 3rd Regulation 25 Response is flawed.*
64. *NMLP Policy DM12 Restoration after care and re-use, states that where opportunities arise after_use proposals should provide benefits to the local and wider community which may include provision of climate change mitigation measures. None have been provided by the Applicant in respect of flood risk. In relation to Rushcliffe Core Policy 2, the Application also fails to mitigate against and adapt to climate change.*
65. *In relation to NMLP Policy DM8 Cumulative Impacts, the Applicant fails to show that risks to critical national infrastructure (high pressure gas pipe-line) are not unacceptable in relation to climate change. Moreover, in relation to NMLP Policy SP3, the Applicant fails to include adequate climate change adaptation measures in relation to critical national infrastructure (gas pipeline).*
66. *Market Analysis and Transport (See section 8) - In relation to NMLP Policy SP4 Sustainable Transport, the Application neither maximises the use of sustainable forms of transport nor demonstrates with any reliable evidence that it is within close proximity to existing or proposed markets. The Applicant's analysis of the market inaccurate and misleading description for the market potential in this area. They demonstrate no special circumstances as to why this site is more optimal than any other or that it results in "environmentally acceptable distribution of lorry traffic".*
67. *Air Quality (See section 9) - In relation to NMLP Policy DM1 Protecting Local Amenity, the Applicant has not demonstrated that adverse impacts on amenity have been avoided or adequately mitigated to an acceptable level in relation to Lark Hill Retirement Village. In relation to Rushcliffe Core Policy 41, the Planning Application should be rejected because the Applicant has failed to show that where air quality is a matter of concern, development proposals must demonstrate that users or occupants will not be significantly affected by poor air quality.*
68. *Noise (See section 10) - New data, commissioned by Barton in Fabis Parish Council show the noise levels at Chestnut Lane, Barton in Fabis, Attenborough Nature Reserve, and Lark Hill exceed those stipulated in the +10dB(A) criterion in the Minerals PPG Para 21 (27-021-20140306) exceeding the background noise levels by more than +10dB (A). The information provided by the Applicant is inaccurate.*
69. *NMLP Policy SP6 Nottinghamshire Green Belt, states that all mineral development proposals will be required to deliver a high standard of environmental protection and enhancement to ensure that there are no unacceptable impacts on the built, historic and natural environment. In relation to noise the Applicant has failed to show that the harms arising to the natural environment (priority species), amenity (footpaths/bridleways) and residential properties (Barton in Fabis) have been fully mitigated. The analysis and data provided by the Applicant in their Environmental Impact Statement is flawed and out of date.*

70. Bird Management Plan (See section 11) - *The Revised Planning Application fails to meet the requirements of the Site Development Brief in the adopted NMLP in relation to consultation with East Midlands Airport, and the extent that the revised restoration proposals conflict with the needs of managing the aviation risk. It also fails to address the concerns of NMLP Policy DM10 Airfield Safeguarding. The analysis of aviation risk should include consideration of the extent to which such measures are also likely to be detrimental to the ecological integrity of Attenborough Nature Reserve and the ability of the Applicant to secure sufficient biodiversity gain.*
71. *Policy DM10 does not preclude any specific forms of restoration or after-use, but seeks to ensure that aviation safety is fully considered and addressed through appropriate consultation, avoidance and mitigation. The modifications to the restoration design recently suggested by East Midlands Airport will reduce the ability of the Applicant to secure sufficient biodiversity gain. The problem underlines the unsuitability of the Planning Application and so should be rejected.*
72. Archaeology (See section 12) - *Policy DM6 on the Historic Environment states that proposals for minerals development on a site of archaeological importance must ensure that satisfactory mitigation measures are incorporated, including the preservation in situ or the excavation and recording of any affected archaeological remains. It is unclear that the Applicant has the capacity to do so, and so planning permission should be withheld.*
73. Restoration Concept (See section 13) - *We have considered the failure of the Applicant to meet the requirements of biodiversity-led restoration (NMLP Policy SP2) above; they do not meet the required threshold for biodiversity gain (<10%)*
74. *In relation to NMLP Policy DM12, Restoration aftercare after-use, the Applicant fails to:*
- *Provide an appropriate scheme for the restoration, after care and long term after use to enable long term enhancement of the environment because of insufficient biodiversity gain and impact on priority species (See biodiversity above).*
 - *Design a restoration plan that is in keeping with the character and setting of the local area and that contributes to the delivery of local objectives for habitats, biodiversity, landscape, historic environment or community use. The impact on the historic setting (landscape) of the Grade 1 Listed building of Clifton Hall is significant. No information is provided on the sustainable management of the retained areas, including the LWS of Barton Pond and Drain and Barton Flash, or of those other areas that have been retained.*
 - *Provide an overall concept with sufficient detail to demonstrate that the scheme is feasible in both technical and economic terms, and is consistent with the County Council's biodiversity led restoration strategy. The Applicant has limited experience of the restoration measures required and provides no detail on how the long-term restoration will be managed. The restoration plans also fail to recognise the likely spatial constraints imposed by the easement deeds associated with the high-pressure gas-pipeline crossing the site and its implications for operation and restoration.*

- *Include sufficient detail on the period of extended aftercare and how this will be achieved, given that the proposals for full restoration require a longer period of management after extraction (up to 30 years). As such the Applicant fails to address the emerging policy around the forthcoming Environment Bill.*
 - *Demonstrate how the restoration proposals contribute to the delivery of Local Biodiversity Action Plan targets and have regard to the biodiversity-led restoration approach and the opportunities identified in the National Character Area profile. The topic is entirely avoided by the Applicant.*
 - *Identify any opportunities in the context of after-use proposals that could provide benefits to the local and wider community. Only footpath reinstatement is considered.*
75. *Recreation and Public Amenity (See section 14) The Application is also inconsistent with NMLP Policy DM 9 Highways Safety and vehicle Movement, which states that vehicle movements likely to be generated would not cause an unacceptable impact on the environment and/or disturbance to local amenity. The Applicant has failed to do this in the context of Green Street, and the crossing of Footpath 2 at Brandshill.*
76. *The Application is inconsistent with NMLP Policy DM17, Mineral Exploitation, which states that proposals for mineral exploration will be permitted, subject to satisfactory environmental, amenity and restoration safeguards. The Applicant has failed to demonstrate that this is the case because the rerouting of footpaths will conflict with attempts to secure a biodiversity gain.*
77. *The Application is also inconsistent with the NPPF, Para 185 which states that: “Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. The Applicant has failed to recognise and protect a tranquil areas which has remained relatively undisturbed by noise despite its close proximity to built-up areas, and which is prized for its recreational and amenity value.*
78. *Cumulative Impacts (See section 15) - NMLP Policy DM8 on Cumulative Impact states that proposals for minerals development will be supported where it can be demonstrated that there are no unacceptable cumulative impacts on the environment or on the amenity of a local community. We have shown here that the cumulative impacts cross the threshold of unacceptability on a range of issues: biodiversity, heritage impacts, amenity impacts; air quality and noise. Thus, the cumulative impact of the proposals are unacceptable.*
79. *Moreover, taken together with the impacts of other developments in the area, the proposals would significantly exacerbate the cumulative impacts on the Green Belt and the wider environmental qualities of the area. These other cumulative impacts arise from the developments at the new A453 (Remembrance Way), Lark Hill Village, Clifton South Park and Ride, the development at Clifton West, and the development at Fairham Pastures.*
80. *The Policy Summary that follows summarises where the Application fails to meet the requirements of at least 50 policy statements collectively associated*

with the NMLP, the NPPF, Minerals Planning Guidance, and policies of Rushcliffe Borough Council and City of Nottingham. The Planning Application should therefore be rejected.

Statutory and Other Consultees

81. The RBC Planning Policy Officer comments; *“In line with planning law, decisions should be taken in accordance with the Rushcliffe Development Plan unless material considerations indicate otherwise. The relevant statutory policies that comprise the Development Plan for Rushcliffe consist of the adopted Local Plan Part 1: Core Strategy, and Local Plan Part 2: Land and Planning Policies. The latter was adopted in October 2019, postdating the submission of this application and subsequent consultations on it.*
82. *Material considerations include the National Planning Policy Framework (the Framework), National Planning Practice Guidance (the Guidance) and the adopted Nottinghamshire Minerals Local Plan.*
83. **Green Belt** - *As previously advised, the site lies within the Nottingham – Derby Green Belt, as saved by Policy 4 of the Local Plan Part 1 and Policy 21 of the Local Plan Part 2. As such, in accordance with paragraph 150 of the NPPF (2021), those elements that reduce the openness of the Green Belt or conflict with the purposes of including land within the Green Belt may be considered inappropriate development. If inappropriate, very special circumstances must be established in order to grant permission.*
84. *Whilst the land is allocated as a new sand and gravel quarry within Policy MP2 of the recently adopted Nottinghamshire Minerals Local Plan, the Local Plan Inspector deferred the assessment of the proposed quarry’s impact upon the Green Belt to the determination of this application (paragraph 52 of the examination report).*
85. *The applicant has sought to reduce the impact the quarry would have on the openness of the Green Belt, especially the loading area on Brands/Mill Hill itself which would contain a mobile offices and welfare buildings, workshop, lorry spaces, and loading hoppers. Whilst the measures proposed would reduce the quarry’s impact on the openness of the area, its presence cannot be concealed and there would be an inevitable reduction in open views on Brands/Mill Hill as a result of conveyer and bunds required to hide the facility. Consequently the level of harm to the openness of the Green Belt remains a concern that may, if deemed inappropriate, be weighed against the benefits of the proposal.*
86. **Green Infrastructure** - *The proposed quarry would have a significant impact on the River Trent (West) Green Infrastructure Corridor, as identified within the Local Plan Part 2 (Appendix D). The primary functions of which comprise an ecological network of wetlands, grassland and woodlands, floodwater storage and improved active travel connectivity between West Bridgford, Clifton and Barton in Fabis. Policy 35 (Green Infrastructure Network and Urban Fringe) requires that these functions are maintained and enhanced. Opportunities to create additional Green Infrastructure which improve its connectivity should be taken where appropriate. This proposal provides an important opportunity, provided primary functions (most notably the ecological network) are not negatively affected.*

87. **Nature Conservation and the Ecological Network** - The proposed quarry site includes a number of local wildlife sites and areas of priority habitat. There are also two SSSI's and numerous local wildlife sites in close proximity. Subject to advice from the Borough Council's Environmental Sustainability Officer, this proposal may or may not comply with Policy 36 within Local Plan Part 2 which protects designated and non-designated nature conservation sites.
88. Furthermore, Policy 38 seeks to preserve and restore and re-create priority habitats and the protection and recovery of priority species in order to achieve net-gains. The proposed quarry is located within the River Trent – Wilford to Thrumpton Biodiversity Opportunity Area (Ecological Network), where Appendix E of the Local Plan Part 2 states there is potential for improving wetland and grassland networks. It also identifies that there are a number of existing sites that provide good areas of core habitat and the surrounding floodplain offers potential areas where habitat connectivity can be improved. Policy 38 Part 3 requires that development within Biodiversity Opportunity Areas should: a) retain and sympathetically incorporate locally valued and important habitats, including wildlife corridors and stepping stones; and b) be designed in order to minimise disturbance to habitats and species.
89. As with adverse effects on the Green Belt, the impacts of the proposed quarry on biodiversity and wider ecological network were deferred to the assessment of this planning application by the Local Plan inspector.
90. **Summary** - Located within the Green Belt, the visual impact of substantial transportation, processing and loading machinery and the mobile office/welfare buildings remain a concern and may be considered inappropriate development as they will inevitably reduce the openness of the Green Belt on Barton Hill and conflict with Green Belt purposes.
91. 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 within the River Trent ecological network, and green infrastructure are important considerations (see previous advice).
92. Since the submission of this proposal, the Borough Council has adopted its Local Plan Part 2 and this includes a number of policies that seek to protect and enhance green infrastructure, biodiversity and ecological networks. Adverse impacts upon them may outweigh the benefits of providing sand and gravel from this location.”
93. Landscape Officer - advised that, “It seems there is more provision for bunds on the eastern side of the site entrance with the stocking area reduced in size and the workshop repositioned. This should help screen views to the site from the south, these are likely to be short distance views from the road where the users are not likely to be particularly sensitive and relatively low in number, or long distance views from higher ground to the south where the proposal will be a small intrusion into a much wider landscape, albeit located in a rather incongruous location on a ridgeline. I do note that the LVIA assessment suggest these bunds are to be part planted trees and shrubs and there isn't any suggestion of this on the layout plans. Whilst the scheme may only have a 12 year life, some planting would be beneficial and would add additional height and screening to any bund in this timescale.

94. *An area of land at the northern edge of the site is now being retained and this allows the retention of Hedgerow 16 which was previously shown for removal. Whilst this hedgerow is in poor condition it does appear on Sanderson's 1835 map so in terms of the Hedgerow Regulations it is likely to be considered important for historical reasons and should be enhanced as part of any mitigation scheme. A number of other old hedgerows will be lost, these appear to be in relatively poor condition and I note in the ecological report they don't meet the criteria to be considered important for wildlife reasons. In wildlife terms it should be possible to mitigate this during the restoration phase. The removal of these hedgerows will make the old farming system harder to interpret within the landscape, but given the scale and change to the landscape through the proposed mitigation which will introduce large areas of wetland the loss of hedgerows is not likely to be significant.*
95. *I also note that an area of ridge and furrow is now being retained which again is positive.*
96. *I don't think these changes has any significant effect on the previous LVIA study which I largely accept."*
97. The Environmental Health Officer - has commented that, *"I understand this specific consultation relates to the additional information submitted in response to a Regulation 25 request by the County Council. However, as some time has passed since the initial consultation exercise I have reviewed the wider information available on the County Council website pertaining to the potential noise and air quality impacts that may be associated with the development.*
98. **Hours of Operation** - *Should planning permission be granted we would recommend hours of operation are restricted by condition to those set out in the planning application: Monday-Friday 07:00 – 18:00hrs Saturdays 07:00 – 13:00hrs Sundays/Bank Holidays closed. We note the supporting documents indicate that outside of the above hours any works will be restricted to essential plant maintenance and safety work. We would consider these works could be undertaken within normal working hours*
99. **Potential Noise Impacts** - *The noise assessment (Vibroch Ltd R18.8872/8/1/AP; dated 20 December 2018) supersedes the initial noise assessment (Vibroch Limited Report Ref: R17.8872/6/1/JS; dated 16th May 2017) included as Appendix 5 of the Environmental Statement. The application is also supported by various communications from Vibroch Ltd responding to queries and requests for clarification raised during the consultation process.*
100. *The assessment includes a consideration of the potential noise impacts of the extraction and processing operations; and the temporary works, including soil stripping and bund creation. Monitoring has been undertaken to establish the existing noise climate at a number of identified noise sensitive receptors (baseline) and noise level predictions calculated for what has been deemed to be worst case scenarios. The assessment concludes noise from the proposed development can meet the appropriate noise standards for mineral operators for both normal operations and for noisy short-term activities as set out in the Minerals Planning Practice Guidance (MPPG). Although the MPPG specifies noise limits for normal activities for daytime, evening time and night-time; and noise and duration limits for temporary works, it should be noted the guidance states care should be taken to avoid any of the suggested values being*

implemented as fixed thresholds as specific circumstances may justify some small variation being allowed. Normal activities are considered to include excavation, processing and transport of materials whereas short-term activities include soil stripping, construction and removal of soil mounds and the construction of new landforms.

101. *For normal operations Vibrock Ltd (paragraph 7.1.2 of the previously referenced 2018 report) recommends daytime noise limits for each noise sensitive premises considered in the assessment. Should planning permission be granted we would recommend the specified noise limits for each noise sensitive property are imposed by condition.*
102. *For short term operations (daytime) Vibrock Ltd (paragraph 7.13) recommend the criteria as specified in the MPPG which we would consider to be reasonable and if planning permission is granted we would recommend these limits (noise levels and durations) are included as a condition.*
103. *Although the site will not be operational in the evening and at night-time there will be a requirement for the dewatering pumps and generators to remain in use. The noise assessment presents a predicted worst-case scenario at the nearest noise sensitive properties indicating the noise levels will not exceed the 42db(A) LAeq,1hr (free field) noise limit at any of the noise sensitive properties and this could be controlled by a planning condition. Whilst the MPPG states 'For operations during the evening (19:00-22:00) the noise limits should not exceed the background noise level (LA90,1h) by more than 10 dB(A) and should not exceed 55dB(A) LAeq,1hr (free field). For any operations during the period 22:00-07:00 noise limits should be set to reduce to a minimum any adverse impacts, without imposing unreasonable burdens on the mineral operator. In any event the noise limit should not exceed 42db(A) LAeq,1hr (free field) at a noise sensitive property' we have a concern the use of the noise limits in the MPPG of 55dB(A) LAeq,1hr (free field) for evenings and 42dB(A) LAeq,1hr (free field) for night-time may not be sufficient to ensure there is no adverse impact on neighbouring residents during these times as background noise levels are likely to be significantly lower than this. The use of dewatering pumps and generators could be viewed as being ancillary to operations at the site and we would consider it more appropriate to undertake a site-specific assessment (including night-time baseline monitoring) and set a specific condition for the dewatering activities that takes account of the background noise during the evenings, night-time and at weekends (Saturday afternoons and Sundays/Public Holidays) when the site is not operational. The noise impact from this type of equipment can be mitigated and is unlikely to place an unreasonable burden on the operator.*
104. *Should noise limits be imposed by condition the 2018 report refers to compliance monitoring being undertaken on a regular basis at various intervals throughout the life of the scheme. It is our opinion the monitoring frequency should be clearly defined and we would consider it reasonable to undertake monitoring at all the noise sensitive locations identified in the 2018 report on a quarterly basis. In addition to compliance monitoring, we would consider it necessary to ensure there is mechanism to require the operator to undertake noise monitoring should the MPA or the Local Authority receive a justifiable noise complaint.*

105. *We have a particular concern around the potential impact of audible reversing alarms (beepers) on plant and vehicles as these frequently give rise to complaint. In addition to all mobile plant, equipment and vehicles being fitted with silencers (maintained in accordance with the manufacturers specifications) we would recommend all mobile plant and vehicles on site are fitted with white noise/broadband reversing alarms.*
106. *As proposed noise controls, mitigation measures and compliance monitoring are contained in a number of submission documents should planning permission be granted we would recommend a condition is attached requiring the submission and approval of a Noise Management Plan (NMP). The NMP should encompass all the proposed measures for controlling and managing noise including details of the compliance monitoring, the procedure for dealing with complaints, and a strategy for communicating with relevant interested parties, including the local community and regulatory bodies. The operator should adhere to the requirements of the approved NMP for the duration of the operation (including preparatory works) and restoration of the site.*
107. **Potential Air Quality Issues** - *The application is supported by an initial air quality assessment (Vibroch Limited Report Ref: R17.8873/4/1/JS; dated 4 July 2017) included as Appendix 6 of the Environmental Statement, a further dust impact assessment (Vibroch Ltd Ref: R18.8873/5/RS; dated 13 December 2018) and various communications from the consultant providing clarification on queries raised. The assessment considered potential impacts on air quality (including PM10 and PM2.5) from the proposed operations and associated activities, including road haulage. Baseline monitoring for deposited dust was undertaken at a number of nearby sensitive properties around the site. We note the conclusion if the development were permitted an increase in the annual mean concentration of PM10 and PM2.5 would not exceed the Air Quality Objectives. This is based on the assumption that 1µg m⁻³ increase in PM10 from the site operations is considered to be a worst-case scenario and the robustness of this approach is considered questionable. Whilst we appreciate there may not be an exceedance of an AQO we would seek to ensure impacts are minimised as far as reasonably practicable. Notwithstanding this the report identifies the potential dust sources on site and recommends controls and mitigation measures such as speed limits, minimisation of drop heights, grading of haulage roads etc. The initial report indicates a detailed emissions assessment is not required as the scoping criteria contained in good practice guidance have not been met.*
108. *As with all developments of this nature there is the potential for dust generation and effective site management will be key to reducing emissions and potential impacts on nearby sensitive premises.*
109. *We would recommend a condition is attached to any permission granted requiring the submission and approval of a Dust Management Plan to ensure the dust control measures (including dust monitoring) recommended in the supporting documentation are put in place and effectively monitored during the lifetime of the site. As minimum the Dust Management Plan should include details of the routine & additional measures in place to control emissions at source; details of the triggers for identifying and implementing further action/additional measures; management procedures to ensure measures remain effective; the procedure for investigating and actioning complaints; and a strategy for communicating with relevant stakeholders, including the local*

community and regulatory bodies. The Dust Management Plan should have due regard to good practice guidance for mineral extraction sites.

110. *It is our opinion some further work needs to be undertaken to develop a dust monitoring scheme and agree appropriate action levels to ensure sensitive neighbouring premises (existing and future) within Rushcliffe BC and the City are adequately protected. This may need to include a consideration of the potential cumulative dust impacts of other developments in the vicinity and particularly pertinent to this is the large development site at Clifton Pastures. This could be developed and agreed as part of the Dust Management Plan.*
111. **Lighting** - *The supporting documentation indicates that outside of the operating hours external lighting will be limited to low emission lighting around the office area. To ensure there is no adverse impact on nearby premises we would recommend a condition is attached to any permission granted requiring the submission and approval of a lighting assessment for any additional external lighting that may be considered necessary during the life of the development. Any such assessment should consider the potential for light spill and/or glare, in accordance with the Institute of Lighting Professionals (ILP) Guidance Note for the Reduction of Obtrusive Light 01/21 (or any subsequent update)."*
112. In respect of the comments received from the Barton in Fabis Parish Council the officer provided further comments in respect of noise:
113. *"This includes a report prepared by Noise Assess Ltd 'Background Noise Survey and Comments on the Source Noise Data Used in the Applicant's Noise Assessment' (Ref: 13312.01.v2; dated September 2021) which presents the findings of a background noise survey. We understand this survey was undertaken to check the applicant's data and although the two noise surveys may not be directly comparable with the Noise Assess report presenting findings from a 30 minute monitoring period a difference in the background noise data was identified at some locations, including Chestnut Lane in Barton in Fabis. The Noise Assess report indicates the background level may be 4dB(A) lower than that reported in the Vibrock report supporting the planning application. This is relevant as the proposed planning conditions are developed relative to the background sound levels.*
114. *Therefore, as the above referenced Noise Assess report raises some queries around the original (Vibrock) data and as some time has passed since the Vibrock noise survey we would consider it appropriate and necessary that an up-to-date background noise survey is undertaken to ensure the data are sufficiently robust and representative to support the application."*
115. The Sustainability Officer - *advises that they "note other than an Extended Phase 1 Habitat Survey (which was completed in September 2020, outside the optimum survey season) no up to date ecological surveys appear to have been completed. As any data over 2 years is out of date and for highly mobile species such as badger or bats, even a 1 year old survey may be out of date (see <https://cieem.net/wp-content/uploads/2019/04/Advice-Note.pdf>) I recommend that all species survey data should be subject to update surveys and all biodiversity documents, proposals and management plans updated accordingly.*

116. *Noise - With respect to noise impacts I defer to Natural England with regard to noise impacts on birds breeding at Attenborough Gravel Pits SSSI and to Nottinghamshire County Council ecologist with reference to buffer zones around the Brandshill Wood LWS non statutory sites. I recommend that all the Local Wildlife Sites (LWSs) should be subject to the same buffer zones.*
117. *Local Wildlife Sites (LWSs) - I welcome the redesigning the layout of the quarry to avoid the direct loss of areas of higher value habitat including the Local Wildlife Sites at Barton Flash, Barton in Fabis Pond and Drain, Brandshill Marsh, Brandshill Grassland and Borrow Pits Barton, however I note the supplied documentation states "very small and localised losses to Brandshill Grassland and Brandshill Marsh which will be restored at the end of the project" (Regulation 25 Response Ecology Matters, FPCR, 2020). It is not possible to guarantee that restoration will achieve conditions that will achieve County level importance, therefore based on the principle of the mitigation hierarchy, the totality of the Local Wildlife Sites should be excluded from the scheme.*
118. *The condition of the LWSs need to be maintained in at least as good condition as they are found, throughout the extraction and restoration and post restoration phases, the impact of hydrology on the condition of the LWS is likely to be crucial. I note that "Indirect effects on adjacent wildlife sites have been avoided through measures in mitigation, that have included, buffer zones, stand-offs, phasing of works, flood control, agreed noise levels and water quality controls" (Regulation 25 Response Ecology Matters, FPCR, 2020) also "The hydrological report produced by Hafren Water in October 2016 states that the protected sites on elevated land east of the floodplain (including Brandshill Wood and Clifton Wood) will have a negligible impact based on no change from the baseline conditions." (Regulation 25 Response Ecology Matters, FPCR, 2020), however to ensure avoidable impacts are not allowed to impact the condition, I recommend that ongoing monitoring and remediation be conditioned (e.g. hydrological measurement to monitor any water table changes which may impact on LWSs and responsive works)*
119. *Biodiversity Net Gain - I commented in Feb 2019 with reference the revised documentation supplied; "Net Gain review - I am satisfied this has been carried out correctly, although I consider open water to not be equivalent to reed beds and unimproved/wet grassland in value (quality or distinctiveness)". I recommend the Net Gain assessment be adapted accordingly.*
120. *I noted "that it is expected that all mitigation is expected to achieve good quality and therefore no trading down correction has been applied, I query the likelihood of it all achieving good quality" and recommend likewise the assessment be adapted accordingly.*
121. *I accept that "National guidance in relation to Biodiversity Net Gain principles, suggest that inclusion of unimproved neutral grassland within net gain calculations is acceptable provided that bespoke compensation is provided for any impacts. In this instance, bespoke compensation for localised losses will be provided through measures outlined above and by securing the long-term favourable management of the LWS" (Biodiversity Impact Assessment – Land at Mill Hill and Barton-in-Fabis, FPCR, 2021). The long term favourable management of all the proposed net gain should therefore be secured, this should be in the form of an ecological management plan, with the means to implement it in the long term.*

122. *Barn Owls - Provision of Non-rotational set-aside (20m) and Grass margins for field and arable edges of at least 2-6 metres width, should be conditioned, plus the provision of Barn owl Boxes, throughout the extraction and restoration and post restoration phases and set out within the restoration and scheme land management proposals.*
123. *The Necklace Ground Beetle: The Regulation 25 Response Ecology Matters, (FPCR, 2020) Appendix C (Para 3.15.7-8) notes that the semi improved field compartment where the beetle had been previously recorded is no longer under grassland and has been ploughed and put under crop. Given the above observations it would seem unlikely that the population identified in the earlier survey has survived in this location (though it is possible that some have survived around the margins of the field- this seems less likely if herbicides/pesticides have been applied). The translocation approach originally proposed does not now appear to be relevant". I note that no up to date survey has been supplied. I recommend that compensatory habitat close to the previous known habitat is created and maintained to provide the opportunity for populations of any surviving necklace ground beetle to be maintained and up to date invertebrate surveys be carried out urgently."*
124. The Borough Council's Conservation Officer – no comments received.
125. The Borough Council's Economic Development Officer - No comments received.
126. The Ramblers Association - (although not consulted) the following comments have been received, *"We are concerned that the issues we raised in our previous response (letter dated 1st February 2019) have not been adequately addressed in the 3rd Regulation 25 Applicant Response. For the reasons detailed below, some of which are repeated from our original response, we make a formal objection to this proposal. From a Ramblers point of view, the use of this site for gravel extraction: 1. Entails a loss of amenity to the local population and others passing through the paths that are affected by the proposed development. This area is a large open space with public rights of way and other paths much used by the local population both through and close to the site. 2. Has serious implications regarding wildlife and, in particular, endangers the internationally important Attenborough Nature Reserve which in turn impacts upon the enjoyment of this resource by walkers and others. 3. Reduces the quantity of open space in the area – especially taking other local developments into account including the very large expansion of housing nearby. This valley is one of the few green spaces left to walkers in this area. A major aim of Ramblers is to protect the ability of walkers and others to enjoy the countryside, and this is especially important now we have seen increasing numbers of people taking advantage of the beauty and peace of this area during the pandemic. It is important to consider that this is a significant amenity - an open area with extensive views, part of which is green belt, a haven for wildlife, and is accessible via the rights of way. It is clear that this proposal would have a very significant negative impact on the enjoyment of users over at least 20 years, and we are not convinced that the plans for the restoration will return it to the same level of enjoyment in the future.*
127. *The noise and probable dust pollution across the site will have a noticeable impact on walkers and cyclists, and will be of especial concern for those on horseback. The proposal to place the conveyor in a tunnel at Brandshill and*

provide a ramp for bridleway No.3 is not a suitable solution, and the proposed gated vehicle crossing during the mineral extraction operations will be very disruptive. The route is used extensively by horse riders and is currently a quiet and safe route. Horses could easily be spooked by vibrations, noise and unexpected movement, creating a potential danger to all users. The noise modelling for Phases 1 and 3 suggest levels will be in the range of 55-65dB along the length of the path throughout the year, and considering it is currently a very quiet route, this will have a detrimental impact on the peaceful aspect of this well-used bridleway. The riverside Trent Valley Way along the eastern boundary of Attenborough is one of the most heavily used rights of way in the area and is only around 70m from the western boundary of the site. There needs to be sufficient screening to conceal the facility but currently the site is easily visible from the path even after the recent planting of trees. In addition, no proper analysis of the impact of noise levels on this section of the Trent Valley Way has been provided.

128. *We believe that this proposal fails to protect and maintain what is a peaceful and characterful location. As stated before, we do not habitually object to the creation of sand and gravel pits, recognising that they are an important facility in the Trent Valley. However this is clearly the wrong location for such a development and Nottinghamshire Area Ramblers continue to strongly object to this application.”*

Local Residents and the General Public

129. None consulted by RBC.

PLANNING POLICY

130. The relevant statutory policies that comprise the Development Plan for Rushcliffe consist of the adopted Local Plan Part 1: Core Strategy (LPP1), and Local Plan Part 2: Land and Planning Policies (LPP2). The latter was adopted in October 2019, postdating the submission of this application and subsequent consultations on it.
131. Material considerations include the National Planning Policy Framework (the Framework), National Planning Practice Guidance (the Guidance) and the adopted Nottinghamshire Minerals Local Plan.

Relevant National Planning Policies and Guidance

132. National Planning Policy Framework (2021) (NPPF)
- Paragraphs 8; 11; 12; 24; 47
 - Chapter 9 - Promoting sustainable transport
 - Chapter 11 - Making effective use of land
 - Chapter 13 - Protecting Green Belt land (137, 138, 147, 148, 149 and 150)
 - Chapter 14 - Meeting the challenge of climate change, flooding and coastal change
 - Chapter 15 - Conserving and enhancing the natural environment
 - Chapter 16 - Conserving and enhancing the historic environment
 - Chapter 17 - Facilitating the sustainable use of minerals (209; 211; 212).

Relevant Local Planning Policies and Guidance

133. Local Plan Part 1: Core Strategy (December 2014)

- Policy 1 - Presumption in favour of Sustainable Development
- Policy 2 - Climate Change
- Policy 3 - Spatial Strategy
- Policy 4 - Nottingham-Derby Green Belt
- Policy 5 - Employment Provision and Economic Development
- Policy 11 - Historic Environment
- Policy 14 - Managing Travel Demand
- Policy 16 - Green Infrastructure, landscape, Parks and Open Spaces
- Policy 17 - Biodiversity.

134. Local Plan Part 2 (October 2019)

- Policy 1 - Development Requirements, Policy 17 Managing Flood Risk
- Policy 18 - Surface Water Management
- Policy 19 - Development affecting Watercourses
- Policy 20 - Managing Water Quality
- Policy 21 - Green Belt
- Policy 28 - Conserving and Enhancing Heritage Assets
- Policy 29 - Development affecting Archaeological Sites
- Policy 36 - Designated Nature Conservation Sites
- Policy 37 - Trees and Woodlands
- Policy 38 - Non-Designated Biodiversity Assets and the Wider Ecological Network
- Policy 40 - Pollution and Land Contamination
- Policy 41 - Air Quality
- Policy 42 - Safeguarding Minerals

135. Nottinghamshire City Local Plan Part 2 (January 2020).

136. Nottinghamshire Minerals Local Plan (March 2021)

- Policy MP2: Sand and Gravel Provision 1, c) New sand and gravel quarries: MP2p Mill Hill nr Barton in Fabis 3.0 million tonnes

137. Paragraph 4.42 applies *“This allocation is for a new greenfield site that is located 6km west of Nottingham. Output from the site would be approximately 280,000 tonnes per annum. The site is expected to become operational early in the plan period and would be worked over a 12 -15 year period. The quarry would be restored using a range of habitats including floodplain grazing marsh, reed bed, low land grassland and agricultural land. The allocation area contains approximately 3 million tonnes of reserves, however a planning application for a larger site that also covers an area within the Nottingham City administrative area has been received by both the County and City Councils and is currently being determined.”*

138. As does the associated site allocation development brief referred to in full below:

139. **Quarry restoration** - Restoration should be biodiversity-led, and precise details will be dependent upon landform and substrate characteristics. Restoration will depend on landform, hydrology and substrate characteristics. However, restoration should target the creation of:
- Wet Grassland (Floodplain Grazing Marsh)
 - Reedbed
 - Marsh and Swamp
 - Ponds
140. Other habitats that may be appropriate for creation include:
- Lowland Neutral Grassland
 - Wet Woodland
 - Mixed Ash-dominated Woodland (Lowland Mixed Deciduous Woodland)
141. Restoration should seek to maximise the extent of target habitat(s) and avoid habitat packing, where small areas of lots of habitats are packed into the site. Proposals should instead focus on maximising the biodiversity benefits from larger areas of priority habitat. Priority should be given to wetland/open habitats rather than woodland (although there may be limited opportunities for the latter along the bluff on the eastern side of the site) and should complement existing wetland habitat in the vicinity. Opportunities for created habitats to have multi-functional benefits (flood storage) should be explored and taken where possible.
142. Location
- North east of Barton in Fabis village and west/south west of Clifton
 - See Policies Map Inset 16
143. Environmental and cultural designations
- Direct and indirect impact on LWS within and near the site and indirect impacts on Holme Pit SSSI and Attenborough Gravel Pits SSSI must be considered.
 - Consideration of the impact on the Green Belt
 - Potential impacts on the Trent Valley Green Infrastructure Corridor
 - Potential impacts on Attenborough Nature Reserve
 - High archaeological potential to be managed through appropriate survey methods, including use of metal detector on conveyor belt
 - Consideration of Landscape Character Assessment, Policy Zone recommendation: 'Enhance' - emphasis should be to improve existing features which may not be currently well- managed or where existing features are of good quality but could be of greater benefit if improved.
 - Appropriate bird surveys should be undertaken including the potential effects on birds associated with the SSSI.
 - Permanent impact on the setting of the Clifton Hall Registered Park and Garden.
 - Expert assessment of the Clifton Hall Registered Park and Garden and the preparation and implementation of a Conservation Management

Plan to improve the condition and management of the heritage asset to provide appropriate mitigation.

- Potential impacts on designated heritage assets within Barton-In-Fabis, Attenborough and Clifton.

144. Access and transport

- Access on to the public highway to east of the site on to the old A453

145. Amenity

- Protection or suitable management of Barton in Fabis footpaths FP2, FP69, BW1 and BW3 including retention of existing vegetation/screening where appropriate and provision of safe crossing points for users.

146. Water and flooding

- Mitigation of potential flooding, including overland flood flows, should be considered through a Flood Risk Assessment as site lies in Flood Zone 3. No excavation within 45m of the toe of any flood defence or the River Trent itself
- Prior to making a planning application, applicants should discuss water abstraction issues with the Environment Agency.

147. Other

- Take account of the high-pressure gas main running across the site and meet the statutory safety clearances.
- East Midlands Airport should be consulted as part of any detailed planning application due to the quarry's location in the airport safeguarding zone and the potential for bird strike arising from any restoration scheme

APPRAISAL

148. The Nottinghamshire Minerals Local Plan was recently adopted (March 2021) covering the period to 2036. The Plan includes one new site allocated for sand and gravel supply. The adopted site relates to land within the application site at Mill Hill, Barton in Fabis. However, as the Planning Policy Officer has advised above, whilst the site has been allocated in the NMLP the Inspector deferred to the planning application, being assessed by the County Council, to determine whether the proposal would be acceptable when considering Green Belt, biodiversity and the wider ecological network.

Green Belt

149. Paragraph 147 of the NPPF sets out that inappropriate development is, by definition harmful to the Green Belt and should not be approved except in very special circumstances.

150. There are some exceptions to inappropriate development and Paragraph 150 a) of the NPPF provides that mineral extraction is a form of development that

is not inappropriate in the Green Belt, provided that the development preserves the openness of the Green Belt and does not conflict with the purposes of including land in Green Belt.

151. It is considered that the development is inappropriate for the reasons identified above. It will be necessary to have regard for other considerations and whether these clearly outweigh the harm to the Green Belt by reason of inappropriateness and any other harm that may arise from the proposal and, whether these amount to very special circumstances. Whilst the mineral extraction itself may fall within the above definition, the transportation and processing of material that may not be does not fall and is therefore inappropriate.
152. The processing, storage and loading area is in an elevated position on the site. The structures in this area vary in height but are illustrated as having the potential of being a maximum of 11m. It is considered that these structures within this area would reduce the openness of the Green Belt and conflict with Green Belt purposes. As such, 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.
153. It will also be necessary for Nottinghamshire County Council, as the determining authority, to apply the Green Belt test and 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 considerations clearly outweigh the harm. The County Council would 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

154. The application was previously considered against Paragraph 3.3 of the Nottinghamshire and Nottingham Local Aggregates Assessment (January 2017) that indicated that there were sufficient permitted reserves to meet demand and, therefore, there was no need to release further land for sand and gravel extraction within Nottinghamshire.
155. In addition, the Draft Minerals Local Plan did not identify the site as a draft allocation. Officer's view at the time therefore was that if additional reserves were required, other sites would need to be properly identified through the minerals plan.
156. At the time of the assessment of the application in 2017 the applicant suggested that two of the allocated sites in the emerging Mineral Local Plan (Shelford and Flash Farm) had come forward with an application and only the Shelford site would serve the Nottingham aggregate market but the site had delivery issues.
157. Since the initial assessment of the application, the Minerals Local Plan has been adopted (March 2021) and the application site now forms an allocation

with its own development brief detailed. The site has not, however, been removed from the Green Belt despite its allocation and therefore

158. The County Council will need to determine not only whether the site meets the adopted Mineral Local Plan and brief but also weigh up all other material planning considerations such as whether the development would constitute an exception to inappropriate development and not have a significant adverse impact on the character and openness of the Green Belt.

Ecology

159. 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).
160. The quarry would have a significant impact on the River Trent (west) Green Infrastructure Corridor as identified within the Local Plan Part 2 (Appendix D). Policy 35 (Green Infrastructure Network and Urban Fringe) requires the ecological network of wetlands, grassland and woodlands and flood water storage to be maintained and enhanced. The ecological network should not be negatively affected.
161. Policy 36 of LPP2 seeks to protect designated and non-designated nature conservation sites
162. Policy 38 seeks to preserve, restore and recreate priority habitats and the protection and recovery of priority species in order to achieve net gains. The proposed quarry is located within the River Trent – Wilford to Thrumpton Biodiversity Opportunity Area (Ecological Network), where Appendix E of the Local Plan Part 2 relates. The sustainability officer has commented on the submitted biodiversity net gain assessment and has suggested where they consider the assessment needs to be amended.
163. The Council's Sustainability Officer has advised that the ecological surveys are now out of date being over 2 years old and over 1 year old for badgers/ bats. As a result, the officer has recommended that all survey data should be updated and related biodiversity documents, proposals and management plans updated accordingly.
164. The amendments have redesigned the layout of the quarry to avoid the loss of areas of higher value habitat including a number of Local Wildlife Sites (LWS's) however the Sustainability Officer advises that all LWS's should be excluded from the scheme as it is not possible to guarantee that restoration will achieve conditions of County Level Importance. In addition they advise that they should all be subject to the same buffer zone offered to the Brandhill Wood LWS in respect of noise.
165. Careful consideration has to be given to the balance between the needs of the economy and the potential impact on 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 in which is located. The County Council must be satisfied that the information submitted is up to date, 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. The County Council ecologist will also have to be satisfied in respect of noise implications for breeding birds at Attenborough Nature Gravel Pits SSSI and buffer zones around Brandhill Wood LWS.

166. Notably the Sustainability Officer has recommended compensatory habitat for necklace ground beetle to be provided close to the previous known site and an up to date invertebrate survey be carried out.
167. Should the County Council determine to approve the application, the officer previously advised on a number of conditions that he would wish to see incorporated in a Decision Notice. In addition to these they have also suggested conditions relating to on-going monitoring and remediation (eg. Hydrological measurement to monitor any water table changes that may impact on LWS's and responsive works), the net gain proposed should be secured through an ecological management plan, barn owl boxes and a non rotational set aside (20m) and gras margin for field and arable edges of 2-6m throughout the extraction and restoration and post restoration phases and set out in the restoration scheme and land management proposals.

Landscape

168. Whilst the landscape officer has not raised objections to the proposal, as they consider that the additional bunds on the eastern side of the site entrance and reduced stocking area size, and repositioned workshop should help to screen views from the south, the officer has highlighted that the LVIA suggested that the bunds be part planted and the layout plans do not refer to this. It is also noted that Hedgerow 16 is now to be retained and this should be enhanced as part of a mitigation scheme. The retention of ridge and furrow is positive.
169. It will be for the County Council to consider the landscape and visual impact of the proposed changes and their landscape officers will 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 up to 11m tall).

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

170. The Borough Council's Conservation Officer no longer advises on archaeological matters, this function has now reverted back to the County Council. On this basis it is considered that the County Council should ensure that the Written Scheme of Investigation Archaeological Mitigation Strategy adequately addresses archaeology before making a decision on the application.
171. In respect of listed buildings, as per the 2017 Committee Report, 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, Lighting

172. The Council's Environmental Health Officer has reviewed the submissions and has offered advice regarding hours of operation; Noise impacts and Air Quality and lighting impacts. Their full comments are included in this report above.
173. The original officer comments provided did not raise an objection to the proposal but, as there remains a number of areas where additional information is considered to be required, the officer had indicated that these can be dealt with via appropriately worded conditions in respect of hours of operation, noise limits for each noise sensitive property and that noise limits should be differentiated between normal activities that are covered in the MPPG compared to the short term activities that may not be covered. In addition, a number of activities will occur out of the operational hours such as dewatering and generators which may be viewed as ancillary to operations at the site and so a site specific assessment (including night time baseline monitoring) and condition is suggested and associated mitigation secured. Monitoring would be on a quarterly basis and the EHO has requested a mechanism be included to require the operator to undertake noise monitoring should the LPA or MPA receive a justifiable noise complaint. In addition, white noise/broadband reversing alarms are recommended for all mobile plant and vehicles on site. A Noise Management Plan condition is recommended for the duration of the operation (preparatory work) and restoration of the site.
174. However, the officer provided further comments in respect of noise implications as a result of further information provided by Barton in Fabis Parish Council. This additional information includes a report prepared by Noise Assess Ltd 'Background Noise Survey and Comments on the Source Noise Data Used in the Applicant's Noise Assessment' (Ref: 13312.01.v2; dated September 2021) which presents the findings of a background noise survey in which a difference in the background noise data was identified at some locations, including Chestnut Lane in Barton in Fabis. The Noise Assessment report indicates the background level may be 4dB(A) lower than that reported in the Vibrock report supporting the planning application. The officer has advised that this is relevant as the proposed planning conditions are developed relative to the background sound levels and therefore as a result some queries are raised around the original (Vibrock) data and as some time has passed since the Vibrock noise survey they consider it appropriate and necessary for an up-to-date background noise survey to be undertaken to ensure the data are sufficiently robust and representative to support the application.
175. In respect of Air Quality the officer has recommended a condition be imposed in respect of a Dust Management Plan, however they advise that further work needs to be undertaken to develop a dust monitoring scheme in order to agree appropriate action levels to ensure sensitive neighbouring premises are adequately protected. This may need to include potential cumulative dust impacts of other developments in the vicinity, i.e. Fairham Pastures is required.
176. Regarding lighting, the officer advised that a condition would be necessary requiring a lighting assessment to be submitted and approved for any additional external lighting that may be considered necessary during the life of the development.
177. The County Council will need to determine whether sufficient information has been provided or whether additional information is required, including an up to date background noise assessment, before a decision can be made. If they

resolve to approve the application then the Council would wish to see a number of conditions, as per the comments received from the Environmental Health Officer, imposed. Attention would be drawn to the noise potential from possible ancillary operations when the site is not operational and to the cumulative impacts of dust. In particular, those relating to potential noise from sources that may not fall within the MPPG terminology as a normal activity

Highways

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

Public rights of way

179. 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

180. 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

181. 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

182. 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

183. 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

184. 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

185. 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 the development would have a negative impact on the openness of the Green Belt. The transportation, processing and loading of sand and gravel is considered inappropriate development as they would reduce the openness of the Green Belt and conflict with Green Belt purposes.
186. 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 amenity, 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 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 an unacceptable impact on the openness of the Green Belt. Therefore, the proposed development by definition is, therefore, harmful. It is not considered that there are any other considerations that clearly outweigh the harm to the Green Belt, which would amount to very special circumstances to justify the grant of permission. Therefore, it is considered to be contrary to the provisions of the National Planning Policy Framework 2021 and local planning policy 21 of the Rushcliffe Borough Local Plan Part 2.
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, ecology or the cumulative impact with the housing allocations/applications/ permissions.

Should the County Council be minded to approve the application, then the Council would like the comments and suggested conditions from the Borough Council's consultees to be included in any decision. Their full comments are attached with this decision in order that that they can be fully incorporated.