



Rushcliffe
Borough Council

When telephoning, please ask for: Tracey Coop
Direct dial 0115 914 8511
Email democraticservices@rushcliffe.gov.uk

Our reference:
Your reference:
Date: Wednesday, 3 November 2021

To all Members of the Planning Committee

Dear Councillor

A Meeting of the Planning Committee will be held on Thursday, 11 November 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 (Pages 1 - 18)
4. Planning Applications (Pages 19 - 128)

The report of the Director – Development and Economic Growth.

Membership

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Council Customer
Service Centre

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Gordon Road
West Bridgford
Nottingham
NG2 5LN

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Opening hours:
Monday, Tuesday and Thursday
8.30am - 5pm
Wednesday
9.30am - 5pm
Friday
8.30am - 4.30pm

Postal address
Rushcliffe Borough
Council
Rushcliffe Arena
Rugby Road
West Bridgford
Nottingham
NG2 7YG



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.

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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.

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The Openness of Local Government Bodies Regulations 2014 allows filming and recording by anyone attending a meeting. This is not within the Council's control.

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**MINUTES
OF THE MEETING OF THE
PLANNING COMMITTEE
THURSDAY, 14 OCTOBER 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), R Adair,
S Bailey, L Healy, D Mason, J Murray, A Phillips and C Thomas

ALSO IN ATTENDANCE:

7 members of the public

OFFICERS IN ATTENDANCE:

L Ashmore	Director of Development and Economic Growth
A Baxter	Senior Area Planning Officer
P Cook	Principal Planning Officer
E Dodd	Principal Area Planning Officer
A Pegram	Service Manager - Planning
R Sells	Solicitor
L Webb	Democratic Services Officer

APOLOGIES:

Councillors N Clarke, P Gowland, B Gray and F Purdue-Horan

12 Declarations of Interest

Councillor Upton as a current member of the Planning Committee and Councillor at Nottinghamshire County Council declared a non-pecuniary interest in the planning application Land South Of Burrows Farm Barton Lane Barton In Fabis Nottinghamshire.

Councillor Adair as a previous member of the Policy Committee of Nottinghamshire County Council and a current Councillor for Nottinghamshire County Council declared a non-pecuniary interest in the planning application Land South of Burrows Farm, Barton in Fabis, Nottinghamshire.

13 Minutes of the Meeting held on 9 September 2021

The minutes of the meeting held on 9 September 2021 were approved as a true record of the meeting and were signed by the Chairman.

14 Planning Applications

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

circulated previously.

21/01464/REM – 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 - Central Works Depot, Abbey Road, West Bridgford, Nottinghamshire, NG2 5NE

Updates

The Committee were advised that the recommendation should be grant planning approval and not grant planning permission as set out in the report.

In accordance with the Council's Public Speaking Protocol for Planning Committee, Toby Evison (architect), and Councillor Penny Gowland (Ward Councillor) addressed the Committee.

Decision

PLANNING APPROVAL 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 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-012004_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].

2. 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)].

3. 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).

4. 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)].

5. 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)].

6. 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)].

7. 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 Identity) 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)].

8. 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)].

9. 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)].

10. 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)].

11. 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)].

12. 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)].

13. 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].

14. 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)].

15. 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)].

16. 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)].

17. 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)].

19. Prior to any of the dwellings hereby approved being constructed above foundation level, details of the design and materials to be used in the erection of any boundary walls, fences or any other means of enclosure shall be submitted to and approved by the Local Planning Authority and all means of enclosure shall be erected in accordance with the approved details prior to the first occupation to any plot to which it relates.

[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)].

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.

21/00775/VAR – Variation of Condition 9 of planning permission ref 18/00300/OUT to allow a change in time frame for offsite highway improvements - Land North Of Asher Lane Asher Lane Ruddington Nottinghamshire

Updates

Late representations were received from two objectors and the applicant and were circulated to the committee prior to the meeting.

In accordance with the Council's Public Speaking Protocol for Planning Committee, Cllr Mike Gaunt (Ward Councillor) (written statement) addressed the Committee.

Members requested that the draft s.106 Deed of Variation be provided to the Ward Councillors, the Parish Council and Ruddington Action Group for their comments prior to its completion.

Decision

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 the following conditions:

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.
- a) 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].

As Ward Councillor for Trent Bridge Ward, Cllr Murray withdrew from the committee and did not take part in the following debate.

21/01802/FUL & 21/01803/LBC – (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- Rushcliffe Borough Council Lutterell Hall Church Drive West
Bridgford Nottinghamshire**

Updates

There were no updates.

Decision

(i) PLANNING PERMISSION BE GRANTED SUBJECT TO CONDITIONS

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

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

2. The development hereby permitted shall be carried out in accordance with the following 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) LISTED BUILDING CONSENT BE GRANTED SUBJECT TO CONDITIONS

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

[To comply with Section 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].

Councillor Murray re-joined the committee at this point

Councillor Upton and Councillor Adair left the meeting at this point and did not take part in the following debate.

Councillor M Stockwood was the chairman for the remainder of the meeting.

17/02096/CMA – 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. - Land South Of Burrows Farm Barton Lane Barton In Fabis Nottinghamshire

Updates

Late representations were received from the ward councillor Cllr Rex Walker, objections from 7 residents, the Nottinghamshire County Council archaeologist, the development management team at Nottinghamshire County Council and a clarification from the case officer and were circulated to the committee prior to the meeting.

The late representations recommended deleting 'air quality' from reason for refusal 2.

In accordance with the Council's Public Speaking Protocol for Planning Committee, Councillor Rex Walker (Ward Councillor – written statement) addressed the Committee.

The planning officer agreed to send a copy of the committee report to Nottinghamshire County Council with their decision.

Decision

Nottinghamshire County Council be informed that the Borough Council objects to the proposal and recommends refusal for the following reasons

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.

The meeting closed at 4.32 pm.

CHAIRMAN

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Planning Committee

11 November 2021

Planning Applications

Report of the Director – Development and Economic Growth

PLEASE NOTE:

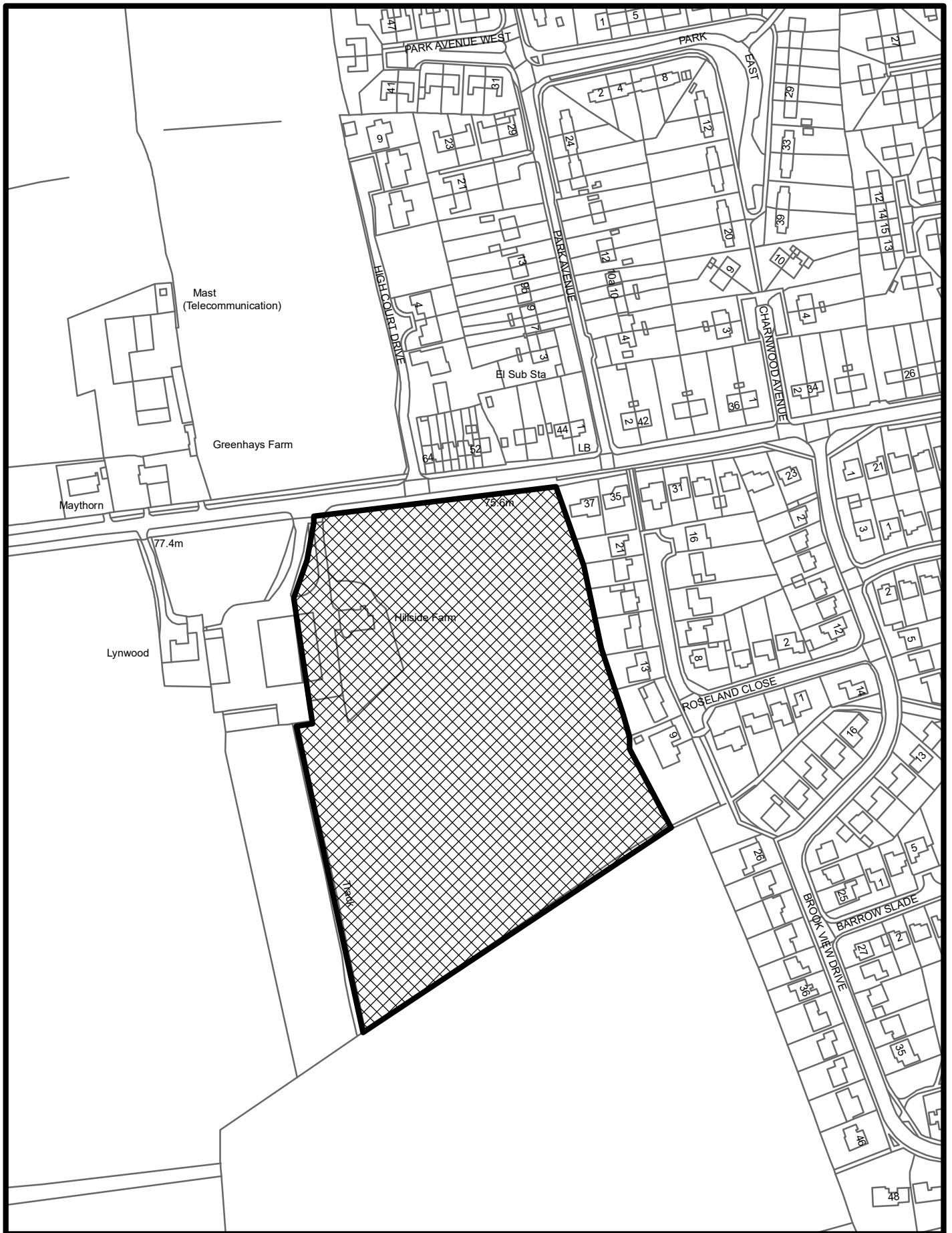
1. Slides relating to the application will be shown where appropriate.
2. Plans illustrating the report are for identification only.
3. Background Papers - the application file for each application is available for public inspection at the Rushcliffe Customer Contact Centre in accordance with the Local 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 Director – Development and Economic Growth, 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
20/02670/FUL	Land At Hillside Farm, Bunny Lane, Keyworth, Nottingham, NG12 5LP	23 - 98
	Erection of 77 dwellings with landscaping, public open space and associated infrastructure (revised scheme)	
Ward	Keyworth and Wolds	
Recommendation	The Director for Development and Economic Growth be authorised to grant planning permission subject to the prior completion of a satisfactory S106 Unilateral Undertaking and recommended conditions	
21/02694/CTY	Land North Of Rempstone Road, East Leake, Nottinghamshire	99 - 116
	Erection of 120 Place Temporary School Learning Village Accommodation with temporary lit access road and permanent lit access path. Associated areas of soft play, canopies, car parking and surface water balancing pond	
Ward	Leake	
Recommendation	The Borough Council does not object to the proposal subject to conditions	
21/02496/TPO	31 Edwalton Lodge Close, Edwalton	117 - 128
	Trees: T1 & T2 (sycamore) - Fell	
Ward	Edwalton	
Recommendation	Consent be granted subject to conditions	

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Application Number: 20/02670/FUL
Land at Hillside Farm, Bunny Lane, Keyworth



scale: 1:2500

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20/02670/FUL

Applicant Barratt David Wilson Homes

Location Land At Hillside Farm Bunny Lane Keyworth Nottinghamshire NG12 5LP

Proposal Erection of 77 dwellings with landscaping, public open space, and associated infrastructure (revised scheme)

Ward Keyworth And Wolds

THE SITE AND SURROUNDINGS

1. The application site is located on the western edge of Keyworth and comprises a rectangular area of 3.10ha of predominantly greenfield agricultural land with a dwelling, known as Hillside Farm House, and an agricultural building at the north west of the site. A hedgerow and road ditch form the northern boundary to the site with Bunny Lane beyond and a post and rail fence and hedgerow forms the boundary to the east of the site adjacent to a ditch and the rear gardens of the properties on Roseland Close.
2. To the west of the site is a range of agricultural/livestock buildings associated with Hillside Dairy Farm and a property known as Lynwood. On the southern boundary is a hedgerow with a ditch and Public Footpath (Footpath Keyworth - FP4) beyond. The land slopes steeply (a drop of around 10-14.5m) from the north to the south west corner of the site.
3. A Sewage Treatment Work is located approximately 150-200m from the south western corner of the site.

DETAILS OF THE PROPOSAL

4. The proposal seeks the erection of 77 dwellings, of which 20% (15) of the dwellings would be affordable homes, with landscaping, public open space, and associated infrastructure. The development equates to a net density of 32dph and a gross density (including open spaces) of 24dph.
5. A new single vehicular access would be formed from Bunny Lane and a number of off-site improvements are proposed including pedestrian access, together with junction improvements to Pendock Lane (also required in associated with application 18/02515/FUL for residential development to the North of Bunny Lane).
6. An area of open space would be retained to the west of the site and this would incorporate a play area and an attenuation basin together with a 3m high fence located along the western boundary, adjacent to the agricultural buildings.
7. A landscape buffer is proposed to the eastern periphery of the site adjacent to the boundary ditch and the rear of existing residential properties of Roseland Close.

8. The Design and Access Statement advises that *“The site will comprise of a mix of houses, which will include bungalows linked semi-detached and detached types. The vast majority of buildings will be two storeys in height, reaching around 7.2m to 8.8m. Bungalows along the eastern boundary are approximately 5.6m in height. There will be a proportion of 2.5/3 storey buildings, reaching to a maximum of 10.5m. The majority of the 2.5/3 storey townhouse buildings are located along the Main Street facing the public open space. The arrangement of the 2.5/3 storey townhouse buildings along the western boundary has been led by the results of the noise report & protection of rear garden amenity space. The varying heights of buildings will be used subtly to create a varied roofline across the development.*

9. *Elevational detailing will include; Georgian style bay windows, stone cills, brick stretcher heads and cills, brick corbel detailing & projecting eaves, which will reflect the traditional qualities of Keyworth Main Street. Material selection will be mainly of variations of red and multi red brick, with contrasting string brick course, reflecting the typical materials used in the locality. Buff bricks, render and weatherboarding will be used on feature buildings to aid legibility.”*

10. The application is supported by a range of documents and plans, and further documents and plans have been submitted during the consideration of the proposal, providing additional information and clarification over certain elements of the development. All of the submitted documents are available to view on the Council’s website.

SITE HISTORY

11. Application 19/02526/FUL - Construction of 97 dwellings with landscaping, public open space and associated infrastructure. Withdrawn

12. There are also a number of applications which relate to the farm site to the west, including:
 - Application 19/00719/FUL - Erect multi-purpose agricultural building. Permitted Condition 4 requires the submission of a waste Management Scheme.

 - Application 17/01575/FUL - Erect agricultural building (agricultural building two), formation of yard area. Permitted. Condition 4 requires the submission of a waste Management Scheme.

 - Application 17/01570/FUL - Erect multi purpose agricultural building, formation of yard area. Permitted. Condition 5 (Waste Management) details were discharged 6 July 2018 on the basis that it was confirmed that the animal waste would be heaped in the fields at least 150m from residential properties as recommended by EHO.

REPRESENTATIONS

Ward Councillor(s)

13. Two Ward Councillor (Cllr Edyvean and Cllr Inglis) – Object, both commenting that: *“Rushcliffe Core Strategy adopted in 2014 identifies Keyworth as capable*

of accepting a minimum of 450 new dwellings. LP2 revises this to around 600 dwellings, so far planning permission has been granted for 559 new houses on 3 sites all listed in the Neighbourhood Plan. Additionally since January 2015 around 45 new dwellings have been granted planning permission many of which are under construction or have been completed, Keyworth has therefore already achieved the requirement for 600 new dwellings identified in LP2. In considering the approval of LP2 the Inspector did not consider the infrastructure requirement if there were to be in excess of around 600 new dwellings. LP2 in referring to this site clearly states that any development on this site must take regard of the adjacent working farm and neither the farm nor the potential residents should be impacted by the presence of each other. This application comprehensively fails to demonstrate that the living conditions of potential residents will not be harmed by the activities of the Farm, nor that the Farm will not be impeded in its rightful business by the building of this proposed development. Whilst the principle of development on this site is established in LP2, it is impossible to see how this proposal could ever satisfy the above condition of mutual co-existence.”

14. On the revised plans Cllr Edyvean commented that; *“even with the small revisions that have been made, it is impossible to build a development of this size adjacent to a busy working farm. There will be a significant impact on the ability of the farm to function without harming the quality of life of potential residents who might have the misfortune to move into the proposed development should permission be granted. This in turn will potentially harm the normal functioning of the farm as a going concern. This will be contrary to the recommendation made by the Inspector in his assessment of LP2. It is our opinion that the revised noise and odour studies are deeply flawed and add no confidence to the development of this site.”*
15. Cllrs Cottee and Inglis both wrote in support of Cllr Edyvean’s comments.

Town/Parish Council

16. Keyworth Parish Council objects on the following grounds:
 - a. Bunny Lane is not large enough to support the volume of traffic entering and leaving the village, from developments on both sides of Bunny Lane. This also applies to the surrounding roads.
 - b. Contravenes the Keyworth Neighbourhood Plan, which reflect consultation with residents that came out strongly against this site for development.
 - c. Less than 20% of the housing is designated as affordable. It should be at least 20%.
 - d. Out of date odour assessment.
 - e. The design access statement proposes 25 dwellings per hectare which is a higher density than the other housing development sites in Keyworth. Should be a maximum of 20 dwellings per hectare.
 - f. There doesn’t appear to be a substation in the plans.

- g. The application states there is no legal impediment but in fact there is one; a member of the public has informed KPC that there is a covenant granting access to Hillside to residents of Roseland Close to enable them to exercise their right to access the watercourse.
 - h. Concerned that the documents refer to S106 money as well as CIL. Please make it clear that the developers will pay the full CIL due as KPC are entitled to 25% as a consequence of having a Neighbourhood Plan in place and they do not want to reduce their entitlement.
 - i. There has been insufficient time for consultation with Keyworth Parish Council and residents of the village. In particular, neighbours of the site (who should be consulted) say they have not been made aware of the application in a timely fashion so they have not had a chance to comment.
 - j. The plans are not in accordance with the Rushcliffe Local Plan policy 19 - Maintenance of Watercourses and its requirement to leave an undeveloped 10m buffer for wildlife and maintenance.
 - k. Moving the hedgerow along the southern boundary is contrary to the National Planning Policy Framework (NPPF paragraph 175 a) Biodiversity Net Gain policy (see 15. Conserving and enhancing the natural environment - National Planning Policy Framework - Guidance - GOV.UK (www.gov.uk)), in particular the first do no harm principle, as removal of these valuable hedgerows is wholly unnecessary.
 - l. The entrance to the site is too small at 5.5 meters as it is an up-hill start, and this is also too tight for traffic turning into the site from Bunny Lane.
17. In respect of the revised plans the Parish Council resolved to object to the application, reiterating many of their original comments with the additional following points:
- a. Contravenes the Keyworth Neighbourhood Plan. - The number of houses exceeds that which was originally agreed in the local plan documentation.
 - c. Site is considered unsuitable due to proximity of the farm and its associated use near residents.
 - d. Concerns with the tracking of the waste removal lorries not being able to cover all the dwellings.
 - e. There is still a major concern around the gradient of access into the site and disabled access.

Statutory and Other Consultees

18. The Council's Conservation Officer has 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. They reiterated their comments in respect to the revised plans.

19. The Council's Landscape Officer has advised that *"the layout overcomes previous concerns about a lack of screening on the western boundary and the wider open space with a pedestrian route is positive. The revised layout allows for more tree planting in the north west corner of the site which will be the part of the site most visible on the approach to the village. I too didn't notice the southern hedge needing much gapping up, but the site visit was some time ago and additional hedgerow planting can't do any harm. The landscape plans for this site are also appropriate."*
20. The officer advised on the 3m acoustic fence on the western boundary indicating that this would only be acceptable if it were positioned within the existing hedge and that this was maintained at no less than 3m. The officer also queries whether it could reduce in height at the north and at the south. *"As the fence will be sandwiched between an existing hedgerow and a belt of vegetation it will need to be built to last as future access will be extremely limited without some form of vegetation clearance."*
21. The officer advised that *"the native hedgerow on the northern boundary be retained due to its wildlife and screening value. An instant hedgerow is proposed, but it will still take time to thicken up and gain height."*
22. The officer also indicated that it would be useful to see level changes or a cross section with the houses adjacent to the southern hedgerow. The officer confirmed that they would not expect to see any level changes within 2m of an existing hedgerow and that the arboricultural report shows the retained hedgerows being protected, but given the comments about the roadside hedgerow they suggested that this might need to be updated.
23. Based on revised plans of the 22 and 26 July the officer advised that; *"The revised layout looks to alleviate many of the concerns I had about the previous application. There is a more robust landscape strip on the western boundary and the north west corner of the site is now wide enough to have some meaningful tree planting. There also appears to be more tree planting on the northern boundary. The front boundary hedge is to be removed and replaced with a 1.2m high instant hedge. Ideally the hedge would be retained, but if there is a good reason for its removal the proposed instant hedge is as good a replacement as we could expect. The remainder of the landscape scheme looks appropriate. I note the tree species on the eastern boundary where it abuts adjacent houses are all small trees and should offer some screening, but not reach an unreasonable size. Having been in this situation on other sites I'm aware individual residents might not agree with me and I would be happy for the developer to negotiate with their neighbours to discuss alternatives if residents don't appreciate the extent of proposed tree planting. It looks like some sections of the southern boundary hedgerow are to be removed and again I would encourage retention wherever possible."*
24. The Council's Sustainability Officer notes that a Preliminary Ecological Appraisal was supplied together with a Badger and Bat Activity Survey Report. As the Preliminary Ecological Appraisal recommends further survey and mitigation for reptiles, the officer recommended that the application not be determined until the work is available.

25. Based on the revised documents subsequently submitted, the officer advised that; *“The site consist of Amenity grassland; Arable; Building; Dense scrub; Hardstanding; Hedgerows; Poor semi-improved grassland; Scattered scrub; and Scattered trees. The site supports foraging badgers and has potential to support roosting and foraging bats and wild birds, small mammals and invertebrates. Great Crested Newts have been previously recorded within 30m of the site, however no evidence of their presence on site was identified. Hedgerow priority habitats were identified on site. The wider landscape consists of domestic properties and gardens and agricultural fields. The development provides opportunities for ecological enhancement. The favourable conservation status of Protected Species is unlikely to be impacted by this development.”* A number of recommendations were made as either conditions or informatives.
26. The Head of Environmental Health raised concerns about the close proximity of the proposed residential dwellings to Hillside Farm. The officer had regard to the noise and odour assessments to support the application (Wardell Armstrong Noise assessment ref SH12219 dated October 2020 and Wardell Armstrong odour assessment ref SH12219 dated August 2019) however the officer had the following queries:
27. *“Noise: The use of the milling machine indicated a significant adverse impact in the evening at the front façade of the properties and an adverse impact within the gardens.*
- *Are the garden areas for plots 32-46 and 48-53?*
 - *In relation to the use of the milling machine, in order that recommended internal noise levels can be achieved, glazing and ventilation specifications have been proposed however can the consultant confirm that these will be the only noise mitigation measures proposed?*
 - *Hillside Farm have received planning approval recently for a new farm building close to the proposed site. The noise assessment has not taken into account future activities within this building - can this be included within the noise assessment?*
28. *Odour: Within the odour assessment it is stated that Hillside Farm have an odour management plan and this includes that any muck heaps will be at least 150 metres from residential premises.*
- *Would this still be achievable with this new development?*
 - *The monitoring was undertaken over 8 months, with a number of visits being undertaken. Can the applicant confirm whether the activities of the remaining 4 months not assessed include any activities that may cause additional odour?*
 - *During the assessment odour was detected at the locations where the proposed housing will be located. How will the mitigation measures proposed reduce the level of odour detected by any future residents?*
 - *Hillside Farm have received planning approval recently for a new farm building close to the proposed site. The odour assessment has not taken into account future activities within this building - can this be included within the odour assessment? “*

29. *Contaminated Land: The Geomatters Phase 1 and Phase 2 assessment is dated June 2013 this will need to be revised in order that up to date guidance is taken into account and the conceptual site model will then need to be updated. A condition is recommended.*
30. *Construction Noise and Dust: Due to the development being close to existing residential properties a condition is recommended regarding a method statement.”*
31. Based on the revised and additional documents, additional comments were received from eth Head of Environmental Health:
32. *Noise Impacts and Mitigation Measures: “Having reviewed the revised Noise Assessment Report from Wardall Armstrong LLP (Report Number 0003 V1.0 dated July 2021) we are satisfied with the reported results of all noise monitoring carried out on the site to date. The report recommends a series of noise mitigation measures to control noise from Hillside Farm to the West and road traffic on Bunny Lane to the North of the development. These measures include:*
- Good acoustic design so that gardens are located on the screened side of dwellings and include a 3.0 m close boarded fence running along the western boundary to Hillside Farm with a 2.0 m high close boarded fencing between dwellings and 1.8 m high fencing at garden boundaries as per Drawing No. LD10096/011 Rev B dated 20/07/2021.*
 - The living rooms and bedrooms to all properties on the western facade that face Hillside Farm are to be fitted with enhanced glazing and ventilation outlined in Appendix C and shown on Drawing No. LD10096/012 Rev B dated 08/07/2021 and Drawing No. LD10096/013 Rev B dated 09/07/2021; and*
 - The living rooms and bedrooms to all properties on the northern façade that face Bunny Lane are to be fitted with enhanced glazing and ventilation outlined in Appendix C and shown on Drawing No. LD10096/012 Rev B dated 08/07/2021 and Drawing No. LD10096/013 Rev B dated 09/07/2021.*
33. *If planning permission is to be granted, we would recommend that a condition be imposed to ensure that the required noise mitigation measures outlined in the supporting noise assessment be afforded in the dwellings throughout the development.”*
34. *Odour and Dust Impacts: “Having reviewed the revised Odour and Dust Assessment from Wardall Armstrong LLP) (Report No: 002 V0.2 dated July 2021) we are satisfied with the report findings. The odour and dust assessment has been carried out in accordance with national and local best practice guidance and concludes that odour from both Hillside Farm to the West and Keyworth Waste water Treatment Works (WwTW) some 200 metres of southwest of the proposed development is ‘not significant’. Dust levels have been assessed at several monitoring locations within and around proposed development. No dust emissions were detected for all ten site visits thus the risk of dust impact at the proposed residential dwellings is considered low.”*

35. The Council's Waste and Recycle Officer advised that:

1. The block paving area to the front of plots 7 – 13 should be constructed to accept the fully laden weight of a refuse collection vehicle of 32,000kgs or a bin collection point should be created closest to the highway. The BCP may cause problems with passers-by on the footpath leading from Main Street up to Bunny Lane should they decide to use bins placed out on collection days through them depositing footfall waste into the wrong bins. A BCP closest to the highway may exceed the distance occupants of Plots 10/11 – 13, would reasonably be expected carry/pull their waste H6 Regs, moving a BCP further back towards Plot 8 would potentially mean the BCP is outside their window albeit opposite the property. The BCP shown at the front of plot 7 is definitely more than requirements the H6 Building reg.
2. It very much looks like plots 59,56 & 10 have no rear access, other than walking around the back of neighbouring properties to place away bins post collection, if that is the case, it is suggested a bin housing for those properties be provided to prevent bins being left at the property frontage and causing bin blight.
3. The block paved street indicated as Mews on the plans should be constructed to accept the fully laden weight of a refuse collection vehicle of 32,000kgs.
4. Questions if a tracking analysis carried out for this development.

36. Based on the revised plans the officer advised; *"I'm sure the fall away from Bunny Lane will be fine under normal weather conditions but we may have concerns during winter conditions as the fall across the highway may cause the RCV to slip kerb to kerb. There may also be some inconsiderate parking from residents during winter conditions so they do not get caught out should they wish to leave the development the next day. Looking at some of the properties I would like to make the following comments:*

1. *Plot 10, 59, 61 & 65 with the best will in the world are not going to put their bins away post collection purely because they will have to navigate alleyway and all the sort of obstacles they cause. A suggestion could be to have a bin housing at the fronts of those properties to place bins away post collections. Bins left out cause bin blight.*
2. *There should be a Bin Collection Point at the end of plots 9 – 13. Plots 7 & 8 should be made aware of this as it would theoretically, directly opposite their frontage.*
3. *The Access Road 3 outside the Mews properties, should be constructed to accept a fully laden 32,000 GVW refuse collection vehicle."*

37. The Council's Community Development Manager advises that a minimum of six pieces of play equipment that allows for progression though the age ranges from approx. 2-11 years of age is required. In a typical development of this nature it would be a toddler and junior swing or an inclusive cradle swing, and a multi-play unit which allows for progression. This would be on an area of 0.04425 hectares. Attention was drawn to The Fields in Trust National Playing Fields Association General Design Principles Guidance which the officer considered plan Rev A 1457275 to be in line with, and he recognised that a 3m close boarded fence is proposed which provides protection from the adjacent farm to mitigate the risk of children straying into the farm buildings.

38. The officer advises that the footpaths linking the play areas to the wider development should also be capable of being used for cycles as well as walkers and connect into the footpath network. The detail on the Bunny lane footpath/cycleway section to the north needs further consideration as it is directly adjacent to a working farm and could be easily moved further from this entrance to mitigate the risk of conflict in the future. To the south a gate or other restriction may need to be considered to restrict livestock from field accessing the development, there is also an established right of way and the officer would welcome to see how this development could be connected to these established rights of way and improved due the increase in footfall.
39. Unequipped play/amenity public open space equivalent for unequipped children's play/amenity open space provision of 0.09735 hectares is required.
40. The officer advised that the development will be liable for a Community Infrastructure Levy (CIL) for sports and leisure provision.
41. Allotments - the Rushcliffe Borough Council Leisure Facilities Strategy 2017-2027 requires 0.4 hectares of provision for allotments per 1,000 population. Based on the latest information available Keyworth Parish Council is not operating a waiting list so a contribution towards allotments would currently not be sought.
42. The Council's Planning Policy Officer advised that *"The site is located on the western edge of Keyworth, south of Bunny Lane. Keyworth is identified as a Key Settlement within Policy 3 part 1b) of the Core Strategy and part 2b states that a minimum of 450 homes will be provided in or adjoining Keyworth during the plan period. The allocation of sites to deliver these homes was deferred to Local Plan Part 2.*
43. *Local Plan Part 2 allocates 4 sites for housing on the edge of Keyworth, combined these should deliver around 600 new homes. The plan identifies this site as one of these allocations and policy 4.4 specifically allocates the site for around 70 homes and sets out requirements that the development will be subject to. These criteria require:*
- *the amenity of residents should not be significantly affected by noise, odour, or dust resulting from the neighbouring farm;*
 - *there are no prejudicial implications upon the activities of the farm as a result of any impacts on amenity;*
 - *a financial contribution to improvements to the existing junction off the A52; and*
 - *consistency with other relevant policies in the Local Plan.*
44. *The delivery of 77 units on this site is compliant with the requirement to develop the site for around 70 homes. Critically, the number of units proposed within Policy 4.4 reflects the requirement to provide adequate mitigation (for example buffers) that prevent significant effects on the amenity of residents from the neighbouring farm. It is recognised that comparing this proposal with the previous proposal (which was withdrawn), the number of units has been reduced from 97 to 77 and the buffer between the proposed housing and neighbouring farm has been increased and a balancing pond located in the south west corner of the site. The Council must be satisfied that this buffer is*

sufficient to avoid significant affects upon the amenity of residents resulting from the neighbouring farms (due to noise, odour or dust).

45. *Local Plan Part 2 contains extensive policies that manage surface water and watercourses (Policies 18 and 19) and require all developments preserve, restore, and re-create priority habitats in order to achieve net gains in biodiversity (Policy 38). Critically a small drainage stream flows along the site's eastern and southern boundary and in accordance with Policy 19, a 10 metre buffer from the stream will be required to provide access for management, enhance this priority habitat and create an ecological corridor.*
46. *Local Plan Part 2 paragraph 5.33 states that the buffer should comprise natural or semi natural habitats, not private gardens. The plans submitted however contain no buffer between the gardens and the stream. Consequently access cannot be obtained to should management of the stream be required. This corridor should be integrated with the other green corridors and open spaces within the site, and the wider countryside."*
47. *Based on the revised scheme, the officer noted that the overall layout has not changed significantly but a buffer had been included along the site's eastern boundary (adjacent to the built up area of Keyworth), with access to the buffer provided in the middle of the site. The officer considered that this change follows advice that Policy 19 of LP2 requires a buffer, where physically feasible, in order to allow access and maintenance of the water way. The buffer also maintains the watercourse as an effective wildlife corridor. Paragraph 5.34 states that the detailed design of the buffer zone will be determined on a site-by-site basis in consultation with Environment Agency. The officer advises that in this regard "the EA have advised that requiring a 10 meter buffer for drains and streams would most likely be unreasonable, but a smaller buffer should be justified." On this basis they consider that "as the buffer allows access (the stream cannot be accessed from the other bank) and maintains a wildlife corridor, the provision of a buffer is acceptable, provided long term landscape and ecological management plan for this buffer are agreed (within a S106) (as required by Policy 19 Part e)."*
48. *The Council's Strategic Housing Manager advised that "The site lies within the 'Keyworth' 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 20% affordable housing on the site. This would equate to 15 affordable units on a scheme of 77 units overall. The level of provision is evidenced in the Nottingham Core Strategic Housing Market (SHMA) Needs Update (2012). 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 6 intermediate units, 6 affordable rent and 3 social rent units.*
49. *The table below identifies the breakdown of affordable housing that should be sought in order to meet existing and predicted needs through the lifetime of the development and compares this with the type of units proposed. This breakdown is based upon the outputs of the housing needs model that was produced as part of the SHMA Needs Update 2012. This considers both existing need (backlog need based on the waiting list) and future need (based on forward household projections).*

	Affordable Rent (predicted need)	Affordable Rent (originally proposed)	Social Rent (predicted need)	Social Rent (originally proposed)	Int	DMS	Total (predicted need)	Total (originally proposed)
1 bed starter flats/ maisonettes	1		1				2	
2 bed upsizing flats/ maisonettes	1						1	
2 bed houses	1	3			2	4	3	7
3 bed houses	1	2	1		3	4	5	6
4 bed house								
5 bed houses								
1 bed downsizing bungalows	1		1				2	
2 bed downsizing bungalows	1	2			1		2	2
Total	6	7	3		6	8	15	15

**Table 1: Affordable housing mix and tenure
(Int – Intermediate housing, DMS – Discount Market Sale housing)**

50. *The types and tenures of units proposed departs from the mix above (this mix was provided to the applicant during pre-application discussions and the previously withdrawn application), most noticeably there is a significant over provision of 2 bed houses and absence of either 1 bed bungalows and 1 or 2 bed maisonettes (flats would be inappropriate in this location). This imbalance should be rectified in order to better reflect the mix required.*
51. *Regarding the tenure types proposed, there is a complete absence of social rent, this is contrary to the requirements within the adopted Core Strategy. Of further concern, is their replacement with discount market sales housing that will not meet the needs of those in need of social rent, who either do not wish to purchase a property or could not afford to if they wished too.*
52. *Since adoption of the Core Strategy the revised National Planning Policy Framework (NPPF) has amended the definition of affordable housing. Critically, it no longer refers to ‘intermediate housing’, instead referring to ‘other affordable routes to home ownership’ (e.g. shared ownership, rent to buy, and other low cost homes for sale) alongside ‘affordable housing for rent’ (affordable and social rent), starter homes, and discount market sales.*
53. *Whilst starter homes and discount market sales meet the previous definition of intermediate housing (as set out in the NPPF and Core Strategy) and their inclusion as part of the affordable housing mix is material consideration, they would not meet the needs of those in Rushcliffe who’s needs are not met by the market (due to affordability). Consequently starter homes and discount market sales housing are not normally accepted as an element of any intermediate housing and shared ownership and rent to buy affordable housing should comprise the intermediate contribution.*
54. *Discount market sales homes may be accepted where evidence is provided that the discount applied to the homes is sufficient to meet the needs of*

residents within the Borough on lower quartile earnings. This discount is likely to be greater than the 20% minimum discount required within the NPPF.

55. *The proposed bungalows (for elderly needs) are located towards the south east corner. As advised previously the required bungalows should be located close to main access roads, preferably close to public transport corridors, to ensure that the elderly residents have good access to services and facilities to ensure they do not become isolated.*
56. *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.*
57. *The provision of 20% 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.”*
58. *Following the submission of revised details, officer advised that “the tenure split of 6 Affordable Rents, 3 Social Rent and 6 Intermediate complies with Policy 8 and paragraph 3.8.9 of Local Plan Part 1. Strategic housing welcomes the inclusion of social housing within the mix. Previous advice in January 2021 however had raised concerns that there was an absence of 1 bed flats/maisonettes in favour of 2 bed houses. The absence of 2 maisonettes for rent should be justified.*
59. *Furthermore, I previously advised that the Council would only accept Discount Market Sales housing where it is proven that those on lower quartile earnings would be eligible (could afford them). It is noted that the discount market sales are 2 bed homes and therefore are likely to be cheaper, however given local house prices it is likely that the minimum 20% discount would not be affordable to those on lower earnings and, in accordance with Annex 2 of the NPPF, a greater discount may be required. Evidence within the draft Affordable Housing SPD sets out the Councils current position regarding Discount Market Sales homes and this indicates a discount of 30 to 50% may be required, depending on the size and location of the property.”*
60. *After further negotiation with the applicant in this regard the discount Market Sales properties have been altered to be 6 Shared ownership units and further information was provided justifying why the scheme was not providing one bedroom maisonettes. As a result of this the officer advised that “the RP does not wish to provide maisonettes due to the demand for private gardens. Whilst I think we can be flexible in more rural locations, such as Keyworth, there remains a demand for one bed units within the Borough and we should not accept the absence of one bed units within larger settlements, strategic sites and the main urban area.”*
61. *Nottinghamshire County Council Planning Policy “Minerals and Waste - The adopted Nottinghamshire and Nottingham Replacement Waste Local Plan, Part 1: Waste Core Strategy (adopted 10 December 2013) and the saved, non-replaced policies of the Waste Local Plan (adopted 2002), along with the saved*

policies of the Nottinghamshire Minerals Local Plan (adopted 2005), form part of the development plan for the area. As such, relevant policies in these plans need to be considered. In addition, Minerals Safeguarding and Consultation Areas (MSA/MCA) have been identified in Nottinghamshire and in accordance with Policy SP7 of the emerging Publication Version of the Minerals Local Plan (July 2019). These should be taken into account where proposals for non-minerals development fall within them.

62. *Minerals: In relation to the Minerals Local Plan, the proposed development lies within the MSA/MC for gypsum. The County Council welcomes that the applicant has considered this mineral resource within the submitted Minerals Resource assessment and considered the safeguarding policies within the adopted Minerals Local Plan and emerging Minerals Local Plan (Publication Version, 2019). As outlined within Policy SP7 of the emerging Minerals Local Plan, which should be given some weight as a material consideration, where the need for non-mineral development within the MSA can be demonstrated, prior extraction will be sought where practical. Due to the nature of extracting gypsum in this area, which is underground, and that the site is adjacent to residential developments, prior extraction is not practical at the proposed development site. Future extraction is therefore unlikely at this location. The Mineral Resource Assessment though did not detail whether the applicant discussed the proposal with British Gypsum, this is recommended as the County Council does not have detailed mapping of areas previously mined. Overall, the County Council does not wish to raise any objections to the proposal from a mineral's perspective.*
63. *Waste: In terms of the Waste Local Plan and Waste Core Strategy, as identified in the odour assessment report, the proposed development site is approximately, at its closest extent, 200m North-East of the active Keyworth Waste Water Treatment Works. At this distance, it is likely that potential environmental impacts may be detectable at the proposed development site. The Odour assessment indicated that only once was odour detected from the waste water treatment works within the proposed site throughout 8 site visits. It concludes that it is likely because of the distance any odour emitted is dispersed and diluted before reaching the site. It is recommended that the developer contact Severn Trent, if not already, to discuss the proposed development as often, as outlined in paragraph 8.6 of the Waste Local Plan (2002), treatment sites have a 'cordon sanitaire' policy whereby the water company seeks to influence type of development within a certain distance, ranging from 25-400 metres. This would help to ensure, as per Policy WCS10 of the Waste Core Strategy (2013), that this permitted waste facility is safeguarded, and sterilisation is prevented."*
64. *Planning Obligations: Transport and Travel - Bus Stop Infrastructure improvements and Bus Taster Tickets and Secondary Education.*
65. *The officer reiterated their comments on the revised information.*
66. *Nottinghamshire County Council Rights of Way Officer advised that a public right of way, Keyworth - public footpath no 4 is situated to the south of the proposed development. "The scheme proposes that two links be created from the southern boundary of the development - through the boundary hedge and into the field, which is currently grazed by stock. We have no details on how*

the two access points can legally connect with the recorded right of way as its line is positioned 40m away from the hedge boundary, and therefore, without legal authority it may be outside of the applicants control to promote this link. Development of this kind will bring additional pressures upon the rights of way network. Footpath no 4 is a rural, unsurfaced footpath generally wet in winter months. With additional public access provision, it is inevitable that the route will create a convenient link to wider countryside and the town centre facilities, and therefore, it's likely that the surface will be significantly impacted around these access points. These factors have not been considered from a practical perspective or within the wider scope of the development, and currently, the scheme will fail to manage the public expectations or achieve the opportunities promoted by the developer to provide sustainable connectivity around the urban fringe Any routes created within the development boundary and associated furniture will remain the responsibility of the developer.”

67. Nottinghamshire County Council Archaeology Officer has advised that; *“The NPPF does encourage the developer to front-load as much as possible to avoid risk, and normally I would recommend that trial trenching be carried out prior to a decision to inform the developer of risk and any potential mitigation that should be conditioned.*
68. *In this case the geophysical survey was hampered by a large amount of modern magnetic disturbance and this may be obscuring the visibility of features of archaeological origin. I would say that the possibility of encountering archaeological features is low but cannot be discounted. Any features on the site would be significant locally as the archaeological record for this area is very sparse.*
69. *I would recommend a programme of limited trenching on the site. If this was carried out at pre-app stage it may remove the need for an archaeological condition dependent upon the results of the trenching. If the trenching as carried out as part of a condition it would need to be clear that there would need to be a two-phased approach, with a follow-up provision for mitigation in the event that archaeological remains are uncovered.”*
70. Nottinghamshire County Council as Highway Authority acknowledges that the application site is identified as an allocation for around 70 homes in the Local Plan Part 2 and that as such, the principle of residential development of the site is already accepted. The officer considered the original submission and raised no Highway Authority objections to the proposal, subject to conditions and informatives. The detailed comments are as follows:
71. *Access - “Vehicular access to the site is proposed via a new priority T-junction on Bunny Lane. A new gateway feature is proposed as part of the development to the north of Bunny Lane (18/02515/FUL). Should this development come forward before the development to the north, then the new gateway feature proposed should be delivered as part of this development. This should be secured via condition.*
72. *A Stage 1 RSA has been undertaken on the site access arrangement that has identified one problem related to the footway proposed to front the site, and its termination point at the western end of the site. It is recommended that pedestrian crossing facilities inclusive of dropped kerbs and tactile paving are*

installed at/towards the western extremity of the proposed footway, to make pedestrians aware of the footway termination and direct them to cross Bunny Lane to access the footway on the northern side. This has been detailed on the site access drawing.

73. *The proposal will result in the existing site access becoming redundant as part of the proposals, and this will need to be permanently closed, to be secured via condition.”*
74. *Pedestrian links – “A 2m wide footway is proposed along the site frontage, linking to the existing provision to the east of the site, which is welcomed.*
75. *It is noted that the developer for the neighbouring Bloor Home site (18/02515/FUL Land to the north of Bunny Lane Keyworth) have developed a scheme to improve existing pedestrian infrastructure into Keyworth village centre to include dropped kerbs and tactile paving at the junctions on the northern side of Bunny Lane. Similar improvements to the junctions along the southern side of Bunny Lane should be provided as part of this application, to include dropped kerbs and tactile paving, to be secured via condition.*
76. *Traffic Impact – “The trip rates and traffic distribution are as agreed as part of the Transport Assessment for the site to the north of Bunny Lane (18/02515/FUL).*
77. *As part of the technical work prepared to support the application ‘Land North of Bunny Lane, Keyworth’ an improvement scheme has been identified to mitigate the impact at the A60/Pendock Lane junction. The scheme proposes the conversion of the junction into a 3-arm mini-roundabout, together with associated change in speed limit on the southern approach to the roundabout from 40mph to 30mph. The improvement scheme was secured by Grampian condition as part of the previously approved development, and the same should apply to this current application.*
78. *Aside from the above, the assessment provided concludes that the development will not result in a severe impact on the highway network.”*
79. *Internal Layout – “The internal layout of the site is considered generally acceptable. It should be noted 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.*
80. *It is noted that the site slopes away from Bunny Lane, and carriageway gradients will need to be provided in accordance with the Nottinghamshire Highway Design Guide. This will be assessed at the technical approval stage.”*
81. *Travel Plan – “The submitted Travel Plan was previously reviewed in December 2019. All comments have been addressed and the Travel Plan is therefore approved.”*
82. *On the revised plans the officer maintained that they had no objection subject to conditions.*

83. Nottinghamshire County Council as Lead Local Flood Authority initially raised no objections. Subsequently the officer raised an objection after visiting the site and advised that they objected to the proposal unless the following could be met:
- Demonstrate effective plans which show boundaries and effective ownership of watercourse – development currently shows enclosing the watercourse behind fences, however, if residents retrain riparian responsibility this needs to be managed.
 - Evidence to suggest how they will meet the 10m easement for watercourse, current plans do not allow for this easement.
 - Proposals for bank protection across watercourse on eastern side of development.
 - Evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development.
 - Proposals for access points into the watercourse for future maintenance regimes.
84. Based on the revised information submitted by the developer, the officer advised that they had no objection to the proposals and can recommend approval of planning subject to a condition requiring the submission of a detailed surface water drainage scheme based on the principles set forward by the approved Flood Risk Assessment (FRA) and Drainage Strategy and the scheme shall include:
- Proposals for bank protection across watercourse on eastern side of development.
 - Evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development.
85. Trent Valley Internal Drainage Board advised that *“the site is outside of the Trent Valley Internal Drainage Board district but within the Board's catchment. There are no Board maintained watercourses in close proximity to the site. Under the provisions of the Flood and Water Management Act 2010, and the Land Drainage Act 1991, the prior written consent of the Lead Local Flood Authority, Nottinghamshire County Council, is required for any proposed works or structures in any watercourse outside those designated main rivers and Board Drainage Districts. The design, operation and future maintenance of site drainage systems must be agreed with the Lead Local Flood Authority and Local Planning Authority.”*
85. The Environment Agency as the site lies fully within flood zone 1 they have advised that they have no fluvial flood risk concerns and no comment to make.
86. Severn Trent advised that they have no observations to make but requested a condition and informative be imposed.
87. Highways England raised no objection.
88. In respect of revised plans the officer advised that; *“The revised documents relate to details wholly within the site and does not impact the level of traffic*

flows, trip generation/distribution which have previously been agreed. The proposals will not adversely impact on the Strategic Road Network (SRN) and as such Highways England have no further comments to make.”

89. Sport England advised that the proposed development does not fall within their statutory remit (Statutory Instrument 2015/595), or non-statutory remit (National Planning Policy Guidance (PPG) Par. 003 Ref. ID: 37-003-20140306), therefore Sport England has not provided a detailed response.
90. NHS Clinical Commissioning Group advised that; *“For the 77 two bed+ houses the CCG would request a Section 106 contribution of £920 per dwelling = £70,840 Total: £70,840 25% contribution: £17,710. We would envisage the new patients from this development would register with Keyworth Medical Practice, (although patient choice means that these are not a given). Given that we have some potential capacity at Keyworth Primary Care Centre we would request a contribution that would enable us to convert the underutilised space to clinical consulting rooms complying with all infection control regulations. As a consequence we would ask for 25% of the full amount applicable for health provision costs. Details of this could be provided to the developer upon planning consent being granted and the development starting and any uncommitted funding could be returned within an agreed expiry period.”*
91. Nottinghamshire Wildlife Trust commented on the submission as follows; *“We have reviewed the document and overall, we are satisfied with the content. However, we would like to draw your attention to the following elements: Field drain – In Section 2.5.4 of the (2021 ecology report) the ecologist notes the presence of a field drain along the eastern boundary. However, this habitat has not been included on the Phase-1 Habitat plan.*
92. *(Appendix E2: Figure E1). It is therefore not possible to assess its length or overall potential as a nature network. Furthermore, the original PEAR (2019) states that there is a brook immediately south of the site. However, this habitat does not appear on the Phase-1 Habitat map either. Reptiles – the original PEAR (Crestwood Environmental, 2021) concludes that the site has moderate potential for reptiles and that reptile surveys should be undertaken, whereas the updated report has downgraded the potential to low, with no requirement for surveys. It is evident that the majority of semi-improved grassland has been removed and replaced with a cereal crop. However, the ecology report notes that remnant grassland is still present at the margins. Had reptiles been present within the core grassland prior to its removal, they would have been forced into the field margins and therefore may still be present on site. If reptiles are indeed present, there is the potential for harm. Therefore, further detail is required either through survey effort, or Reasonable Avoidance Measures (RAMs) by engaging an Ecological Clerk of Works (ECoW) to supervise works in sensitive areas and producing a method statement.*
93. *GCN – Section 5.2.2 of the 2021 ecology report notes that two great crested newts (GCN) were recorded in a pond approximately 30m from the site and consequently recommends that eDNA surveys are undertaken. eDNA is a method to determine presence/absence of a species. Given that GCN have already been confirmed within the pond, we question the need for a presence/absence survey. A positive eDNA result would trigger the*

requirement for a full GCN survey to determine population density. We are (at the time of writing) now outside of the survey period for either survey methodology, therefore we recommend that the ecologist consults with Natural England to determine if the development is eligible for the GCN District Level Licensing Scheme, for which Rushcliffe Borough is a part of.

94. *Bats – we are satisfied with the ecologist’s suggestions in relation to bats and recommend that a pre-commencement check for bats and a sensitive lighting strategy are secured via a suitable worded planning condition. However, should demolition be delayed for a period of 18 months or more, updated surveys must be undertaken.*
95. *General precautionary working measures – we are satisfied with the recommendations detailed in Sections 5.2.11 through to 5.2.15 and recommend that these are secured via planning conditions.*
96. *Breeding birds – the numbering system in Section 3.4 onwards appears to have gone awry. However, on Page 31 the ecologist notes the presence of house sparrow on site as well as the potential for ground nesting birds. However, there is no further assessment/specific mitigation for the loss of nesting habitat aside from sensitive timing when removing vegetation and bird boxes for enhancement.*
97. *House sparrows are a red listed species of Conservation Concern and generally communally nest in buildings and/or hedgerows. Given that the buildings are to be demolished and some of the hedgerows are to be removed, this loss of nesting habitat must be mitigated for. Furthermore, any provisions made for these species should be in addition to those made as ‘ecological enhancement’.*
98. *Given that lapwing and yellowhammers were returned within the desktop study, both of which are ground nesting species, and that the ecologist deemed the habitats on site to be suitable for ground nesting species, we would expect an assessment of potential impacts to be undertaken and an appropriate method of working implemented to address the impacts.*
99. *Brown hare – in Section 3.4.16, the ecologists declares that the site has the potential for brown hare and the desktop study returned records of the species in the wider landscape. Brown hares are listed as a Priority Species under the UK Post-2010 Biodiversity Framework. However, the ecology does not appear to assess the impacts of development on this rapidly declining species. The general working measure in relation to excavations will help to mitigate the impacts of potential entrapment on hares, but we feel the potential impacts of loss of habitat/fragmentation of habitat should be assessed by the ecologist and appropriate mitigation measures applied.*
100. *Soft Landscape Proposals: Overall, we are satisfied with the habitat creation proposals and the species selected which include a mixture of native species and cultivars. However, to ensure that the habitats become established and are sensitively managed, for example to allow fruiting/flowering to occur, we recommend that a Landscape and Ecological Management Plan (LEMP) is produced. The LEMP should detail how the recommendations made within the ecological reports, as well as the habitats and open spaces on site are to be appropriately managed for biodiversity on site. The LEMP should combine both*

the ecology and landscape disciplines and include the following:- a) Description and location of features to be created, planted, enhanced, and managed. b) Aims and objectives of management. d) Appropriate management methods and practices to achieve aims and objectives. e) Prescriptions for management actions. f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a ten year period). g) Ongoing monitoring visits, targets, and remedial measures when conservation aims and objectives of the plan are not being met. h) Locations of bat boxes, bird boxes, hedgehog highways (and any other enhancements/mitigation) including specifications & installation guidance.”

101. British Gypsum have no comments to make as the site is outside the gypsum outcrops.

Local Residents and the General Public

102. 65 representations have been received on the original submission (1 on behalf of 6 properties, 1 neutral and 25 of which support the application) raising the following matters:

103. Comments in support:

- a. More housing is needed in the area and the land is clearly developable as it is closest to the village centre out of all major schemes thus is a sustainable one.
- b. Planning for appropriate development in Keyworth has been needed for years. Development might help address the decline in facilities in Keyworth.
- c. The enlarged well-planned green buffer between the proposed residential development and farm ensures a good barrier and, at the same time, a comprehensively planned recreational area along the western site boundary. The site layout plan contains a good mix of housing throughout the proposed development making it attractive to all potential occupants. It also shows a good clear safe access road onto Bunny Lane.
- d. Play area is welcomed.
- e. Provides residents with pleasant housing in a countryside environment.
- f. Housing on the south of Bunny Lane would balance those on the north of Bunny Lane.
- g. Close to village amenities.
- h. Variety of housing.
- i. Site now looks very attractive and overall fits into the village quite well.
- j. Houses have nice sized gardens and do not appear to be crowded together, affordable housing is spread across the site.

- k. Site does not necessitate residents having to travel through the village to get to the A60.
- l. The location is the closest of all the major schemes in the village to the village centre, so is clearly a sustainable one.

104. Comments objecting to proposal:

Principle

- a. This proposal is unnecessary, un-democratic and contrary to several planning requirements and therefore should be refused.
- b. The development site sits outside the agreed development site as part of the democratically voted Keyworth Neighbourhood Plan, there are currently three sites providing around 600 new houses and thus it is not required to remove greenbelt land for such development in this case.
- c. Keyworth already has 3 significant developments, off Platt Lane, Nicker Hill and Bunny Lane (opposite to this proposal) and further development would be unjustifiable as Keyworth is a village and should remain as a village.
- d. Local Infrastructure such as parking, school spaces and GP surgery are not able to cope with the influx of residents.
- e. The application states there is no legal impediment; there is a covenant granting access to Hillside to residents the Brookview Meadows Estate (Roseland Close) to enable them to exercise their right to access the watercourse along the western edge of their boundary. There would need to be a reasonably wide buffer along the eastern edge of the development to accommodate this.
- f. Concerns with S106 money as well as CIL, full CIL is due as KPC are entitled to due to having a neighbourhood plan in place and therefore should not look to decrease their entitlement.
- g. Site added to the Rushcliffe BC Plan at a very late stage.
- h. Sets a dangerous precedent for future applications to be accepted if this is allowed.
- i. The application bears no resemblance to the plan presented at the consultation - a much higher density of properties, no landscaping, and a myriad of incorrect assertions

Design/Density

- a. Less than 20% affordable housing provision.
- b. No substations proposed within the plans.

- c. Design access statement proposes 25 dwellings per hectare, higher density than other housing developments in Keyworth, should be a maximum of 20 dwellings per hectare.
- d. Houses are not being built to last, obvious from the speed with which they are being built.
- e. No need for any four and five bedroom houses.
- f. Where are all these new residents going to work.
- g. Not affordable.
- h. No accommodation for the elderly.

Amenity

- a. Existing residential dwellings both higher and lower than proposed land, loss of amenity for both new and existing residents due to encroachment of privacy.
- b. No consideration given to infrastructure, services or appearance of village and environment.
- c. Make them build in the city not the villages.
- d. The quality of life of residents on the Brookview estate, particularly Roseland Close, would be negatively impacted by the noise and light pollution from this development.
- e. View will be affected.
- f. Properties will look out onto a 3m fence along the entire western boundary to the site adjacent to the working farm

Landscape/wildlife

- a. Plans not in accordance with Rushcliffe local plan policy 19 Maintenance of Watercourses and its requirement to leave an undeveloped 10m buffer for wildlife and maintenance.
- b. Known presence of fox, great crested newts, grass snakes, moles, voles, shrews, mice, bats (at least two species), birds of prey including buzzards, kestrels and sparrow hawks, corvids, and pigeons.
- c. Need farmland to grow crops and grazing land for farm animals.
- d. Impact of trees on the eastern boundary.
- e. New access points along the southern boundary/removal of hedgerow.
- f. Impact on the environment and wildlife.

- g. The PEAR report does not document the presence of Great Crested Newts.
- h. The eastern boundary of the site, the hedge-line looks to be entirely removed and replaced by a 1.8m high timber close board fence.

Noise/ odour

- a. Wind carrying odours from the wastewater treatment works and the farm to the development, out of date odour assessment.
- b. Noise survey is out of date and conducted at wrong time of year. No full impact or report into the noise and potential odour of the second or third barn adjacent to the proposed site, desk top based.
- c. Application does not consider the greatly increased number of livestock with the new barn, causing inevitably more noise and odours.
- d. Not confirming to Cordon Sanitaire around Waste Treatment Plants. How is it acceptable for one developer to acknowledge the presence of the KWWTW and put in mitigation plans to support the amenity of new residents, yet another developer significantly closer?
- e. Ask that RBC take note of the ongoing lack of amenity for residents of the Winthorpe estate in Newark. We are aware that these residents in Newark, whose homes are built 400m east of the sewage works i.e. just outside the recommended 'cordon sanitaire', complain regularly to Seven Trent about the odour and flies that plague their homes.
- f. Fails to demonstrate that the living conditions of potential residents will not be harmed by the activities of the Farm.
- g. Living nearby residents are aware of an environmental hazard in summer months of numerous flies which are naturally encouraged by the livestock in the adjacent fields/ barns.
- h. None of the plans/diagrams, clearly show the side elevation of the proposed third barn and its potential impact to the Hillside farm, with respect to amenity of future residents.
- i. Residential dwellings should not be built within 150m of an active farm, where animal waste and bedding is removed regularly, generating odour, dust and particulates. No plans for animal waste/muck heaps have yet been submitted to RBC for this third barn.
- j. The planning inspector in disallowing the appeal in the case of The Firs Main Street Bisham WR10 2NH reff APP/H1840/A/14/2214045 provides a useful reference. There is no doubt that the inspector in reaching his decision witnessed and describes significant disturbance that would have affected the amenity of prospective residents from a farming unit smaller in size and stocking levels than that already in existence at Hillside.

Highway/Safety

- a. Entrance to the site is unsafe as it is small and on an uphill start for those turning onto Bunny Lane.
- b. Cottages directly opposite do not have drives and vehicles are parked on the pavement making it unsafe for motorists to add an entrance.
- c. Already multiple exits onto this dangerous part of Bunny Lane.
- d. Adding additional stress to already heavily congested main route into the village.
- e. The steep nature of the site and the difficulty of creating any safe access, vehicles, pedestrians, cyclists.
- f. It is not on any established bus routes.
- g. A cycle path, which could equally be used by pedestrians, would at least make it safer for cyclists to access the A60 for onward travel to Rushcliffe Country Park for leisure and beyond.

Flood Risk

- a. There is no mention of any features to deal with flooding on Bunny Lane in the vicinity of the site.
- b. Surface water runoff caused by the new houses and driveways flowing downhill and potentially contaminating Fairham Brook.
- c. Both owners of the Eastern and Southern watercourses wish to see a 10m boundary.
- d. This field is known to carry surface water during extreme storm events.
- e. Foul water drainage is proposed to the main sewer pipe (outside the site boundary and paralleling the boundary to the south). This sewer has been known to 'blow' its inspection covers

Farm Enterprise

- a. Safety of children play adjacent to farming enterprise.
- b. Impact of the development activities on the farm – pets, children, fireworks.
- c. Proximity to the 1970's existing open pair of barns (one of which would remain and from the site Hay Stack - attractive to teenagers (existing police reports or nuisance and trespass) and danger to stacks from fireworks etc.
- d. Failure to demonstrate that the Farm will not be impeded in its rightful business by the building of this proposed development.

- e. The field forming the development proposal has always formed the buffer zone between the farm and its stock rearing activities.

Other matters

- a. Outstanding planning permissions on existing adjacent properties and those that have been built that are not reflected in the plans.
 - b. Devaluation of property.
 - c. No Substation shown.
 - d. Difficult to collect refuse. Who would be responsible for 'communal' collection areas.
 - e. Green belt (should have remained in).
105. In terms of the revised and additional plans and documents received 22 July and 26 July, a further 63 representations (1 on behalf of 7 properties 7 in support) were received raising the following issues:
- a. Not on any established bus routes.
 - b. Not near village amenities.
 - c. Full odour assessment undertaken does not mean the occupiers will suffer any less.
 - d. Traffic impact road too busy, cottages opposite have to park on Bunny lane.
 - e. Cheaper houses are being used as a buffer.
 - f. Too much housing no longer a village.
 - g. Lack of facilities/infrastructure.
 - h. Housing not affordable.
 - i. Impact on the environment/wildlife.
 - j. Access point too narrow and steep.
 - k. Density too high.
 - l. Have met the 450+ home for Keyworth.
 - m. Excellent/appropriate scheme close to amenities. Site is adopted.
 - n. Need farm land/should have remained in the green belt.
 - o. Loss of hedgerow.

- p. Watercourses regulations and access insufficient buffer and covenant.
- q. Are the houses eco-friendly?
- r. Impact from farm and third barn. The increase in the farm activity envisaged 460 head of cattle, 200 breeding ewes and lambs along with 5 sows. There have been material changes.
- s. Impact on farm - the nuisance effects of their activities, cars, dogs' children, noise, fireworks, parties, music etc will affect his animals and livelihood, play area and footpath.
- t. Site not supported by the community – not in KNP.
- u. Impact of 3m fence.
- v. Topography of the site, properties would dominate site, Bunny Lane and Roseland Close and result in access issues.
- w. Field has been a buffer from the farm to Roseland Close.
- x. Overlooking from and to new and existing properties.
- y. Sewage capacity.
- z. Legal minimum distance from livestock buildings to dwellings 400mtrs seems to be recommended but 100 mtrs as a minimum. Legal requirement to build a minimum of 200 metres from muck heaps or slurry tanks.

PLANNING POLICY

106. The proposals for housing growth in Rushcliffe are set out in the Development Plan which comprises the Rushcliffe Local Plan Part 1: Core Strategy (adopted December 2014) and the Rushcliffe Local Plan Part 2: Land and Planning Policies (adopted October 2019). Keyworth is identified in the Core Strategy as one of six key settlements for housing growth. The Core Strategy does not identify the sites in Keyworth where development will take place, the sites for the delivery of housing are, however, allocated in the Local Plan Part 2, including the site on the south side of Bunny Lane. Both plans were subject to a thorough process, including several rounds of public consultation.
107. The Keyworth Neighbourhood Plan was adopted in June 2018. The Neighbourhood Plan does not allocate land for development but acknowledges that sites will be allocated through the Local Plan Part 2 and makes reference to the sites that were, at the time, proposed for allocation. These did not include the site to the south of Bunny Lane. This site, along with additional land in other villages in the Borough, were subsequently included as allocations in the Local Plan Part 2 in order to ensure that the Borough Council could, upon adoption of the plan, demonstrate a five year supply of deliverable housing sites, a requirement of the Government. An inability to demonstrate such a supply of housing sites would leave the Council exposed to predatory applications for further housing on unidentified/unplanned sites.

108. Other material considerations include the 2021 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

109. 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.
110. 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
111. 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.
112. The following sections of the NPPF are relevant to the current proposal:
- Section 2 - Achieving sustainable development
 - Section 4 - Decision making
 - Section 5 - Delivering a sufficient supply of homes
 - Section 9 - Promoting sustainable transport
 - Section 11 - Making effective use of land
 - Section 12 - Achieving well -designed places
 - Section 14 - Meeting the challenge of climate change, flooding and coastal change
 - Section 15 - Conserving and enhancing the natural environment
 - Section 16 - Conserving and enhancing the historic environment
113. 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.

114. The Council as local planning authority is obliged in considering whether to grant planning permission to have regard to the requirements of the Habitats Directive and Habitats Regulations in so far as they may be affected by the grant of permission. Where the prohibitions in the Regulations will be offended (for example where European Protected Species will be disturbed by the development) then the Council is obliged to consider the likelihood of a licence being subsequently issued by Natural England and the “three tests” under the Regulations being satisfied. Natural England will grant a licence where the following three tests are met:
1. There are “imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment”;
 2. there is no satisfactory alternative; and
 3. the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range
115. 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

116. Relevant policies of the Rushcliffe Local Plan Part 1: Core Strategy:
- Policy 1 - Presumption in Favour of Sustainable Development
 - Policy 2 - Climate Change
 - Policy 3 - Spatial Strategy
 - Policy 4 - Nottingham-Derby Green Belt
 - Policy 8 - Housing Size, Mix and Choice
 - Policy 10 - Design and Enhancing Local Identity
 - Policy 11 - Historic Environment
 - Policy 12 - Local Services and Healthy Lifestyles
 - Policy 14 - Managing Travel Demand
 - Policy 15 - Transport Infrastructure Priorities
 - Policy 16 - Green Infrastructure, Landscape, Parks and Open Spaces
 - Policy 17 - Biodiversity
 - Policy 19 - Developer Contributions
117. Rushcliffe Local Plan Part 2: Land and Planning Policies. Policy 4.4 Housing Allocation – Hillside Farm, Keyworth, allocates the site for residential development; *“The area, as shown on the policies map, is identified as an allocation for around 70 homes. The development will be subject to the following requirements:*

- a) *the amenity of residents should not be significantly affected by noise, odour or dust resulting from the activities of the neighbouring farm;*
- b) *the continuation of agricultural operations within the neighbouring farm should not be prejudiced as a result of adverse effects on the amenity of residents;*
- c) *a financial contribution to a package of improvements for the A52(T) between the A6005 (QMC) and A46 (Bingham); and*
- d) *it should be consistent with other relevant policies in the Local Plan.”*

118. Other relevant policies with Local Plan Part 2:

- Policy 1 - Development Requirements
- Policy 16 - Renewable Energy
- Policy 17 - Managing Flood Risk
- Policy 18 - Surface Water Management
- Policy 19 - Development affecting Watercourses
- Policy 20 - Managing Water Quality
- Policy 28 - Conserving and Enhancing Heritage Assets
- Policy 29 - Development affecting Archaeological Sites
- Policy 32 - Recreational Open Space
- Policy 33 - Local Green Space
- 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 43 - Planning Obligations Threshold

119. Keyworth Neighbourhood Plan was adopted 30 May 2018 and now forms part of the development plan for Rushcliffe when dealing with applications in the Keyworth area (unless they are not in accordance with those policies in the LPP2). Many of the policies within the document have implications in the consideration of this application to ensure that the development satisfies the vision for the future of the village but of particular relevance are:

- Policy CF1 - Protection and enhancement of community facilities;
- Policy CF2 - New Community Facilities;
- Policy LR1(A) - Local Green Spaces;
- Policy LR1(B) - Provision of new open spaces;
- Policy LR2 - Improved pedestrian and cycle access;
- Policy SR2 - Public Realm Strategy for Retail Areas;
- Policy TA1 - Sustainable modes;
- Policy TA2 - Highways and Access;
- Policy TA3 - Parking Standards;
- Policy H1 - Housing Strategy;
- Policy H2 - Type and Tenure;
- Policy H3 - Design requirements for new development;
- Policy E1 - Green and Blue Infrastructure;
- Policy E2 - Environmental and Habitats; and
- Policy HC4 - Heritage Assets

120. Policy LR2 states; *“Proposed residential and commercial development should seek to deliver new walking and cycling routes, specifically where there are no or limited routes between existing and future community assets (as set out in Policy CF1) and bus stops. Where it is necessary to mitigate the impact of new development and subject to viability consideration, contributions may be sought to ensure that these routes are delivered.”*
121. Policy SR2 identifies that; *“contributions towards achieving elements of the Public Realm Strategy through specific schemes may be sought, where appropriate and subject to negotiation and viability considerations, from developments on allocated sites, and those providing more than 10 residential units or 500 sq.m. of commercial floorspace.”*
122. Policy TA2 - Where necessary to mitigate the impact of new developments (residential and non-residential), and subject to viability considerations, contributions will be sought towards the following improvements: Carriageway and crossing improvements to Platt Lane including the delivery of appropriate safe footpaths on either side of the road. Improvements to the junction of Platt Lane, Nicker Hill, Normanton Lane and Station Road to reduce speeds and increase visibility. Enhancement to the junction of Nottingham Road and Debdale Lane to improve access for larger vehicles and to enhance the pedestrian environment. Gateways into the settlement, including speed reduction treatment (not including carriageway narrowing (pinch points) or speed humps, which interrupt the free flow of traffic), at Bunny Lane, Station Road, Platt Lane, Stanton Lane, Selby Lane and Wysall Lane. Contributions will only be sought for improvements where a specific scheme has been identified by the appropriate statutory body.
123. Policy TA3 - Sets out the parking standards for developments over 10 Dwellings: - For dwellings of 3 bedrooms or fewer – a minimum of 2 spaces to be provided. - For dwellings of 4 bedrooms or more – a minimum of 3 spaces are to be provided. - Include appropriate parking and safe storage of up to 2 bicycles. - Visitor parking should be provided at a rate of 1 space for every four dwellings proposed and parking needs should be met within the confines of the site. - Affordable housing schemes should demonstrate that sufficient car parking has been provided on site for occupiers and visitors. Developers will be encouraged to provide garages of a scale to accommodate modern larger vehicles.
124. Policy H1 – (delivery of between 450 and 480 residential dwellings). *“Housing delivery is divided between the east and west of the settlement, to ensure that impacts on the landscape setting of the settlement are minimized and that traffic generation is spread throughout the network. The development of sites should ensure that through detailed design they relate well to the existing built form and deliver an appropriate new settlement edge and transition to the wider landscape.”*
125. *“Deliver the broad mix of housing types set out in policy H2 and appropriate landscape and open space requirements in line with other policies within the Development Plan. Where housing for older people (regardless of tenure) is proposed, applicants should demonstrate how these ensure safe and commodious access to shops, services and public transport. Where necessary to mitigate the impact of development, and subject to viability considerations,*

contributions for improvements to local road junctions and pedestrian and cycle links to the shopping areas will be negotiated. Developments on allocated sites will be encouraged to make provision for localised convenience retail needs and appropriate highways and access arrangements, both on and off-site.”

126. Policy H2 – The policy requires that; *“The following mix of market housing types will be sought from all new developments in excess of 10 dwellings, subject to viability considerations:*

<u><i>Dwelling Type and Size</i></u>	<u><i>Percentage Mix</i></u>
<i>Two-bed homes</i>	<i>25 - 30</i>
<i>Two bed Bungalows</i>	<i>15-20</i>
<i>Three Bed Family Homes</i>	<i>20 – 25</i>
<i>Four or more Bed Family Homes*</i>	<i>30-40</i>

(No more than 10% of the total market homes should be larger than 5 or more bedrooms.)

All properties should be provided with private gardens. For dwellings of 2 bedrooms these should measure not less than 40 sq./m and for all larger properties this should be in excess of 80sq./m.

20% affordable housing Affordable housing should be designed and delivered to be indistinguishable from market housing.”

127. The Policy *“strongly supports the provision of elderly person’s accommodation in a variety of forms including, but not limited to, bungalows, retirement apartments, sheltered housing and warden controlled housing in locations within 400m of shops and services, including public transport. Specialist elderly persons accommodation (nursing homes, extra and palliative care) will be supported where there is an identifiable need.”*

128. Policy H3 – Design requirements for new development

- Deliver a strong network of green and blue infrastructure, improving biodiversity, accommodating sustainable urban drainage systems and appropriate public and private spaces, including recreation spaces.*
- Reinforce character and identity through locally distinctive design and architecture.*
- Present a layout for new development which integrates well with the surroundings.*
- Establish a clear hierarchy of streets and spaces that includes the use of shared surface and pedestrian priority routes, where it is safe and practicable to do so.*
- Deliver appropriate densities commensurate with the surrounding townscape and local built character. Where sites are green field or create a new settlement edge, density should not exceed 30dph with densities at the urban edge being no more than 20dph. On brownfield sites or sites adjacent to or within the Conservation Area, they should not exceed 40dph.*
- Ensure that buffer planting is provided adjacent to existing properties where appropriate and that this is retained and managed in accordance with an agreed management plan.*

- *Minimise carbon emissions through the use of sustainable construction techniques, reuse of materials and promotion of integrated renewable and low energy design solutions.*
- *Use sustainable drainage and water management, to avoid increasing surface water run-off into watercourses.*

129. Residential Design Guide 2009.

130. Consideration should also be given to other Borough Council Strategies including the Sustainable Community Strategy, Leisure Strategy, Nature Conservation Strategy and the Borough Councils Corporate Priorities.

131. 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

132. 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. 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. The NPPF is a material consideration in planning decisions.

133. The site is allocated within LPP2 under policy 4.4 for around 70 dwellings of which 20% should be affordable homes. The principle of the development of the site is therefore established subject to compliance with the 4 criteria of the policy and other material planning considerations.

134. Criteria a) requires that the amenity of residents should not be significantly affected by noise, odour or dust resulting from the activities of the neighbouring farm. It is accepted that there will be some impact given the position of farming operations, Bunny Lane and residential development however, the planning application has been carefully considered by the Council's Environmental Health Officer and the proposal, subject to the mitigation measures stipulated within the updated reports, is considered to accord with this criteria (see paragraph 26 to 34 of this report).

135. In respect of criteria b) the continuation of agricultural operations within the neighbouring farm should not be prejudiced as a result of adverse effects on the amenity of residents. Appropriate mitigation and adequate separation is provided in the form of measures including boundary treatment; green buffer; plotting; and layout design and it is considered that the submission provides sufficient information to ensure that the adjacent agricultural operations are not prejudiced.

136. Criteria c) requires a financial contribution to a package of improvements for the A52(T) between the A6005 (QMC) and A46 (Bingham). The Developer was

prepared to contribute to this however comments provided by Highways England, based on the most up-to-date information, confirmed that such MOU contributions would not be sought as the site does not generate sufficient trips to trigger such a request. The MoU only relates to developments which have an impact of 30 or more trips on a junction in any peak hour (see para 3.3). The development of 77 dwellings, when examined does not generate this level of impact and as such does not need to comply with the requirements of the MoU. It is, therefore considered that a departure from criteria c) of this policy is justified and this requirement has fallen away.

137. Criteria d) seeks to ensure that the development is consistent with other relevant policies in the Local Plan. These matters are discussed further in the following paragraphs.
138. It is, therefore, considered that, in relation to the specific site requirements set out, that the application for 77 dwellings does comply with the policy provided that other material planning considerations which will be considered below. As such the proposal is considered to be acceptable in principle.

Keyworth Neighbourhood Plan

139. The neighbourhood plan forms part of the development plan and, therefore, careful consideration is given to the policies within it. Although, as the LPP2 was adopted after this document it overrides the Neighbourhood Plan particularly where there is a conflict. Reference has been made above to the policies considered most relevant to the consideration of this application. The vision of the Neighbourhood Plan is; *“To sustain a safe, friendly, inclusive environment in Keyworth.”*
140. Eight key objectives have been developed to assist with the delivery of the policies and strategies that form the plan and are as follows:
 - i. Economic development - Protect the existing businesses of Keyworth, whilst promoting new opportunities, specifically encouraging entrepreneurial activity and businesses in the high-skills, knowledge-based and tourist sectors.
 - ii. Community facilities - Retain and enhance existing services and facilities whilst identifying opportunities to build on the village’s role as a rural hub through responding to local need.
 - iii. Leisure and recreation - Improve the quantum and quality of, and access to all types of recreation and leisure provision, including access to the countryside, for all ages and abilities.
 - iv. Shops and retail - Retain, improve and promote retail opportunities within identified areas and encourage new, limited retail development to meet the needs of new housing schemes.
 - v. Transport and access - Reduce reliance on the private car by supporting proposals which encourage sustainable travel, including improvement and promotion of new and existing walking and cycling routes, and to deliver high quality targeted transport infrastructure improvements.
 - vi. Housing - Deliver 450 to 480 homes in order to meet the housing growth requirement for Keyworth up to 2028 whilst helping to create a sensitively designed and sustainable community.
 - vii. Environment - Protect and enhance environmental assets and

- biodiversity; supporting sustainable community led schemes and new development that relates well to the landscape and natural environment.
- viii. Heritage and conservation area - Value and conserve the Keyworth Conservation Area and heritage assets through contextually responsive and sensitive design which reinforces Keyworth's unique character.
141. The Neighbourhood Plan includes a Development Strategy, which whilst not allocating specific housing sites, indicates the broad locations where housing may be considered acceptable in meeting the need identified in the Core Strategy. A key consideration is to ensure walkability of the village is maintained and it proposes the majority of the release to the east and west. Although not forming one of the broad locations in the Neighbourhood Plan it is considered that the site accords with the broad strategic direction of growth to the west of the village.
142. It is considered that the site will assist in the continued vitality and viability of the village. The site is within walking distance of a bus stop on Bunny Lane and within 10 – 15 minute walk of the Local Centre. Policy H1 of the KNP recommends that 'sites should be delivered (either as a result of planning permissions or allocated through the Local Plan: Part 2) to ensure that housing delivery is divided between the east and west of the settlement, to ensure that impacts on the landscape setting of the settlement are minimised and that traffic generation is spread throughout the network' and 'Where necessary to mitigate the impact of development, and subject to viability considerations, contributions for improvements to local road junctions and pedestrian and cycle links to the shopping areas will be negotiated'. It is considered that the proposal broadly accords with the local plan and Neighbourhood Plan and that where the Highways Authority have deemed necessary, the applicant will ensure highway/pedestrian and cycle links are achieved.
143. Policy CF1 supports development that results in improvements to community assets including the Leisure Centre on Bunny Lane, the Leisure Centre and swimming pool (Church Drive) and Rectory Field and Bowls, Tennis Clubs, Platt Lane Playing Fields and pavilions. Policy CF2 relates to new community facilities including Indoor Leisure facilities. The policy acknowledges that it may be appropriate to secure financial contributions. The neighbourhood plan, within policy LR1(B) supports the provision of formal and informal open space in accordance with RBC Leisure Facilities Strategy and Playing Pitch Strategy, as an integral part of the new developments.
144. In relation to this proposed development, the total quantity of open space provided by the proposal satisfies that identified to be required by the Community Services Manager. The plans show the provision of a Local Equipped Area for Play (LEAP) located in a logical and efficient manner, which will allow for a variety of play equipment for children. An area of open space would be provided, surrounding the LEAP and along the western boundary, as well as a strip of between 3m and 5m wide adjacent to the ditch with the rear boundaries of properties on Roseland Close (although this buffer is not intended to be publicly accessible). The Neighbourhood Plan supports the provision of small scale play and ancillary open space as an integral part of new developments. Maintenance of these areas would be secured through a legal agreement and provided by way of a management company or other nominated body.

145. The site is not of sufficient size to enable the provision of sports pitches on the site and such financial contributions are now obtained via the CIL to mitigate impact of the development on sports pitches, sports hall and swimming pool provision. It provides accessible opportunities for outdoor play, sport and leisure and this is a benefit of the scheme. Allotment provision is not catered for on the basis that the Parish Council have advised there is no current demand.
146. Policy SR2 of the KNP sets out a number of desirable improvements within shopping areas including: Shared surfaces and crossings, where appropriate; improved parking provision, in particular short stay; improved accessibility including disabled bays, ramped access to shops and additional seating areas. Contributions will normally be sought towards achieving elements of the Public Realm Strategy from developments on allocated sites, and those providing more than 10 residential units. No such request has been sought by the Parish Council and a Public Realm Strategy has not been identified. Therefore, such contributions are not being sought from this development.
147. KNP Policy TA1 relates to how new, or where appropriate improved existing, connections to facilities from the site will be provided and how, through good design, their use will be encouraged. Financial contributions have been sought and initially agreed for improvements by way of a financial contribution to bus stops in the vicinity of the site. A Travel Plan has also been submitted which includes initiatives to promote public transport. The pedestrian/cycle access and other improvements to the southern footway along Bunny Lane from the site to the Village Centre are also to be secured.
148. KNP Policy TA2 relates to suitable measures to accommodate traffic entering and leaving the development, taking into consideration the overall safety and attractiveness of the highway network, and rubbish and recycling. It identifies a number of off-site highway network improvements for which contributions will be sought, where a specific scheme has been identified by the appropriate statutory body. These include footpath improvements to Bunny Lane, the junction of A60 and Pendock Lane and gateways into the settlement, including speed reduction treatment. The Highway Authority has outlined their requests as specified above in this regard, where appropriate to this site. It is, therefore, considered that the proposal accords with the main aims of this policy.
149. Policy TA3 of the KNP relates to on-site parking standards. The proposed layout has been designed to accommodate on plot car parking. 2 & 3 Bedrooms – two spaces per dwelling (incl. bungalows), 4 Bedrooms – three spaces and 5 bedrooms – four spaces(min) per dwelling. No objections have been raised by the Parish Council or Highway Authority and it is considered that the parking provision is fully compliant with NCC policy.
150. In respect of Policy H1 (Housing Strategy) it is acknowledged that, at the time of preparation of the Neighbourhood Plan, the numbers of residential dwellings envisaged by the Parish Council was lower (although the number identified in the CS was as a 'minimum' of 450) and the plan sought to avoid a single site of 400 dwellings requiring the development to be on a number of sites so that the direct impacts of development are spread across the village. The Local

Plan Part 2 determined that the amount of land proposed to be allocated in this key sustainable settlement resulted in the delivery of new housing above these minimum targets and the sites that were identified are across the village. The LPP2 has now been adopted and takes precedence over the Neighbourhood Plan in respect of this issue. The spatial strategy indicates housing to the east and west of the village being preferred and, therefore, as set out above the development is considered to be in general accordance with the housing strategy.

151. Policy H2 (Type and Tenure) should be applied to residential schemes in excess of 10 dwellings. This seeks (subject to viability) 25%-30% of 2 bedroom homes, 15-20% of 2 bedroom bungalows, 20-25% 3 bedroom family homes and 30-40% of 4 or more bedroom family homes, on the basis that no more than 10% of the total market homes should be larger than 5 or more bedrooms. The policy states that this mix will be sought.
152. The mix and types of dwellings across the scheme is broadly in accordance with the requirements of Keyworth Neighbourhood Plan Policy H2 although there is a slightly higher percentage of 3 bedroom units compared to 2 bedrooms. The layout proposes a mixture of 2, 3, 4 and 5 bedroom homes including both open market and affordable bungalows. The challenges for this site are indicated in LPP2 Policy 4.4 and a planning balance is considered appropriate taking into account the proposals composition, design, size, type and mix of market (and affordable) housing. The proposed market housing equates to the following: 2 bedroom homes - 3% (2 Units); 2 bedroom bungalows - 6% (4 Units); 3 bedroom family homes - 44% (27 Units); 4+ bedroom family homes - 47% (29 Units of which 22 are four bedroom units); 5 bedroom family homes - 11% (7 Units); Total (Market) Housing - 100% (62 Units) and the 15 affordable units: 2 bedroom homes (two storey) - 47% (7 units); 2 bedroom homes (single storey) - 13% (2 units); 3 bedroom homes (two storey) - 40% (6 units). The focus is on three bedroom and four bedroom properties in meeting the strategic housing requirement at this particular location. Acknowledging the 'flexibility' of three+ bedroom housing in serving the widest range of types (and sizes) of households and offering individual and consumer choice. This approach is considered to be acceptable as it was on the scheme on the northern side of Bunny Lane.
153. Changes have been made to the affordable housing mix and the Strategic Housing Officer does not raise an objection to the proposed development in respect of the housing mix proposed. The policy also seeks gardens of 40sq.m for 2 bed or less and all others in excess of 80sq.m. In the case of the current proposal the agent has advised that out of the two bedroom properties, 12 out of 15, i.e. 80% achieve a minimum of 40 sqm 'size of private garden' with the remaining 3 dwellings (20%) averaging 36+ sqm; three+ bedroom "larger" properties, 37 out of 62 i.e. 60% achieve a minimum of 80+ sqm with a further 8 exceeding 65 sqm. As garden sizes are in the main compliant, and due to the amount of public open space being made available within the site, it is considered that a relaxation of the requirement is acceptable in this case.
154. Policy H3 relates to issues of design, layout and architectural styles and requires planning applications to demonstrate how the design of the new development will make a positive contribution towards the identity and character of the village, setting out criteria for consideration. The KNP

stipulates local design principles, and requires that ‘all new developments should reinforce valued local characteristic’. It is considered that the designs proposed are acceptable, in particular it is noteworthy that the Parish Council has not commented on the design of the dwellings. The surrounding properties comprise a mix of styles, materials, heights and orientation and it is considered that the proposed dwellings would tie in with this existing character. Whilst some of the proposed units include timber cladding it is not considered that the proposal should be refused on this basis as it is an opportunity to add interest and improve character within the development.

155. The remaining KNP policy criteria require “a strong network of green and blue infrastructure, improving biodiversity, accommodating sustainable urban drainage systems and appropriate public and private spaces, including recreation spaces; Present a layout for new development which integrates well with the surroundings; Establish a clear hierarchy of streets and spaces that includes the use of shared surface and pedestrian priority routes, where it is safe and practicable to do so; Deliver appropriate densities commensurate with the surrounding townscape and local built character; Where sites are green field or create a new settlement edge, density should not exceed 30dph with densities at the urban edge being no more than 20dph. On brownfield sites or sites adjacent to or within the Conservation Area, they should not exceed 40dph and to ensure that buffer planting is provided adjacent to existing properties where appropriate and that this is retained and managed in accordance with an agreed management plan.” The proposed development equates to 32dph (gross) and 24dph (net – i.e. including open spaces), which is considered to make the best use of the site whilst still achieving critical requirements such as landscaping buffers. Whilst being over the dph for greenfield sites sought in the KNP policy, and offering an alternative mix, it is considered that the proposal in relation to neighbourhood plan policies is, in the main, in general accordance with the overall vision, objectives and policies.
156. Proposals which include the provision of new green space and provide high quality landscape solutions will be supported under Policy E1 of the KNP. This includes development that takes opportunities to include bird nests, bat roosts and wildflower meadows. Proposals have to demonstrate how they will contribute to and restore the overall biodiversity and green and blue infrastructure network and mitigate against loss. As already indicated above, the submission identifies where losses, mitigation and enhancements will be achieved as a result of the development and appropriate conditions would ensure that this is accomplished.
157. Policy E2 of the KNP relates to the protection and enhancement of landscape that surrounds the village. The proposal identifies the western, and to some extent the southern edge of the development, for landscaped areas and SuD attenuation and the east as a landscape buffer with access to the existing drainage ditch. Concern has been raised regarding the inclusion of a 3m high fence along the extent of the western boundary, the visibility of the development from outside of the site and the ability to access the eastern ditch. The SuD feature is to be located at the lowest point on the southern part of the site and against mature hedgerow. The surface water run-off from the existing greenfield site discharges into a watercourse and it is proposed that this will continue as a result of the development at a restricted green field rate. The basin will be located and be designed to be dry. The impacts to the landscape

are considered, therefore, to be low.

158. The 3m fence is required to reduce the impacts from and to the adjacent farm enterprise and the proposed residential development. The existing boundary hedge will be retained to help soften its appearance from outside of the site and also planting is proposed within the development to soften its appearance. In respect of the access to the ditch to the east, which sits outside of the application site, a buffer strip of between 3m and 5m would be maintained and therefore the continued access for maintenance will be available via the management company (although covenants are not part of a planning consideration). Limited urban development is proposed to the south of the site and the southern hedgerow will be enhanced where required.
159. The general advice that planning should make effective use of land in meeting multiple uses is now contained in paragraph 120 of the NPPF. Paragraph 120b states that policies and decisions should 'recognise that some undeveloped land can perform many functions, such as for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage or food production'. The use of green infrastructure and SuDS schemes has been bolstered. Major development is required to 'incorporate sustainable drainage systems, unless there is clear evidence that this would be inappropriate' (paragraph 167), and paragraph 169 requires the sustainable drainage systems used for major developments to, 'where possible, provide multifunctional benefits'.
160. Policy HC4 of the KNP requires regard to be had to the impact of development on designated heritage assets and seeks their protection and enhancement. In addition, it requires the significance of non-designated heritage assets to be taken into account. The submission includes an assessment of the impact of the proposal on heritage assets (listed buildings, archaeology) and non-designated heritage assets. The Conservation Officer has raised no concerns regarding the impact on heritage assets. The County Council Archaeologist concurs with the content of the report advising that a condition is required for a scheme of archaeological treatment to include trial trenching and any follow-up mitigation that may be required. It is therefore considered that this policy has been appropriately considered by the submission.
161. The proposal is not in accordance with the Neighbourhood Plan in respect of policy H2, however it is considered to be in accordance with the overall vision, objectives and various policies in the Neighbourhood Plan.

Other Material Planning Considerations

Highway Implications

162. Policy 1 (Development Requirements) of the LPP2 requires that a suitable means of access to the development is achieved without detriment to the amenity of the adjacent properties or highway safety, and the provision of parking is in accordance with the advice provided by the Highways Authority.
163. The application is supported by a Transport Assessment, details of site access and layout. This concludes that the proposal can achieve a safe and suitable access by all modes of travel and the proposal would not result in a severe impact. The application and supporting information have been considered by

the Highway Authority, who resolved to raise no objection to the proposal. Therefore, the proposed development would accord with the requirements of the relevant policy and the aims of the NPPF.

164. The proposal has looked at walking, cycling and bus proposals and Travel Plan measures to encourage alternative modes of transport to the private car.
165. Whilst concerns have been raised by residents in relation to increased traffic to the highway network and highway safety issues, it is considered that, with the submission of the additional supporting information, a robust assessment of the application on highway grounds has been undertaken, and with the imposition of suitable conditions and S278 agreements, to both secure financial contributions to assist in the proposed upgrading of the strategic road network and the provision of localised highway improvements, there are no highway safety reasons to refuse the planning application. In particular, the NPPF makes it clear in para 111 that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
166. The TA considers the impact of housing growth in the area on the wider highway network and on the A60/Pendock Lane junction. As a result of this development proposal, and that of the allocated and now commenced development on the northern side of Bunny Lane, the capacity and performance of the junction has been predicted to deteriorate. Improvements to this junction in the form of a mini roundabout were required in connection with the development to the North under application reference 18/02515/FUL and a contribution will also be required from the current application to part fund the works secured by Legal Agreement.
167. The Highways Officer has not sought any improvements to the Pendock Lane/Bunny Lane/Keyworth Lane and Bunny Lane/Nottingham Road junctions on this basis it is not considered that the development results in highway safety risks or congestion impacts and so it is not justifiable to seek improvements to the junctions or seek financial contributions in this regard.
168. In addition, contrary to the allocation policy, it is also not considered necessary to mitigate the impact of the development on the Main Road/A606 Melton Road junction and the A52. Highways England have confirmed that the level of trips does not justify a financial contribution in accordance with the Memorandum of Understanding between Highways England, Rushcliffe Borough Council and Nottinghamshire County Council.
169. Regarding the internal layout, the County Council has advised that they will accept gradients which do not exceed 1:25 for the first 10 metres of the access road from Bunny Lane and then a maximum of 1:17 gradient thereafter. The majority of internal roads will be 'flatter' than this latter gradient. The Highways officer has advised that this is acceptable, however a condition is proposed to ensure that the internal layout is checked at the technical stage.
170. Consideration has also been given to the impact of the access arrangements on the amenity of nearby residents and the visual amenity of the area. Whilst it is acknowledged that the access arrangements onto Bunny Lane would result

in some visual change, the provision of the access and associated visibility splays and footpath frontage of the site, would be short lived and landscaping is proposed, no highway concerns are raised by the County Council and the Landscape and Design officer has raised no objections. Furthermore, given the position of the access in relation to existing residential properties, it is not considered that the proposal would significantly adversely impact on the amenities of nearby properties.

Affordable dwellings

171. The application proposes the provision of 20% (15) affordable units in line with Policy 8 of the Core Strategy and the Borough Council's strategic housing requirements. Discussions were undertaken regarding the lack of 1 bedroom masionettes, however the Strategic Housing Officer has accepted the following deliverable mix: shared ownership (6 plots) alongside 3 social rent units and 6 affordable rent units. In doing so, they advise that whilst it is possible to be flexible in more rural locations, such as Keyworth, there remains a demand for one bed units within the Borough and the absence of one bed units should not be accepted within larger settlements, strategic sites and the main urban area.

Design and Amenity

172. In considering the design and amenity criteria listed under Policy 1 of the LPP2, the main consideration is the impact upon the residential amenities of Roseland Close and to the properties opposite the site on Bunny Lane and then the impact to and from the proximity of the development to the neighbouring farm site.
173. Separation distances to properties on Roseland Close are annotated as being no less than 25 metres away from a window to window arrangement between proposed dwellings and existing, with up to 33.8 metres window to window arrangement occurring in places between proposed dwellings and existing dwellings on Roseland Close. Residents have raised concern that the plans do not reflect the as not built or as extended properties however, it is considered that there would still be sufficient back to back distance maintained. Concern has also been raised regarding overlooking due to topography of the existing and proposed development. In this regard, section drawings have been provided to demonstrate the relationship resulting from the proposed floor levels and boundary treatment and the property on plot 76 has been altered from a 2.5 storey property to a two storey unit. In the majority of cases the proposed dwellings closer to the eastern boundary would be at a lower level than those on Roseland Close. It is considered that the resulting relationships would not result in a development that would lead to significant adverse overlooking/loss of privacy either within the development or from and to the properties adjacent to Roseland Close.
174. In terms of the properties on Bunny Lane, opposite the site access, the location is such that it would be to the side of no. 50 and rather than directly facing the property it would face their parking area (and that associated with no. 48). In addition, there would be a distance of 16m from the junction to the facing property elevation with the property being in a slightly elevated position to Bunny Lane and the application site. It is considered that the location of the

access would not result in a significant adverse impact despite the incline on the access road. The Highway Authority has not raised any objections to the point of access on the basis of highway safety or impact on the properties accesses. Therefore, due to the distances involved and the intervening boundary treatment, it is not considered that undue adverse impacts would arise on the occupiers of the properties opposite despite the gradient of the access road.

175. It is considered the application has demonstrated that the proposed development can achieve high quality design and, therefore, is broadly in accordance with the Keyworth Neighbourhood Plan. The layout and design ensure that there would not be any material overbearing, overlooking or overshadowing impact on neighbouring residential amenity due to the scale of the properties and their relationship with neighbouring dwellings.
176. The layout of the scheme would ensure that there would not be any excessive or unacceptable overbearing, overshadowing or overlooking impacts on neighbouring properties due to the positioning, scale and layout of the dwellings in relation to the adjacent properties
177. The outer edge of the development to the west would have properties facing outwards. This has partially arisen from the assessments relating to noise and odour from the adjacent farm site but also as a result of the topography of the site. A buffer is proposed along this edge of around 15-18m with the facades of the properties 24-36m from the boundary that would also go to include a 3m high fence. Due to the levels through the site, a number of plots within the site will need to have retaining structures and boundary fencing between the plots in order to provide private amenity space between proposed units. It is considered to result in a development that takes advantage of the sites topography and adds interest to the overall development whilst maintaining privacy.
178. To the south of the site the proposal has been designed to have seven properties largely with rear gardens backing onto the hedgerow boundary (two properties will be built up to this boundary along with some parking spaces). This would help provide a soft edge to the site. To the north of the site no properties would be accessed directly off Bunny Lane, however four properties would front it and one (closest to the farm) would have a gable end facing. A hedgerow is proposed to be planted which would help assimilate the development. The orientation of the proposed dwellings, distances between existing and proposed, together with intervening landscaping would be such that it is considered that significant adverse impact would not arise through unacceptable loss of privacy.
179. Concerns have been expressed from residents regarding the proximity of the development to the adjacent farm enterprise and the Severn Trent Water Treatment Plant. The Environmental Health Officer has considered the submitted and amended reports regarding noise, odour and dust and have concluded that the mitigation measures put forward are acceptable in terms of the amenity of the proposed properties. As a result, a condition is proposed to ensure that the mitigation measures are undertaken. As a direct result of this being acceptable it follows that the impact from the residential development on the farming enterprise has also been considered satisfactory and that matters

of nuisance should not arise. Severn Trent Water have been consulted regarding the proposal and they have not, in their response, referred to a cordon requiring the development to be of a specific distance from the treatment works, or that the development may put restrictions on the works. The issue of a cordon or the sterilisation of part of the site or the treatment works was considered at the time that the site was allocated and no such cordon was required. As a result, it is considered that the interrelationship of these adjacent sites and the residential development proposed has been considered and no significant adverse impacts are expected.

180. It is, therefore, considered that the development details ensure that the amenity of neighbouring properties is not unduly or unacceptably affected. Thus, it is considered that the application accords with Policy 10 of the Core Strategy, Neighbourhood Plan policies and Policy 1 and 4.4 of LPP2, 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.

Noise

181. The NPPF (Section 15) advises that planning decisions should also ensure that new development is appropriate for its location, taking into account the likely effects of pollution on health, living conditions and the natural environment. In doing so they should; *“mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life”* (paragraph 185 (a)) and *“ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or ‘agent of change’) should be required to provide suitable mitigation before the development has been completed.”* (paragraph 187)
182. The acoustic report originally submitted with the application by Wardell Armstrong advised that in order to achieve the recommended guideline noise level in garden areas closest to Bunny Lane, close boarded fencing would be required between the garden areas and the road. Dwellings with living rooms on the northern façade, facing the road, would only require ‘standard’ glazing and alternative ventilation. Dwellings with bedrooms on the northern façade, facing the road, would require enhanced acoustic glazing and alternative ventilation. To mitigate the agricultural noise from Hillside Farm the proposed separation distance between the dwellings and the farm, closely spaced dwellings with gardens to the rear, and a barrier on the western boundary of the site meant that standard glazing and alternative ventilation would be satisfactory. The report advised that these dwellings would screen the noise transfer from the farm to the rest of the development.
183. As a result of discussions with the Environmental Health Officer further surveys were undertaken to include the additional buildings constructed on the

adjacent farm. It is considered that the amenity of future residents will not be “significantly affected” through the proposed package of mitigation measures, and the agricultural operations on the neighbouring farm will not be prejudiced as a result of the development.

184. Noise sources associated with the development itself post construction are anticipated to be related to road traffic. Some noise could also be generated by the recreational uses on the site. No objections have been raised by Environmental Health Officers. It is considered that noise matters at construction stage can be adequately considered by way of the Construction Management Plan, in any event such impacts would be temporary and relatively short lived.
185. With regard to the potential impact upon nearby residential properties, Environmental Health request a method statement including details for the control of noise to be secured by way of a condition as detailed in their consultee response.

Contamination

186. The NPPF (Section 15) requires that decisions should ensure that a site is suitable for its proposed use taking into account ground conditions and any risks arising from natural hazards or former activities. In relation to contaminated land a Phase I & II Geo-environmental Investigation has been submitted and it concludes that *“no contaminative issues have been highlighted, there remains a small fuel storage tank on site within the outbuildings, it would therefore be prudent to have a watching brief when the tank is removed and the outbuilding (inc slab) is demolished to ensure no localised contamination issue is present”*. The Environmental Health Officer has reviewed the report and although not objecting has requested a condition to require an updated report in light of the date the report was carried out and updated legislation.
187. Therefore, no objections have been received from the Borough Council Environmental Health Officers to the principle of residential development on the site. Conditions are recommended in accordance with their comments. In addition, a condition is proposed that relates to the soil. The condition would ensure that soils for these purposes are suitable for the proposed use. This is not an unusual circumstance and it is not considered that this prevents residential development on the site, and will ensure compliance with the requirements of Policy 40 (Pollution and Land Contamination) of LPP2 - Land and Planning Policies, and with para 183 of the NPPF. Matters of ground conditions and slope stability would be addressed through an application for building regulations.

Air Quality

188. The NPPF (Section 15) confirms that planning decisions should sustain compliance with and contribute towards EU limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and the cumulative impacts on air quality from individual sites in local areas. The site is not located within an Air Quality Management Area but to assist in meeting national and local objectives it is recommended that provision

of electric charging points is secured by way of condition.

189. The National Planning Practice Guidance (NPPG) contains guidance on air quality. It requires local planning authorities to consider whether development would expose people to existing sources of air pollutants, and/or give rise to potentially significant impact (such as dust) during construction for nearby sensitive locations. A condition is recommended requiring the submission and approval of a construction management plan to help minimise construction nuisance from dust.
190. An Odour and Dust Assessment (by Wardall Armstrong) was submitted with the application due to the sites proximity adjacent to a livestock farm the report advises that *“the odour potential of the farm is medium/moderate, whilst the odour potential of the Waste water Treatment Works is large/high, and this is corroborated in the results of the sniff test assessments.”* However it concludes that the odour and dust effects from both sources would not be significant in accordance with national and local guidance. The Environmental Health Officer is satisfied with the assessment of odour from the farm and the WwTW going forward.
191. It is considered that the submission accords with the local plan policy (41 of LPP2) and National guidance regarding air quality matters and suitable conditions can be imposed.

Landscaping

192. The submitted arboricultural report advises that the *“proposal will require the removal of 3 low quality trees and 2 hedgerows. There will be the requirement to remove and part removal of 2 moderate quality hedgerows. The removals can be mitigated with increased planting in accordance with a landscape scheme secured through and appropriately worded planning condition from the LPA. All retained trees and hedgerows will be protected with Tree Protection Fencing in accordance with a Tree Protection Plan.”*
193. A Landscape and Visual Appraisal has been submitted with the proposal which concludes that, *“the proposal would have some localised impacts on landscape character and visual receptor. These impacts will be limited through mitigation. The proposal would not result in the loss of features of significance. The front northern hedge would be largely removed and replaced. A green space is proposed on the western edge. Soft landscaping will help assimilate the proposal and help break up the form. the proposal is low density. The view of fields will be changed by adjacent residential properties to the north and east.”*
194. The proposal has been considered by the Council’s Landscape Officer who expressed concern at the loss of the northern hedgerow but as this is required to allow for the formation of the access into the site and to facilitate a footpath, it is considered necessary and a suitable replacement has been proposed. The officer also provided comments regarding the construction of the 3m high fence and how its impact could be mitigated form both within and outside of the site and amended plans were received to reflect these comments. Overall, the officer has not objected to the proposal, the works or the proposed landscaping. Conditions are proposed regarding the landscaping and

protection of hedgerows.

Ecology

195. The submission advises that *“The landscape scheme aims where appropriate to retain, safeguard and enhance the sites ecological assets. The existing tree and hedgerow network to the boundaries are to be maintained where possible and enhanced, improving onsite biodiversity and habitat features. The ecological mitigation measures have been incorporated into the landscape scheme to further enhance the site ecological credentials.”*
196. An ecological appraisal of the site has taken place, which assesses the likely effects of the development on the ecology and nature conservation of the site and its surroundings. It describes the methods used to assess the likely effects, and presents the baseline conditions currently existing at the site and the value of the features. Detailed surveys have been undertaken to confirm the presence of species protected under the Wildlife and Countryside Act 1981 (as amended), The protection of Badgers Act 1992 and the Conservation of Habitats and Species Regulations 2010 (as amended), Wild Mammals Protection Act 1997), Natural Environment and Rural Communities (NERC) Act 2006 and Hedgerow Regulations 1997. The report has been considered by the Borough Councils Sustainability Officer and Nottinghamshire Wildlife Trust. Further surveys were submitted during the course of the application
197. The updated Ecological report received in July 2021 concluded in part 5 that the majority of habitats at the Site are of Low Ecological Importance; hedgerows are of Moderate Ecological Importance and where present outside the construction footprint, should be retained and protected during construction; the scrub, poor semi improved grassland and scattered trees are of Low Ecological Importance within the context of the site, as they provide suitable habitat for foraging bats and birds as well as other wildlife and is recommended to be retained where possible; The majority of the hedgerows are to be retained Gaps within the southern hedgerow will be infilled with a native mix species hedgerow. The northern boundary hedgerow (H6) will be replaced with instant hedging, the report advises that no further surveys are required for botanical interest. Recommendations are advised in respect of protected species; the site is considered to be of Low suitability for great crested newts, environmental DNA (eDNA) is recommended to be undertaken within the new pond as it is located within close proximity to the site. The site is assessed as being of Low suitability for foraging and commuting bats, in line with current good practice guidelines (Collins, 2016) further bat activity surveys should be undertaken. Most of the bat activity was concentrated along the boundary hedgerows which are largely to be retained; A sensitive lighting scheme should be employed. A number of enhancements were also recommended at part 6 of the report.
198. The overall conclusion at part 7 of the report advised that *“Providing the recommendations are adhered to and providing that any subsequent surveys do not reveal likely adverse effects on protected species, it is considered that there would be no important adverse effect from the Proposed Development on fauna, habitats and designated sites. If protected species are recorded at the Site during construction of the Proposed Development, then appropriate surveys, mitigation and compensation measures should be devised and*

implemented prior to any construction work taking place; including the production of European Protected Species licences for submission to Natural England if applicable. NOTE: If the Proposed Development does not commence within 18 months of the original survey date, it is recommended that updated surveys are undertaken.”

199. Core Strategy Policy EN1 and Policy 38 of the LPP2 requires development to contribute towards the conservation, enhancement or restoration of biodiversity and ecological networks throughout the landscape. The NPPF (Section 15) advises that the planning system should contribute to and enhance the natural and local environment by; minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. The Ecological Mitigation recommendations within the ecological reports provide for ecological enhancement on the site, and its ongoing management are considered to be able to be achieved and secured by planning condition.
200. The applicant has undertaken a range of ecological surveys and proposed mitigation measures, which are considered appropriate in the context of the Framework and CS Policy 17 (Biodiversity). No objections to the proposals are raised by the Sustainability Officer. It will be important that the mitigation measures are fully implemented, and these will be secured by attaching appropriate planning conditions, should planning permission be granted.
201. Nottinghamshire Wildlife Trust commented on the original documentation and advised that they were happy with the content but highlighted a number of areas that they considered could have been addressed including a field drain, reptiles; Great crested Newts; bats and breeding birds, brown hare and the soft landscape proposals. These matters will be picked up in the proposed conditions.
202. To ensure that the proposed development is undertaken in a way that will minimise adverse impacts on biodiversity and secure future long-term management to retain biodiversity and deliver biodiversity gain, a range of mitigation measures would be required and secured by the imposition of suitable planning conditions. The proposal would, therefore, accord with the aims of the Framework and the provisions of Policy 17 of the Core Strategy.
203. As there will potentially be a need for a license from Natural England under the Conservation of Habitat and Species Regulations 2010, Rushcliffe Borough Council are obliged under the Habitat Regulations, to consider whether a license is likely to be issued and the 3 tests under the Regulations (set out earlier in this report) are satisfied. Information has been submitted to allow the tests to be undertaken. With regard to the first two tests it is considered that the provision of market and affordable housing are an overriding public interest and that Keyworth is identified as a key settlement to take a substantial level of growth. The site has been allocated for development in LPP2 where ecological issues were considered and this site, along with other sites, are required to come forward to provide the level of housing needed for the Borough.

204. To ensure that the proposed development is undertaken in a way that will minimise adverse impacts on biodiversity and secure future long-term management to retain biodiversity and deliver biodiversity gain, a range of mitigation measures would be required and secured by the imposition of suitable planning conditions. The proposal would, therefore, accord with the aims of the Framework and the provisions of Policy 17 of the Core Strategy.

Waste

205. The National Planning Policy for Waste advises that, when determining planning applications for non-waste development, local planning authorities should to the extent appropriate to their responsibilities, ensure that; *“The likely impact of proposed, non-waste related developments on existing waste management facilities, and on sites and areas allocated for waste management, is acceptable and does not prejudice the implementation of the waste hierarchy (prevention - preparing for reuse - recycling, other recovery – disposal) and/or the efficient operation of such facilities.”*
206. New non-waste development makes sufficient provision for waste management and promotes good design to secure the integration of waste management facilities with the rest of the development and in less developed areas with the local landscape. This includes providing adequate storage facilities at residential premises, for example by ensuring that there is sufficient and discrete provision for bins, to facilitate a high quality, comprehensive and frequent household collection service. The handling of waste arising from the construction and operation of development maximises reuse/recovery opportunities and minimises off-site disposal.
207. Consideration has been given to waste matters in the application and it would be normal practice for the construction management plan to include a requirement for a scheme for recycling/disposal of waste resulting from site clearance and construction works. On a development on this size it is not considered necessary for the site to achieve appropriate provision to allow for the recycling of waste for items which are not covered by the Borough Council’s kerbside collection service, e.g. glass and textiles. It is considered that adequate provision for storage facilities at residential premises are achieved by ensuring that there is sufficient and discrete provision for bins. The road layout ensures that adequate provision for servicing of the development would be achieved.
208. The submission is supported by a sustainable statement in which it is confirmed that it is the developers “policy for reducing waste and increasing efficient use of materials mirrors the waste management hierarchy of reduce, re-use, recycle and results in significantly reduced amounts of waste produced on site, as well as excellent diversion from landfill rates.” Homes are designed with energy efficiency as a key design consideration with the fabric first approach with an average EPC value of B, which is a SAP score in the 80’s. The developer has also confirmed that they are now targeting water usage below 110 Litres per person per day to address issues of water shortage and the Gas Boilers used have a NOx Classification of Class 5 and a Water Heating Energy Efficiency Classification of Class A.
209. In response to the Recycle officer comments the Agent has confirmed that the

Access Road 3, outside the Mews properties, will accept a fully laden 32,000 GVW refuse collection vehicle. They also confirm that adequate storage for bins is provided within the curtilage of all properties regardless of tenure. Bin housing located to the frontage of the properties identified as suggested by the Recycle officer however would, in their opinion, detrimentally detract from the pleasantly designed frontage. In addition, given that the properties identified are tenure blind affordable units, to introduce such a feature to the frontage of those properties could be considered as a retrograde step. There are three bin collection points (BCP) which are provided to the frontage of plots 7 and 8 (serving plots 9-13), to the frontage of plot 75 (serving plots 72 -75) and also to the front of plot 29 (serving plots 69 -71). A revised plan has been received to clarify and address the bin collection points.

210. The County Council has advised that Severn Trent is contacted to discuss the proposal regarding its proximity to the Waste Water Treatment Works. They refer to a 'cordon sanitaire' policy where water companies seek to influence development within a certain distance, ranging from 25-400m. This is something that has been considered regarding odour above and also has been raised as an issue by residents. The site has been through extensive consultation both at the time of policy allocation and during the course of the planning application whereby Severn Trent were consulted. They raised no objection to the allocation in the local plan and they have responded to the planning application seeking the imposition of a condition. It is therefore considered that the assessment of the impact of the proposal on the operation of the water treatment works has been undertaken and that an opportunity to express concern regarding proximity has been had.
211. Taking into account the above comments, it is considered that waste management is adequately considered alongside other spatial planning concerns, and the design and layout of new residential properties complements sustainable waste management, including the provision of appropriate storage and segregation facilities to facilitate collection of waste.

Gypsum Minerals Safeguarding

212. The submitted Mineral Resource Assessment advises that *"the proposed development site is in a mineral safeguarding area for gypsum which is locally abundant in this area. The nearest mine to Keyworth is Marblaegis Mine, but the planning permission boundary does not extend to Keyworth. The proposed site is on the urban fringe of Keyworth, so it is highly unlikely that gypsum would ever be worked beneath the site due to environmental constraints."*
213. The County Council has confirmed that the Gypsum Minerals Safeguarding and Consultation Area covers the site. They also confirmed that the prior extraction is not practical at the proposed development site. Future extraction is therefore unlikely at this location. They comment though that the Mineral Resource Assessment did not detail whether the applicant discussed the proposal with British Gypsum, this is recommended as the County Council does not have detailed mapping of areas previously mined. Overall, the County Council does not wish to raise any objections to the proposal from a mineral's perspective. British Gypsum has advised that they have no comments to make as the site sits outside of the gypsum outcrops.

Economic Impact

214. The development would provide direct and indirect employment benefits supporting new jobs and creating economic growth resulting in expenditure to the significant benefit of the settlement and local area, supporting local retail and leisure services. In line with policy 5 (7) of the Core Strategy, during the construction phase of the development, the Council will work with the developer to implement and deliver employment and training opportunities for local residents and a planning condition is recommended to achieve this. Taking into account the above it is, therefore, considered that the application satisfies the requirements of Policy 5 of the Core Strategy and satisfies the aims of the NPPF in relation to the economic role of planning, and the corporate priority of supporting economic growth to ensure a sustainable, prosperous and thriving local economy.

Health and Wellbeing

215. 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.
216. The provision of open and green space, including an equipped area of play is proposed as part of the development, would support these policy ambitions, as well the development's proximity to existing countryside. The Community Development Manager confirmed that the plans meet the criteria for on-site children's play provision.
217. Improvements to footpaths in the vicinity of the site are sought by NCC Highways, as are contributions towards improvements to bus stops and services to encourage access to alternative sustainable modes of transport to the car.
218. It is considered that this development is likely to have a largely positive health impact and no significant specific issues have been raised that need addressing.

Archaeology and other non-designated historic assets

219. In relation to non-designated heritage assets, buried archaeological assets will potentially be permanently damaged or destroyed during the construction phase.
220. The site has been the subject of archaeological investigation via a desk based assessment. It advises that "*there are no designated heritage assets within the study site, and the proposed development will have no impact upon the significance of any designated heritage assets outside of the study site. A geophysical survey conducted by Magnitude Surveys, in support of the*

proposed development, produced negative results dominated by ferrous material in the topsoil, and as such cannot be considered as indicative of the site's potential. However, based on a review of the archaeological evidence for the surrounding area and the site, the study site is considered to have a negligible potential for significant remains of all periods. Any such remains would be significant for their archaeological interest. It is expected that the Local Planning Authority will require a further scheme of limited trial trenching for the site. However, as there is no suggestion that the study site is likely to contain archaeological remains that are nationally important, would prohibit development or require to be designed around, it is suggested that any further works can be secured by way of an appropriately worded planning condition attached to any planning permission."

221. The Conservation Officer has assessed the submission and has raised no objections from the impact on the setting of heritage assets in Keyworth. The County Council Archaeologist has advised that the geophysical survey was hampered by a large amount of modern magnetic disturbance and this may be obscuring the visibility of features of archaeological origin. They advise that the possibility of encountering archaeological features is low but cannot be discounted. Any features on the site would be significant locally as the archaeological record for this area is very sparse. A two-phased approach condition is proposed depending on the result of the trenching, with a follow-up provision for mitigation in the event that archaeological remains are uncovered.
222. In accordance with paragraph 203 of the NPPF, the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. In this regard it is considered to be low but a condition is proposed as per the County Council Archaeologist advice.

Drainage

223. Section 14 of the NPPF relates to 'Meeting the challenge of climate change, flooding and coastal change' and advises that Major development should incorporate sustainable drainage systems, unless there is clear evidence that this would be inappropriate. The systems should:
- a. Take account of advice from the Lead Local Flood Authority;
 - b. Have appropriate proposed minimum operational standards;
 - c. Have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
 - d. Where possible, provide multifunctional benefits.
224. A site specific Flood Risk Assessment and Sustainable Drainage Statement has been submitted with the application. The site is within Flood Zone 1 (lowest risk of flooding) on the Environment Agency Flood Zone Maps. The site falls from the northern boundary to the south, with levels range from 76.5m AOD at the north western corner, to 62.1m AOD at the south western extent. The existing drainage regime comprises of overland flow to the drainage ditch on the southern boundary and natural infiltration into the ground. A network of

drainage ditches are present to the site boundaries - the highway ditch to the northern boundary, one to the eastern and one to the southern boundaries. Due to the unfavourable underlying ground conditions, it is not feasible to dispose of surface water via infiltration. The proposed method of surface water discharge is to the southern ditch due to the topography of the site. The Flood Risk Assessment summarises that the South Drain has significant flow capacity.

225. The development proposal requires a restricted runoff rate, provided by attenuated storage to balance the excess volume in a safe manner within the site. It is suggested that a minimum of 1375m³ of attenuated storage will be provided to cater for the maximum anticipated runoff volume for all storm durations up to the 1 in 100-year return period storm, including a 40% climate change allowance and future urban creep. However, it is envisaged that the final required attenuated storage volume will be determined during the detailed design stage, once the development layout and drainage areas are fixed. It is proposed to discharge the runoff from the development at a rate equivalent to the mean annual flow rate (QBAR) under greenfield conditions.
226. An attenuation pond is proposed to the south western corner of the site within an area of public open space through which all site runoff is proposed to pass through. The use of trapped gullies and catchpit manholes have been recommended to be utilised, providing additional treatment within potential pollutant areas such as car parking spaces.
227. The report advises (para 4.2 and 3) that *“There is no requirement to set finished floor levels due to the identified low flood risk, and the development proposals would not exacerbate flood risk. It is however proposed that residential properties are raised a minimum of 150mm, and where practicable greater, above surrounding ground levels to provide sufficient mitigation from the identified residual risks.”*
228. The proposed scheme seeks to retain and enhance open drainage ditches that are present along the eastern and southern (site) boundaries. Neither fall within the application site and are therefore not within the applicants control however the development would not prejudice them in respect of their role and function. Respective water flows along the eastern and southern site boundaries are field drainage ditches. They are not considered to be designated watercourses in Environment Agency (EA) terms. As a result, it is considered that a balanced approach to the safeguarding, future maintenance and ecological value has to be had.
229. Planning policy seeks a minimum 10 metre buffer where physically feasible between the top of the watercourse and the development site which is free of built development, and also requires the long-term landscape and ecological management plan for such buffers. In this regard the ditches are not considered to represent a watercourse and therefore it is not reasonable to require a full 10m buffer. That said a buffer strip of 3m is proposed to give access from the application site to/from the ‘west bank’ of the eastern ditch. A long term management regime is to be secured and approved as part of the legal agreement and condition though it is intended to be implemented by a Residents Management Company alongside the remainder of the ‘green infrastructure’ on site. This is considered a reasonable compromise to ensure

that ongoing maintenance of the eastern ditch can be secured and achieved long term for the adjacent properties that have existing responsibilities in this regard.

230. There is an existing hedge to the southern boundary of the site that is to be supplemented and gaps filled. On the southern side of this southern ditch are open fields which ensures that the ditch can continue to be maintained. No buffer is proposed along this boundary. Public Footpath No. 4 lies approximately 6.0m beyond the southern site boundary which is accessible from the neighbouring field to the south of the application site and therefore outside their control. The development does extend in part up to this site boundary but as it is accessible for maintenance from the field side it is considered to be acceptable.
231. The proposal does not indicate an intensification of surface water discharge to the eastern and southern field drainage ditches. In 'storm conditions' the rate of discharge from the proposed Balancing Pond/Attenuation Facility to the southern ditch would be regulated to be no more than current agricultural 'run off'. The applicant therefore considers that the development would not result in the respective ditches obtaining an 'enhanced status'.
232. The Environment Agency has raised no objections and the Lead Local Flood Authority, having reviewed the submitted Flood Risk Assessment (FRA) and Sustainable Drainage Statement and supporting letter from BWB, have no objection subject to a condition requiring the submission and approval of a detailed surface water drainage scheme based on the principles of the FRA. A condition is recommended to secure the appropriate details.
233. With regard to foul water, it is proposed to discharge to the existing foul water manhole beyond the southern site boundary. Site levels indicate that a gravity connection to the existing manhole is feasible. Severn Trent has commented on the application and have recommended a condition.
234. It is acknowledged that Section 94 of the Water Industry Act 1991 imposes a continuing duty on all sewerage undertakers to provide, maintain and where necessary improve its systems for collecting and treating foul and wastewater drainage so as to effectually drain its areas and effectually deal with the contents of its sewers. The planning authority must also take into account that the developer has the absolute right to connect to the public sewerage system under section 106 of the Water Industry Act. Any improvements considered necessary to improve existing capacity will be undertaken by Severn Trent under their separate legal obligations.

Planning obligations

235. Planning obligations assist in mitigating the impact of unacceptable development to make it acceptable in planning terms. Planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind. These tests are set out as statutory tests in the Community Infrastructure Levy Regulations 2010 (as amended) and as policy tests in the National Planning Policy Framework.

236. The contributions requested have been challenged with the infrastructure providers and additional information provided where necessary to justify the level or type of contribution being sought. Legislation and guidance state that planning obligations should not be sought where they are clearly not necessary to make the development acceptable in planning terms. The developer has opted for a Unilateral Undertaking to address the infrastructure requirements arising from the proposal including affordable housing, open space and SUD provision and maintenance, play space, landscape buffer, offsite round about highway improvements and bus stop improvements.
237. The Borough Council has adopted a Community Infrastructure Levy (CIL) and the associated charging schedule, including the associated instalment policy and payment in kind policy came into force on 7 October 2019. This covers certain contributions for infrastructure, including secondary education, health care provision and contributions for indoor and outdoor leisure. The total CIL liability for the development is likely to be in the region of £584,000. Social Housing Relief for the affordable units shown would give a relief amount of around £72,500, leaving an anticipated CIL receipt of £511,500. Of this, £358,050 would go towards items on the Borough Council's Strategic Infrastructure List, with £127,875 towards the Keyworth Neighbourhood CIL and £25,575 towards CIL Admin.

Conclusion

238. The site is located within Keyworth, one of the Borough Council's identified key rural sustainable settlements identified for growth, where a minimum of 450 houses is proposed in the Core Strategy. The Core Strategy has been designed and found to be sound on the basis that it would achieve a sustainable distribution of development across Rushcliffe. As Keyworth is an inset Green Belt village, it was always envisaged that such development would necessitate development in/release of the current Green Belt with the identification of sites to be formulated through Part 2 of the Local Plan. To ensure the Borough Council is able to meet its housing delivery requirements the number of homes that Keyworth was increased to around 600 new homes. Through the adoption of the LPP2, the application site has been allocated for residential development of around 70 dwellings and removed from the Green Belt, thus removing a significant policy constraint to the delivery of housing.
239. For the reasons set out above, the proposed development would comply with relevant policies in the Development Plan, in particular the site specific policy 4.4 and relevant parts of the Neighbourhood Plan and the NPPF.
240. 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. For these reasons, the scheme accords with the development plan as a whole, but the balance of material considerations also weighs in its favour. Consequently, it is recommended that the Planning Committee support the resolution to grant planning permission, subject to the completion of a Unilateral Undertaking in respect of contributions for infrastructure, affordable housing and site maintenance issues.

241. Negotiations have taken place during the consideration of the application to address concerns raised in letters of representation submitted in connection with the proposal. Amendments have been made to the proposal, addressing the identified adverse impacts, thereby resulting in a more acceptable scheme and the recommendation to grant planning permission.

RECOMMENDATION

It is RECOMMENDED that the Director for Development and Economic Growth be authorised to grant planning permission subject to: a) the prior completion of a satisfactory S106 Unilateral Undertaking; and b) the following conditions:

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

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

2. The development hereby permitted must be carried out strictly in accordance with the following approved plan(s)/drawings/documents:

Received 28 October 2020:

- Location Plan Rev A
- Planning Statement
- Design and Access Statement
- Archaeological Desk Based Assessment March 2019 by Cgms Heritage
- Geophysical Survey Report March 2019 by Magnitude Surveys
- Ecological Appraisal 16 April 2019 by Crestwood Environmental;
- Framework Travel Plan January 2020 by Waterman Infrastructure & Environment Ltd;
- Badger and Bat Activity Survey Report 1 October 2019 by Crestwood Ltd
- Landscape and Visual Appraisal and Design Code, October 2020, by Influence;
- Landscape Design by Golby & Luck Landscape Architects
- Mineral Resource Assessment , April 2020, by Wardell Armstrong
- Acoustic Assessment by Wardell Armstrong October 2020
- Odour and Dust Assessment, August 2019, by Wardell Armstrong
- Sustainability Statement
- Flood Risk Assessment, September 2019, by BWB BLK-BWB-ZZ-XX-RP-YE-0001_FRA Revision P03
- Supporting letter dated 18/10/2019 from BWB
- Sustainable Drainage Statement, September 2019, by BWB BLK-BWB-ZZ-XX-RP-CD-0001_SDS revision P02
- Arboricultural Report, 2 October 2019, by Crestwood Environmental Ltd
- Statement of Community Involvement
- Bunny Lane Parking Analysis

Received 4 November 2020:

- Phase 1 and 2 Geo-Environmental Survey, June 2013, by GeoMatters

Received 3 December 2020:

- Transport Assessment, October 2020, by Waterman Infrastructure & Environment Ltd

Received 22 July 2021:

- 1800mm High Close Boarded Fence – DB-SD13-006
- 1800mm High Timber Hit and Miss Fence – 2010/DET/228
- 450mm High Knee Rail – 2010/DET/216
- 1200mm High Timber Post and Rail Fence 2010/DET/213
- 2600mm High Screen Wall NM-SD13-04B
- 2600mm High Timber Close Boarded Fence NM-SD13-06A
- 3000mm High Timber Close Boarded Fence NM-SD13-06B
- 1800mm green weld mesh fence – 2010/DET/231
- Boundary Wall Type 3 – NM-SD13-013
- Single Garage – SSG1H8 Rev DS03
- Twin Garage – SDG2H8 Rev DS03
- Double Garage – SDG1H8 Rev DS03
- 6x3m Single Garage – LSG1H8 Rev DS02
- 6x3m Twin Garage – LDG2H8 Rev DS02
- ABBEYDALE - H349 --H7 Rev DS05
- ARCHFORD - P382 -EH7 Rev DS07
- ARCHFORD - P382 -EG7 Rev DS03
- AVONDALE - H456 --X7 Rev DS09
- BUCKINGHAM – H597—7 Rev DS08
- GREENWOOD - T322 -E-7 Rev DS06
- HADLEY DETACHED - P341 --D7 Rev DS06
- HADLEY END - P341 -E-7 Rev DS05
- HENLEY - H588 ---7 Rev DS08
- HOLDEN - H469 --H7 Rev DS06
- INGLEBY - H403 --F7 Rev DS02
- MERIDEN - H429 --H7 Rev DS04
- PARKIN – T427-E-7 Rev DS05
- WILFORD END - P204 -EH7 Rev DS07
- TYPE 67 END – SH67-EH7 Rev DS00
- TYPE 67 END – SH67-EG7 Rev DS00
- TYPE 67 MID – SH67-I-7 Rev DS00
- TYPE 69 END - SH69 -EG7 Rev DS00
- FAIRWAY – P331 -DG7 DS02
- ABBEYDALE RENDER - H349 3RH7 Rev DS05
- BURLEIGH GABLE END – DWB2 1EG7 Rev NM01
- HOLDEN WEATHERBOARD - H469 3WH7 Rev NM07
- MERIDEN RENDER - H429 R3H7 Rev NM04
- TYPE 74 – SH74-E-7-S NM00
- Green Infrastructure Landscape Proposals – GL1437 03A
- Bunny Lane - Visibility and Tracking
- Badger Monitoring Report, 23 June 2021, by Crestwood Environmental Ltd

- Great Crested Newt Environmental DNA (eDNA) Analysis Survey, 13 July 2021, by Crestwood Environmental Ltd
- Updated Preliminary Ecological Appraisal Report (PEAR), 13 May 2021, by Crestwood Environmental Ltd
- Noise Assessment Report, July 2021, by Wardell Armstrong

Received 26 July 2021:

- Odour Assessment Report (July 2021)

Received 5 October 2021:

- PJS19-33-700 Road Longsections

Received 21 October 2021:

- Cross Sections H6519/05 Sheet 1 Rev A – Coloured

Received 22 October 2021:

- CHELWORTH H497—H7 DS06

Received 26 October 2021:

- Planning Layout – H6519/ P1021 – Rev I
- Coloured Planning Layout – H6519/ P1021 – Rev I
- Materials Layout – H6519/06 Rev C

Received 27 October 2021:

- Green Infrastructure Landscape Proposals GL11437 04A
- Retaining Structure Typology – H6519/RS Rev

Received 28 October 2021:

- Cross Sections H6519/0502 Sheet 2 Rev A – Coloured

[For the avoidance of doubt having regard to Policy 10 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)].

3. Notwithstanding the materials layout plan H6519/06 Rev C received on the 26 October 2021 the development hereby permitted must not proceed above the damp proof course level until details of the type, texture and colour of the materials to be used in the construction of the exterior of the development have been submitted to and approved in writing by the Local Planning Authority. The development must only be constructed in accordance with the approved materials.

[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. No development shall be carried out until a Phasing Plan, providing details of phasing for the approved development, has been submitted to and approved in writing by the local planning authority. The phasing plan shall contain details of:

- the timing of the provision of infrastructure to serve the proposed development (including road improvements and drainage facilities) in relation to the provision of any new residential units;
- the timing of biodiversity, SUDS and landscaping features;
- the timing of the provision of on-site equipped play space provision in relation to the provision of any new residential units;
- the timing and provision of internal footpaths/cyclepaths;
- the timing of connections of internal footpath/cyclepaths to the North western part of the site, to Bunny Lane; and
- details of the timing of the erection of boundary treatment (other than that relating to specific house plots).

The development shall be carried out in accordance with the approved phasing plan unless otherwise agreed in writing by the local planning authority.

[To ensure the proposed development is constructed in such a way to ensure that any new units provided are adequately served by infrastructure and recreation facilities and to promote biodiversity on the site, in accordance with Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy. This is a pre-commencement condition to enable consideration to be given in a coordinated manner to all the key components of the scheme].

5. The development hereby permitted must not commence and no preparatory operations in connection with the development (including demolition, site clearance works, fires, soil moving, temporary access construction and/or widening, or any operations involving the use of motorised vehicles or construction machinery) shall take place on the site until a site specific Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The CMP must have regard to the LS, CEMP and LEMP approved under conditions 11, 13 and 21 and include details outlining:

1. appropriate provision for the parking of vehicles within the site belonging to construction operatives and/or visitors;
2. areas for loading and unloading plant and materials;
3. the location and appearance of any site compound/material storage areas, including heights of any cabins to be sited and details of any external lighting;
4. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
5. measures/techniques to control the emission of noise, dust, dirt and vibration during demolition and construction;
7. a scheme for recycling/disposing of waste resulting from demolition and construction works;
8. Hours of operation (including demolition, construction and deliveries);

9. A scheme to treat and remove suspended solids from surface water run-off during construction; and
10. An earthworks strategy to provide for the management and protection of soils including handling, stripping and stockpiling and reuse;

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

[In the interests of highway safety and to protect the amenities of the area, to prevent inadequate parking, turning and manoeuvring for vehicles; inadequate materials storage and to ensure adequate recycling of materials in the interests of highway safety, visual amenity and environmental management 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). This is a pre-commencement condition that is required to ensure that residential amenity and wildlife and ditches surrounding the site are protected during construction].

6. The development shall not be brought into use unless or until the following works have been provided in accordance with plans previously submitted to and approved in writing to the satisfaction of the Local Planning Authority:
 - i. The A60/Pendock Lane highway improvement works, to include the conversion of the junction into a 3-arm mini-roundabout, together with associated change in speed limit on the southern approach to the roundabout from 40mph to 30mph.
 - ii. The proposed Village Gateway on Bunny Lane to include marker posts, hazard centre line, clock type signs in the verges to either side and supplementary VA sign.
 - iii. The proposed new site access junction on Bunny Lane.
 - iv. A 2m footway along the northern frontage of the site, together with associated crossing points
 - v. Reinstatement of the redundant vehicular access on Bunny Lane.
 - vi. Pedestrian infrastructure improvements to include dropped kerbs and tactile paving at the junctions on the southern side of Bunny Lane from the application site to Nottingham Road i.e all the way east to the town centre.

[To make sure that a satisfactory means of access is provided, in the interests of road safety to promote sustainable travel and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)].

7. No development shall take place, excluding topsoil strip, earthworks to form balancing ponds and foul sewer diversions, survey works in connection with ecology and archaeology in respect of other conditions, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works hereby permitted until the technical approval under S38 (or equivalent) has been agreed with Nottinghamshire County Council for the construction of the roads and associated works within the site and the following have been submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority. All details shall comply

with the County Councils current Highway Design and Parking Guides:

- a. tactile paving;
- b. vehicular, cycle, and pedestrian accesses;
- c. vehicular and cycle parking (surfaced in a bound material);
- d. vehicular turning arrangements;
- e. manoeuvring arrangements;
- f. access widths, longitudinal and cross-sectional gradients;
- g. construction specification;
- h. surfacing;
- i. street lighting;
- j. structures;
- k. visibility splays;
- l. drainage and outfall proposals;
- m. provision of and diversion of utilities services; and
- n. any proposed structural works

The development shall be carried out in accordance with the approved details and no dwelling shall be brought into use until the roads necessary to serve that property have been constructed to base level and the approved vehicle access, parking, manoeuvring and turning areas approved under this Condition for that dwelling:

- a. have been constructed in accordance with the approved drawings
- b. are available for use

[To ensure the access is not too steep for vehicles to stop in icy conditions without entering the highway, to ensure the development hereby permitted is served by an appropriate access from the public highway, that the estate streets serving the development are at an acceptable standard 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). This is a pre-commencement condition that is required to ensure that the internal roads are acceptable to the County Council]. This is a pre-commencement condition that is required to ensure that the internal roads are acceptable to the County Council]

8. No part of the development hereby permitted shall be brought into use until all drives and parking areas are surfaced in a bound material (not loose gravel). The surfaced drives and parking areas shall then be maintained in such bound material for the life of the development.

[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)].

9. No part of the development hereby permitted shall be brought into use until the access driveways and parking areas are constructed with provision to prevent the unregulated discharge of surface water from the driveways and parking areas to the public highway. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.

[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)].

10. Prior to first occupation the developer of the site shall appoint and thereafter continue to employ or engage a travel plan coordinator who shall be responsible for the implementation delivery, monitoring and promotion of the sustainable transport initiatives set out in the Framework Travel Plan (2021) to be submitted and approved prior to development taking place and whose details shall be provided and continue to be provided thereafter to the Local Planning Authority.

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

11. Prior to the commencement of the development hereby permitted a scheme of on plot (excluding private rear gardens) and public open space landscaping shall be submitted to and approved in writing by the Local Planning Authority. The Landscaping Scheme (LS) shall include:

- An accurate survey of all existing trees and other natural features showing those to be retained and those to be removed;
- Details of a Tree/hedgerow Protection Scheme in accordance with BS5837:2012 which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site which are to be retained;
- Details of any changes in ground level, including existing and proposed spot levels, required within the root protection area as defined by BS5837:2012;
- Written specifications including cultivation and other operations associated with tree, plant and grass establishment;
- A schedule of the new trees and shrubs (using their botanical/latin names) to be planted including their size at planting (height or spread for shrubs, height or trunk girth for trees and proposed numbers/densities);
- Existing and proposed finished levels (to include details of grading and contouring of earthworks and details showing the relationship of proposed mounding to existing vegetation and surrounding landform where appropriate);
- Details of all proposed hard surfaces areas, retaining structures, steps, means of enclosure, surface finishes and any other hard landscaping features;
- A timetable/phasing for implementation and completion of the landscaping scheme;
- A Landscape Management Plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas (including a scheme for the 3m eastern buffer and the 3m high fence on the western boundary);
- Details of how the landscape proposals comply and compliment with the ecological requirements under condition 13 and 16; and
- Details of the footpath/cyclepath connections within the north western part of the site to Bunny Lane to the north

The development shall not commence until the approved tree/hedgerow protection scheme has been implemented. The approved scheme shall be carried out in accordance with the approved details and implemented and completed in accordance with the approved timetable.

The tree protection measures protection shall be retained for the duration of the construction period. No materials, machinery or vehicles are to be stored or temporary buildings erected within the perimeter of the fence, nor is any excavation work to be undertaken within the confines of the fence without the written approval of the Borough Council. No changes of ground level shall be made within the protected area without the written approval of the Borough Council.

If within a period of five years from the date of the soft planting pursuant to this condition that soft planting is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced by planting as originally approved, unless the Local Planning Authority gives its written approval to any variation. This replacement planting shall be undertaken before the end of the first available planting season (October to March inclusive for bare root plants), following the removal, uprooting, destruction or death of the original trees or plants.

[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 (2021). This is a pre commencement condition to ensure that existing features to be retained are identified and protected].

12. Prior to the occupation of any dwelling hereby approved, details of the equipped play area shall be submitted to the Local Planning Authority for written approval. The area shall include a minimum of 5 pieces of equipment/play features with ancillary equipment. The equipment in the equipped play area shall replicate, rocking, sliding, swinging, rotating and imaginative play and be designed taking into account the Fields Trust National Playing Fields Association General Principles Guidance and the topography of the site. The total area of equipped play should be a minimum of 0.04033 hectares. The development shall be implemented in accordance with the approved details and the play area and their provision shall be in accordance with the phasing submitted and approved in condition 4.

To make sure that adequate open space is provided within the development and to comply with 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 (2021).

13. No development shall take place until a Landscape & Ecology Management Plan (LEMP) is submitted to and approved in writing by the local planning

authority. The LEMP shall have full regard to the mitigation, general precautionary working measures and enhancements together with the summary and conclusions of the Preliminary Ecological Appraisal Report, Crestwood Environmental Ltd, May 2021, received 22 July; Badger and Bat Activity Survey Report, Crestwood Environmental Ltd received 28 October 2020; Badger Monitoring Report, 23 June 2021, by Crestwood Environmental Ltd received 22 July 2021; Great Crested Newt Environmental DNA (eDNA) Analysis Survey, 13 July 2021, by Crestwood Environmental Ltd received 22 July 2021 and any additional information submitted in respect of the advice from the Nottinghamshire Wildlife Trust as contained in their letter of the 30 July 2021 that has been previously submitted and agreed by the local planning authority (or as amended/ updated as part of the discharge other conditions) and shall include:

- Description and location of features to be created, planted, enhanced, and managed;
- Details of habitat creations and enhancement of hedgerows;
- Aims and objectives of management;
- Prescriptions for management actions;
- Preparation of a work schedule (including an annual work plan capable of being rolled forward over a ten year period);
- Ongoing monitoring visits, targets, and remedial measures when conservation aims and objectives of the plan are not being met;
- Locations of bat boxes, bird boxes, hedgehog highways (and any other enhancements/mitigation) including specifications & installation guidance;
- Bird and bat boxes shall be integrated into the building fabric (the former targeting house sparrow, starling and swift) into the fabric of a proportion (circa 20%) of the proposed dwellings/their garages;
- Ongoing management of the SUDS, landscaped areas and buffers for the benefit of wildlife and biodiversity;
- The plan will detail the formal management agreement, aftercare and monitoring of the retained and newly created habitats on the site and shall their the ongoing maintenance;
- A pre-commencement walkover survey for badgers, reptiles and Great crested newts by an appropriate ecologist;
- Reasonable Avoidance Measures (Ram)s by engaging an Ecological Clerk of Works (ECoW) to supervise works in sensitive areas and producing a method statement in respect of reptiles prior to and during development;
- Survey of the site by an appropriate ecologist prior to works to ascertain appropriate mitigation measures for the impact on the loss of habitat/ fragmentation of habitat of Brown Hares and any recommendations followed.

The development shall be undertaken in accordance with the approved LEMP.

[To ensure the appropriate wildlife protection is provided during development. To ensure that the proposed development contributes to the conservation and enhancement of biodiversity within the site and for the wider area 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 (2021). This is a pre-commencement condition due to the need to ensure adequate mitigation is in place before any intrusive site works take place].

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

[To ensure that the proposed development contributes to the conservation and enhancement of biodiversity within the site and for the wider area in accordance, 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 (2021).]

16. In the event that the planning permission is not implemented within 2 years of the date of the planning permission being granted a further protected species survey shall be carried out, prior to work commencing on site, and submitted to and approved by the Local Planning Authority in writing. Any mitigation measures recommended by the survey shall be implemented in accordance with approved details and in line with other conditions.

[To ensure that the proposed development contributes to the conservation and enhancement of biodiversity within the site and for the wider area in accordance 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 (2021). This is a pre-commencement condition due to the need to ensure adequate mitigation is in place before any intrusive site works take place].

17. Prior to installation of any lighting, a bat-sensitive lighting scheme should be submitted and approved in writing by the local planning authority. The lighting scheme should be in accordance with Conservation Trust (2018) "Bats and artificial lighting in the UK. The scheme shall include details of lux plots of the estimated luminance. The scheme shall be designed to minimise skyglow. The lighting scheme shall be implemented in accordance with the approved details and maintained thereafter.

[To ensure that the proposed development contributes to the conservation and enhancement of biodiversity within the site and for the wider area 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 (2021).

18. No part of the development hereby approved shall commence until a detailed surface water drainage scheme (SDS) based on the principles set forward by the Flood Risk Assessment, September 2019, by BWB BLK-BWB-ZZ-XX-RP-YE-0001_FRA Revision P03, Sustainable Drainage Statement, September 2019, by BWB BLK-BWB-ZZ-XX-RP-CD-0001_SDS revision P02 and Supporting letter dated 18/10/2019 from BWB all received 28 October 2020, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme to be submitted shall also include:

- Information about the design storm period and intensity;
- The method to be employed to delay and control the surface water discharged from the site;
- Measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- Proposals for bank protection across watercourse on eastern side of development; and
- Provide a management and maintenance plan for the lifetime of the development which must include arrangements for adoption by any public authority or statutory undertaker or any other arrangements to secure the operation of the scheme throughout its lifetime.

The development hereby permitted must not be occupied or first brought into use until the surface water drainage system has been carried out and completed on the site in accordance with the approved SDS. Thereafter surface water drainage system must be maintained in accordance with the approved SDS throughout the lifetime of the development.

[A detailed surface water management plan is required to ensure that the development is in accordance with NPPF and local planning policies. It should be ensured that all major developments have sufficient surface water management, are not at increased risk of flooding and do not increase flood risk off-site. 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 Chapter 14 of the National Planning Policy Framework (2021). This is a pre commencement condition to ensure that flood risk is mitigated and the measures can be incorporated in to the build phase].

19. The development hereby permitted shall not commence until drainage plans for the disposal of foul sewage have been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted must not be occupied or first brought into use until the drainage scheme has been implemented and completed in accordance with the approved details.

[To ensure a satisfactory standard of development in terms of the disposal of foul water and 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 Chapter 14 of the National Planning Policy Framework (2021). This is a pre commencement condition to ensure that flood risk and sewage capacity requirements are mitigated and the measures can be incorporated in to the build phase].

20. No development shall commence until details of the finished floor and ground levels in relation to a fixed datum point, existing site levels and adjoining land levels has been submitted and approved in writing by the Local planning Authority. Such details shall have regard to the drainage strategy for the site. The development shall be undertaken in accordance with the approved details.

[To ensure a satisfactory development in the interests of amenity, accessibility and highway safety and to ensure the satisfactory appearance of the development in respect of its relationship to adjoining properties having regard to policies 10 (Design and Enhancing 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 of the National Planning Policy Framework (2021). This is a pre commencement condition to ensure that the development is undertaken with agreed levels from the outset].

21. No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) will be carried out in accordance with the mitigation and enhancements and summary and conclusions of the Preliminary Ecological Appraisal Report, Crestwood Environmental Ltd, May 2021, received 22 July; Badger and Bat Activity Survey Report, Crestwood Environmental Ltd received 28 October 2020; Badger Monitoring Report, 23 June 2021, by Crestwood Environmental Ltd received 22 July 2021; Great Crested Newt Environmental DNA (eDNA) Analysis Survey, 13 July 2021, by Crestwood Environmental Ltd received 22 July 2021 and any additional information submitted in respect of the advice from the Nottinghamshire Wildlife Trust as contained in their letter of the 30 July 2021 that has been previously submitted and agreed by the local planning authority (or as amended/updated as part of the discharge of other conditions) and shall include the following:

- Risk assessment of the impact of construction activities on biodiversity;
- Identification of "biodiversity protection zones";
- Practical measures (both physical measures and sensitive working practices) to reduce impacts during construction (may be provided as a set of method statements);
- The location and timing of sensitive works to avoid harm to biodiversity features;
- The times during construction when specialist ecologists need to be present on site to oversee works;
- Responsible persons and lines of communication;
- The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person; and
- Use of protective fences, exclusion barriers and warning signs. The

approved CEMP shall be adhered to and implemented throughout the construction period in accordance with the approved details.

[To ensure the appropriate wildlife protection is provided during development and that the proposed development contributes to the conservation and enhancement of biodiversity within the site and for the wider area 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 (2021). This is a pre-commencement condition due to the need to ensure adequate mitigation is in place before any intrusive site works take place].

22. No development shall take place until an Employment and Skills Strategy for the construction phase of the approved development shall be produced in consultation with the Economic Growth team and submitted to and approved in writing by the Borough Council. This strategy will be based on the relevant Citb framework and will provide opportunities for people in the locality to include employment, apprenticeships and training, and curriculum support in schools and colleges. The strategy will be implemented by the developer throughout the duration of the construction in accordance with the approved details and in partnership with relevant stakeholders.

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

23. Prior to occupation each dwelling within the development hereby permitted must have been provided with a full fibre broadband connection.

[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 (2021)].

24. Prior to the construction of any dwelling on the site proceeding above damp proof course level, a scheme for the provision of Electric Vehicle Charging Points (EVCP's) must be 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. If any plots are not to be served by an EVCP then it must be demonstrated why the provision of an EVCP would be not be technically feasible. None of the dwellings on the site shall be occupied until all EVCP's serving it have been installed in accordance with the approved scheme. Thereafter EVCP's must be permanently retained on each dwelling 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 a reduction 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 (2021)].

25. None of the dwellings within the development hereby permitted shall 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)].

26. No development shall take place until the applicants, or their agents or successors in title, have secured the implementation of a programme for archaeological treatment (trial trenching and any follow up mitigation that may be required in the event that archaeological remains are uncovered) to be carried out during construction or excavation work on the site, by a professional archaeologist or archaeological organisation. The details of such a scheme of investigation shall be submitted to and approved in writing by the Borough Council also prior to the commencement of the development on the site. The development shall be undertaken in full accordance with the approved programme for archaeological treatment.

[To ensure that any archaeological items and/or features are recorded in a manner proportionate to their significance and to make the recorded evidence (and any archive generated) publicly accessible, having regard to Policy 11 (Historic Environment) of the Rushcliffe Local Plan Part 1: Core Strategy (2014); and Policies 28 (Historic Environment: Conserving and Enhancing Heritage Assets) and 29 (Development Affecting Archaeological Sites) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Chapter 16 (Conserving and enhancing the historic environment) of the National Planning Policy Framework (2021).This is a pre-commencement condition required to ensure that if archaeological interest is identified it is recorded or in order to influence the reserved matters layout in order to avoid harm to].

27. Before development is commenced, a Contaminated Land Report shall be submitted to and approved by the Local Planning Authority. As a minimum, this report will need to include a Desktop Study. Where the Desktop Study identifies potential contamination, a Detailed Investigation Report will also be required. In those cases where the Detailed Investigation Report confirms that "contamination" exists, a remediation report and validation statement will also be required. In such instances, all of these respective elements of the report will need to be submitted to and approved by the Local Planning Authority prior to development commencing. The development shall be implemented in full accordance with the approved details.

[To ensure that a satisfactory assessment of any land contamination and an

appropriate strategy for its remediation from the site is carried out to ensure 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) of the Rushcliffe Local Plan Part 1: Core Strategy (2014), Policies 39 (Health Impacts of Development) and 40 (Pollution and Land Contamination) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Chapter 15 of the National Planning Policy Framework (2021). This is a pre commencement condition required to ensure the site is free from contamination or remediated prior to the commencement of the development].

28. If during the course of carrying out the development hereby permitted any unexpected contamination is found that has not been previously identified, it must be reported to the Local Planning Authority within (48 hours). All development on the site must cease immediately and must not recommence until a written scheme for the investigation and risk assessment of the unexpected contamination has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme must be prepared by a suitably qualified 'competent person' (as defined in the National Planning Policy Framework (2021) and must be in accordance with the Environment Agency's 'Land Contamination Risk Management' (LCRM).

Where remediation of the contamination is necessary no further development shall commence on the site until a Remediation Strategy (RS) has been submitted to and approved in writing by the Local Planning Authority. The submitted RS must include:

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

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

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

[To 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) of the Rushcliffe Local Plan Part 1: Core Strategy (2014), Policies 39 (Health Impacts of Development) and 40 (Pollution and Land Contamination) of the Rushcliffe Local Plan Part 2: Land and Planning

Policies (2019) and Chapter 15 of the National Planning Policy Framework (2021)].

29. Any topsoil (natural or manufactured), or subsoil that is to be imported onto the site must be assessed for chemical or other potential contaminants in accordance with a written scheme of investigation which shall be submitted to and approved in writing by the local planning authority prior to the material being brought onto the site. Only material that has been tested in accordance with the approved investigation scheme shall be imported onto the site.

[To ensure that all soil or soil forming materials brought onto the site are free from contamination 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) of the Rushcliffe Local Plan Part 1: Core Strategy (2014), Policies 39 (Health Impacts of Development) and 40 (Pollution and Land Contamination) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Chapter 15 of the National Planning Policy Framework (2021)].

30. The development shall be undertaken in full accordance with the mitigation measures to protect future occupiers of the proposed development from existing noise generated off the site (adjacent Farm and Bunny Lane) as stipulated within the submitted Noise Assessment Noise Assessment Report, July 2021, by Wardell Armstrong received 22 July 2021. Such measures include:

- Good acoustic design so that gardens are located on the screened side of dwellings and includes a 3.0 m close boarded fence running along the western boundary to Hillside Farm with a 2.0 m high close boarded fencing between dwellings and 1.8 m high fencing at garden boundaries as per Drawing No. LD10096/011 Rev B dated 20/07/2021.
- The living rooms and bedrooms to all properties on the western facade that face Hillside Farm are to be fitted with enhanced glazing and ventilation outlined in Appendix C and shown on Drawing No. LD10096/012 Rev B dated 08/07/2021 and Drawing No. LD10096/013 Rev B dated 09/07/2021;
- The living rooms and bedrooms to all properties on the northern façade that face Bunny Lane are to be fitted with enhanced glazing and ventilation outlined in Appendix C and shown on Drawing No. LD10096/012 Rev B dated 08/07/2021 and Drawing No. LD10096/013 Rev B dated 09/07/2021; and
- Acoustic Barriers as outlined in Appendix C and shown on Drawing No. LD10096/0101 Rev B dated 20/07/2021

These measures shall be retained for the life of the development.

[To ensure that the occupiers of neighbouring properties are not adversely affected by unacceptable noise pollution from the development hereby permitted, 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)].

31. Notwithstanding any such permitted development that may from time to time exist under 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 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)].

32. 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 alterations to garden levels shall be constructed or undertaken within the curtilage of the dwelling(s) 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 (2021)].

33. Notwithstanding the provisions of Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and/or re-enacting that Order with or without modification) no fences, gates, walls or other means of enclosure, other than those authorised by this permission, shall be erected on the site and no alterations shall be made to any retaining structures authorised by this permission, without express planning permission from the Local Planning Authority.

[To enable the Local Planning Authority to retain control over future means of enclosure that may harm the amenities of neighbouring properties or the character of the area having regard to Policy 10 (Design and Enhancing Local Identify) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1

(Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)].

34. Details of any substations shall be submitted to the Local Planning Authority for written approval prior to their installation/construction. The substation shall be constructed in accordance with the approved details.

[To ensure the development creates a visually attractive environment 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 (2021)].

Notes to applicant

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

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

In order to carry out the off-site works required, the applicant 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 the applicant has no control. In order to undertake the works, which must comply with the Nottinghamshire County Council's current highway design guidance and specification for roadworks, the applicant will need to enter into an Agreement under Section 278 of the Act.

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).

In relation to soil management details, you are advised to refer to DEFRA Construction Code of Practice for the sustainable use of soils on Construction sites.

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.

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 make every effort to prevent it occurring.

Section 38 Agreement (Highways Act 1980) - The applicant should note that, notwithstanding any planning permission, 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. Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the Highway Authority as early as possible.

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.

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. Section 278 Agreement (Highways Act 1980) - 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 Jan Witko on telephone number 0115 9774364.

In order to satisfy the requirements of condition 7 the Highway Authority will need to undertake a full technical design check of the detailed design drawings. Discharge of any conditions relating to highway layouts will not be recommended until this process is complete and full technical approval of the highways drawings has been granted.

Travel Plan - Advice regarding travel plans can be obtained from the Travel Plans Officer on telephone 0115 9774323. Correspondence with the Highway Authority should be addressed to:

Highway Development Control Section
Highways South
Nottinghamshire County Council
County Hall
West Bridgford
Nottingham, NG2 7QP

In respect of any conditions relating to drainage:

- The developer must produce a comprehensive drainage strategy for the site.
- This strategy must include how surface water is to be dealt with. In particular showing how no surface water will be allowed to enter the foul or combined system through any means.
- Surface water should be drained using sustainable techniques.
- Where a sustainable drainage scheme is to be provided, the submitted details shall:
 - i) Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and / or surface waters; and
 - ii) Provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
- The strategy shall also demonstrate how any land drainage issues will be resolved.
- A hydraulic modelling study may be required to determine if the proposed flows can be accommodated within the existing system and if not, to identify what improvements may be required. If the surface water is drained sustainably, this will only apply to the foul drainage.
- Severn Trent may need to undertake a more comprehensive study of the catchment to determine if capital improvements are required.
- If Severn Trent needs to undertake capital improvements, a reasonable amount of time will need to be determined to allow these works to be completed before any additional flows are connected.

Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.

In respect of ecology:

- The orchard should be retained and enhanced.
- Mature trees should be retained where possible.
- The hedgerows should be largely retained and enhanced.
- Hedgerow's should be buffered with a flower rich grassland strip.
- New wildlife habitats should be created where appropriate, including wildflower rich neutral and / or wet grassland and / or wetlands and ponds should be created and hedgehog corridors.
- Artificial wild bird nest sites should be installed within buildings (including for swifts and sparrow terraces) and roost / nest boxes on retained trees (including for tree sparrows).

Good practise construction methods should be adopted including:

- Advising all workers of the potential for protected species. If protected species are found during works, work should cease until a suitable qualified ecologist has been consulted.
- No works or storage of materials or vehicle movements should be carried out adjacent to the ditch.

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

Best practice should be followed during building work to ensure trenches dug during work activities that are left overnight should be left with a sloping end ramp to allow animals that may fall in to escape. Also, any pipes over 200mm in diameter should be capped off at night to prevent animals entering. No stockpiles of vegetation should be left overnight and if they are, they should be dismantled by hand prior to removal.

Night working should be avoided.

The Borough Council and Nottinghamshire County Council are keen to encourage the provision of superfast broadband within all new developments. With regard to the condition relating to broadband, it is recommended that, prior to development commencing on site, you discuss the installation of this with providers such as Virgin and Openreach Contact details: Openreach: Nicholas Flint 01442208100, nick.flint@openreach.co.uk Virgin: Daniel Murray 07813920812, daniel.murray@virginmedia.co.uk

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 landowner must first be obtained. The responsibility for meeting any claims for damage to such features lies with the applicant.

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

Consideration should be given to energy efficiency, alternative energy generation, water efficiency, sustainable travel (including electric car charging points and cycle storage and improved cycle connectivity and green travel), management of waste during and post construction and the use of recycled materials and sustainable building methods.

It is understood that there may be a covenant on this property which could prevent the use/development authorised by this permission. You are reminded that this decision relates to planning law only and does not override the terms of any covenant.

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Rempstone Road, East Leake



scale: 1:5000

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21/02694/CTY

Applicant Nottinghamshire County Council Childrens And Families

Location Land North Of Rempstone Road East Leake Nottinghamshire

Proposal Erection of 120 Place Temporary School Learning Village Accommodation with temporary lit access road and permanent lit access path. Associated areas of soft play, canopies, car parking and surface water balancing pond.

Ward Leake

THE SITE AND SURROUNDINGS

1. The site is located towards the south-eastern edge of the village of East Leake. The application site comprises an arable field and an area of open space (afforded to the Persimmon housing development) that are located to the north of existing residential development sites being built out by David Wilson Homes and to the east of the Persimmon housing development that is accessed off of Kirk Ley Road. Access is proposed off Sheepwash Way within the Persimmon Development
2. The site location plan provided with this application shows the extent of the development parcel relevant to the first two phases of the Persimmon development, however the site location plan does not detail the approved layout of the David Wilson Homes site to its south and east. The site location plan details the proposed location for the vehicular connection (for staff/deliveries/emergency vehicles) as well as pedestrian/cycle links which would all be through the Persimmon development.

DETAILS OF THE PROPOSAL

3. This is a County Matter application where Rushcliffe Borough Council is a Consultee. The County Council is the determining authority for this proposal and, whilst considering the application they are also the applicant in this instance. The land is, however currently owned by private entities.
4. Nottinghamshire County Council state there is an educational requirement for a new primary school at East Leake. This is to be satisfied by the permanent provision of a new School (Outline Application 8/21/01029/CTY was approved earlier this year). The educational need for pupil places is required from September 2022, by which time the permanent school is expected to be under construction but will not be complete (completion anticipated for opening September 2023). In the interim period the school place demand is proposed to be met with a Temporary School Learning Village to provide education for up to 120 pupils anticipated to be open September 2022.
5. The application therefore seeks full permission for the erection of a 120 Place Temporary School Learning Village Accommodation with temporary access road and permanent access path, both of which would be lit. Associated areas

of soft play, canopies, car parking and surface water balancing pond are also sought as part of the proposal.

6. Public access to the temporary school site from the David Wilson Homes development off Rempstone Road would be restricted until September 2023. Public access from that site will be determined by the housebuilder build rates and subsequent availability of safe access. In planning for pupil places, Nottinghamshire County Council needs to be certain that places will be available for September 2022 to meet its statutory duty. Therefore, public access is proposed from Sheepwash Way within the Persimmon Development to the temporary school.
7. The vehicular access road is proposed as a temporary measure for the use of construction and dismantling of the temporary school accommodation and to allow access for staff, service and emergency vehicles only for the duration of the temporary school's use. It would be lit to enable year-round access to the school. It is proposed that there would be a gate with access control to restrict the access located close to the turning head at Sheepwash Way. Adjacent to the vehicular access, a pedestrian access is also proposed to be provided off Sheepwash Way. This is intended to become a permanent pedestrian access in accordance with the proposals of the outline permission for the permanent school and would form part of the access to that school. This pedestrian access joins the existing right of way which would then be enhanced to provide access into the temporary school. It would be lit to enable year-round access to the School.
8. The proposed structures would be located to the east of the public right of way and would comprises an administration block, a hall/dining space with associated kitchen and store, three classrooms with associated w/c facilities and a reception classroom, also with associated w/c facilities. Adjacent to the proposed nursery two sun canopies are also proposed which would be relocated into the completed (permanent) school at a suitable time. The temporary buildings would all be single storey, and predominantly flat roofed structures with a height of 2.9m. the structures would be elevated slightly above ground level and with the fall of the land, the maximum height above ground level would be approximately 3.3m. The structures would form a concise grouping on the site, seeking to reduce the impact of the development and to create a courtyard feel to the school.

SITE HISTORY

9. The site forms part of a wider area which has an extensive planning history, the most relevant of which is listed below:
10. Application reference 14/01927/VAR, the Persimmon Homes Scheme for the adjacent Persimmon Housing Development was approved at appeal in December 2015.
11. Application reference 16/01881/OUT for planning permission for the wider surrounding site including 235 dwellings (David Wilson Homes site), primary school, infrastructure, green space, associated surface water attenuation and landscaping was approved at appeal in November 2017.

12. Application reference 19/01770/REM - application for approval of access, appearance, landscaping, layout and scale following outline permission 16/01881/OUT for the erection of 235 dwellings (David Wilson Homes site) - approved January 2020.
13. Application reference 20/02300/REM - application for approval of access, appearance, landscaping, layout and scale following outline permission 16/01881/OUT for the erection of 235 dwellings (partial re-plan of approved application ref 19/01770/REM) (David Wilson Homes site) – approved December 2020.
14. Application reference 20/00888/FUL for the erection of an additional 51 dwellings (David Wilson Homes site) with associated access, parking and landscaping (as an extension to application ref 20/02300/REM) received a committee resolution to approve as of the 21 February 2021, subject to the completion of the S106 agreement. The S106 agreement was completed, and the application approved in July 2021.
15. Application reference 21/01029/CTY for the erection of a Primary School for up to 2-forms of entry (in phases), plus 26 place nursery with associated car parking. Associated areas of soft play, hard play, grass playing field with landscaping works. Erection of 2m high security and lit 3m shared pedestrian and cycle path on route of Public Footpath, East Leake FP5. Bound surface and lit path and bridge between Sheepwash Way was not objected to by the Planning Committee in June 2021. The County Council, as the determining authority, subsequently resolved to grant planning permission.
16. A Section 106 agreement for (planning reference 16/01881/OUT) was entered into in November 2017. Contained within that agreement was the requirement for the provision of school land.
17. The Section 106 agreement signed as part of the adjacent Persimmon Homes scheme (planning reference 14/01927/VAR) allowed for vehicular and pedestrian access to serve the school site. However, for robustness, the full traffic impacts associated with any new school were also assessed as though access is proposed to be achieved via the new Rempstone Road access junction (planning reference 16/01881/OUT). In any event, pedestrian/cycle access to the school (and the development as a whole) could be achieved via the Persimmon development.

REPRESENTATIONS

Ward Councillor(s)

18. At the time of drafting this report none of the Ward Councillors have commented on the proposal. Members of the Planning Committee will be notified of any Ward Councillor comments received via the late representations process.

Town/Parish Council

19. East Leake Parish Council advise that they resolved not to object to the application as the Council fully support the new school, but would like to make the following comments:

- a. Reassurance is needed that it will only be a temporary road and that the green space will be reinstated once completed.
- b. Measures need to be put in place to calm traffic down and to control traffic.
- c. Concern over access for emergency vehicles due to parking issues.
- d. Concerns about the increase in heavy construction traffic as already large vehicles are getting stuck in the hammerhead on Sheepwash Way.
- e. Request that No Construction Traffic signs be erected.
- f. Request that a planning condition be put in place for the access road to revert to a lit cycle and pedestrian path.
- g. Parking restriction needed near the school.
- h. Could access through the David Wilson Estate be a possibility?
- i. Access road is very narrow.
- j. Pond on the site, children's safety needs to be considered and suggest that the pond is cordoned off.

Statutory and Other Consultees

20. The Borough Council's Design and Landscape Officer does not object to the proposal subject to conditions being attached to any grant of permission.
21. The Borough Council's Environmental Health Officer does not object to the proposal subject to conditions being attached to any grant of permission.

PLANNING POLICY

Relevant National Planning Policies and Guidance

22. The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England. It carries a presumption in favour of sustainable development and makes clear that applications must be determined in accordance with the development plan unless material considerations indicate otherwise (Paragraph 11).
23. The sections of the NPPF that have relevance to the determination of this application include:
 - Section 8 - Promoting healthy and safe communities
 - Section 9 - Promoting sustainable transport
 - Section 12 - Achieving well-designed places
 - Section 14 - Meeting the challenge of climate change, flooding and coastal change
 - Section 15 - Conserving and enhancing the natural environment.

Relevant Local Planning Policies and Guidance

24. The Rushcliffe Local Plan Part 1: Core Strategy (LPP1) was formally adopted in December 2014. It sets out the overarching spatial vision for the development of the Borough to 2028.
25. The following other policies in the LPP1 are relevant:

- Policy 1 - Presumption in Favour of Sustainable Development.
 - Policy 2 - Climate Change.
 - Policy 3 - Spatial Strategy.
 - Policy 10 - Design and Enhancing Local Identity.
 - Policy 12 - Local Services and Healthy Lifestyles.
 - Policy 14 - Managing Travel Demand.
 - Policy 15 - Transport Infrastructure Priorities.
 - Policy 16 - Green Infrastructure, Landscape, Parks and Open Space.
 - Policy 17 - Biodiversity.
 - Policy 18 - Infrastructure, and
 - Policy 19 - Developer Contributions.
26. The Local Plan Part 2: Land and Planning Policies (LPP2) was adopted in October 2019 and the following policies in LPP2 are also considered material to the consideration of this application:
- Policy 1 - Development Requirements
 - Policy 18 - Surface Water Management
 - Policy 19 - Development affecting Watercourses
 - Policy 20 - Managing Water Quality
 - Policy 29 - Development affecting Archaeological Sites
 - Policy 37 - Trees and Woodlands
 - Policy 38 - Non-designated Biodiversity Assets and the wider Ecological network
 - Policy 39 - Health Impacts of Development
 - Policy 40 - Pollution and Land Contamination
 - Policy 43 - Planning Obligations Threshold

APPRAISAL

Principle of Development

27. An extant outline planning permission exists for the erection of a school building through the grant of outline planning permission 16/01881/OUT - *Outline application for up to 235 dwellings, primary school, infrastructure, green space, associated surface water attenuation & landscaping*. As part of the two adjoining residential developments currently being constructed by Persimmon Homes and David Wilson Homes Section 106 agreements have been entered into which relate to this land and the provision of the primary school.
28. The Section 106 agreement for the Persimmon development (application ref 14/01927/VAR) defined the “education contribution” as a financial sum for the first 175 dwellings from that development towards improvements at Brookside Primary School in the village, and a separate, larger amount for every dwelling over and above 176 dwellings towards the provision of “*The School*” which is defined separately in the S106 agreement along with definitions of “*The School Land*”, the “*School Land Purpose*” and the “*School Land Undertaking*”. The S106 also includes an entire schedule (the fifth schedule) which sets out the school land transfer provisions.

29. Similar to the above, the S106 agreement for the David Wilson Homes Development (application ref 16/01881/OUT) included financial contributions towards the provision of “...*primary education or primary education facilities in or within the vicinity of East Leake...*” It should also be noted that the description of development for application ref 16/01881/OUT also included reference to a primary school with the location shown indicatively on the plans within the submission.
30. Furthermore, the County Council have recently approved outline permission for a new school on the site and the Borough Council resolved not to object (via application ref 21/01029/CTY) earlier this year. The need to provide the school for the forthcoming academic year (September 2022) and the access restrictions via the David Wilson Homes housing site are the driving factors behind the need for the temporary school learning village, whilst the permanent school building is constructed on the neighbouring parcel of land.
31. For these reasons, although this is a full planning application for a temporary school, the principle of a school facility in this location is considered to be already established, and therefore acceptable.

Design and impact upon neighbouring amenity

32. Policy 10 of the LPP1 requires that all new development should, amongst other things, make a positive contribution to the public realm and sense of place and should have regard to the local context and reinforce local characteristics. Specifically, with regard to design, the policy requires that development be assessed in terms of its massing, scale and proportion, and in terms the proposed materials, architectural style and detailing. Policy 1 of the LPP2 broadly echoes policy 10.
33. Chapter 12 of the Framework 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 maintain a strong sense of place. Importantly, permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
34. The submission is a full application albeit for temporary structures/buildings on the site. The submission clarifies that the school would comprise a total of 6 buildings, 4 classrooms, 1 administration building and 1 building to serve as a hall/dining area/kitchen and store. Two sun canopies are also proposed which are intended to be relocated to the permanent school once it is completed. The proposed temporary buildings would be single storey in height, predominantly flat roofed with a height of 2.9m (maximum 3.3m above ground level) and located to create a courtyard. The buildings would be clad in painted plastisol coated steel panels although no colour is specified in the application.
35. The buildings would be located on the northern part of the approved site for the permanent school, as the permanent building will be constructed on the southern part of the site. The buildings would therefore be sited to the east of Sheepwash Way and would give a closer relationship to the adjacent housing

development and its pedestrian and cycle access. The existing open recreational land adjacent to the West creates separation from the housing on Sheepwash Way which was provided as part of that housing development (Persimmon).

36. In the context of its surrounds, alongside an approved development, the overall heights and footprint of the buildings, the degree of separation from the existing housing, and factoring in the temporary nature of the proposal, the proposal is considered to be acceptable subject to conditions requiring the removal of the buildings including their foundations, the temporary vehicular access and any associated hardstanding's within the site and restoration to its current form (or the form approved by the as yet unsubmitted reserved matters for the permanent school) once the permanent school building is capable of occupation.
37. Therefore, on the basis that the buildings are temporary the proposal is considered capable of according with the requirements of Policy 10 of the LPP1 and Policy 1 of the LPP2.

Highway Safety, Parking and Access

38. The proposed site is intended to be served by a new, temporary, service road off of Sheepwash Way in the Persimmon development. The road is proposed as a temporary measure for the use in the construction and dismantling of the temporary school accommodation and to allow access for staff, service and emergency vehicles only for the duration of the temporary school's use. It would be lit to enable year-round access to the school. It is proposed that there would be a gate with access control to restrict the access located close to the turning head at Sheepwash Way. Adjacent the vehicular access, a pedestrian access would also be provided off Sheepwash Way. This is intended to become a permanent pedestrian access in accordance with the proposals of the outline permission for the permanent school and would form part of the access to that school. This pedestrian access joins the existing right of way (footpath 5) which would be enhanced to provide access into the temporary school. The pedestrian/cycle access would be lit to enable year-round access to the school.
39. A staff car parking area is proposed to be located directly adjacent the new temporary school accommodation providing 18 spaces including two accessible spaces. Adjacent to the school would be areas of hard and soft play to cater for the school. These would be removed with the temporary building accommodation once the permanent school can be used. They comprise a turfed soft play zone and an area of hard play between and adjacent the classroom accommodation. The topography of the site is fairly level with a gradual fall from a highpoint adjacent the existing copse of trees (to the south), falling towards the watercourse at the site's northern boundary. The existing right of way (footpath 5) through the site (running broadly North/South) is to be retained and partially enhanced to form an access into the temporary school. The new access for vehicles and into the temporary school would cross over this footpath but a crossing would be provided, and the footpath would remain open.
40. Rather than re-route footpath 5, the permanent (and temporary) school proposal gives an opportunity to enhance this route and to link the school with

the adjacent housing. The applicants advise that the reserved matters for the permanent school will propose shared pedestrian cycle route running from the end of Sheepwash Way to the existing footpath. To enable this a small bridge would be required over the existing ditch adjacent the end of Sheepwash Way. The path/cycle route is a requirement of the David Wilson Homes permission already granted. The existing Right of Way would be maintained during the construction and operation of the temporary school. During the construction this may mean short diversions whilst work that covers the Right of Way are carried out. Once the temporary school is operational the Right of Way would be maintained. The applicants anticipate the construction of the shared cycleway/footpath as part of this temporary scheme, and it would then be retained to link to the completed permanent school project. For its extent described as above, the surface would be a bound type and the route would be lit to give year-round access for the school.

41. The access road is intended to be temporary for the duration of the school operation and its bound surface would be removed when the permanent school is complete. Hard surfacing is provided to access the temporary accommodation and to provide a play area. This would also be removed but some area may be retained to form a base for the potential MUGA pitch of the permanent school.
42. The County Council are responsible for both the highway network at a local level as the Highway Authority, as well as the footpath network through their Rights of Way Team. As the determining authority, the County Council will therefore have to consider the impacts on the traffic generation and as a result of the proposed new access road and footpath improvements in the determination of the application.
43. The adopted Rushcliffe Local Plan Part 1: Core Strategy advocates the reduction in car dependency and promotes the use of sustainable transport modes as a primary method of transport. The proposed permanent improvements to the pedestrian and cycle links to and from both the temporary and permanent school are therefore welcomed. It is acknowledged that the temporary vehicular access is likely to increase traffic flows along Sheepwash Way during school hours for the temporary school. However, this is a matter for the County Council to consider and assess, and the temporary nature of the application and therefore the short-term nature of any impact is acknowledged. Subject to the County Council, as Highway Authority, being satisfied with the impacts of the proposed new temporary access and the single point of access for all school pupils being via Sheepwash Way, the application is capable of accords with the requirements of Policy 10 of the LPP1 and Policy 1 of the LPP2.

Flood Risk and Contamination

44. Rushcliffe Borough Council notes the submission references a Drainage Strategy being prepared and that foul drainage would be dealt with via a pumped connection into the existing system on Sheepwash Way. The submission also states that surface water drainage would be discharged into the adjacent watercourse, via an attenuation pond as proposed and shown on the site layout. The northern edge of the site is located within flood zones 2 and 3 although the majority of the site is located within flood zone 1. None of the buildings or car parking areas proposed for the temporary school would be

located in Flood zones 2 or 3.

45. The technical guidance to the NPPF states that developments of a more vulnerable category, such as the proposed educational use, are appropriate within flood zone 1, without the application of the Sequential Test. However, as none of the built part of the site is shown within flood zone 3, the proposal would not need to be covered by the Sequential Test. Nevertheless, it is acknowledged that the parts of the development classed as more vulnerable being proposed are indicated to be located within flood zone 1 only, the proposed development site would likely be judged as sequentially preferable. Any recommendations contained within the Drainage Strategy, which was not included in the submission) should be implemented.
46. As part of a major development site, consultation with the Lead Local Flood Authority has taken place with respect to the residential developments that already benefit from planning permission. Nottinghamshire County Council are themselves the Lead Local Flood Authority and, therefore, it is advised that their views and advice in respect of the proposed Sustainable Drainage Systems should be sought.
47. The Borough Council's Environmental Health Officer has commented on this proposal advising that they do not object to the proposal subject to several conditions being attached to the grant of any planning permission. Those requested conditions include a requirement that a written report of the findings of an exploratory Site Investigation (SI) with either a generic and/or detailed quantitative risk assessment of those findings be submitted prior to any works commencing on site. This was despite the inclusion of the preliminary risk assessment submitted with that application.
48. Other conditions requested by the Environmental Health Officer for the permanent school related to testing for any stone or topsoil imported to the site; the submission of a construction management plan (CMP); controls on the hours of construction and deliveries to the site, details of any lighting to be installed on site and the noise levels for the proposed air source heat pump. It is considered pertinent to suggest these conditions be attached to the proposed temporary school.

Noise

49. Hard outdoor and soft play areas are proposed directly adjacent the school building. The land between Sheepwash Way and the proposed school creates a natural break between the school site and adjacent housing. Any potential noise impact is therefore minimised. Nevertheless, if the Environmental Health Officer notes any concerns these will be reported via the Late Representations procedure.

Ecology

50. The application references the Preliminary Ecological Assessment Report (PEAR) that was undertaken by Consultants as part of the previous Outline Application for the permanent school. Since that report and its recommendations were undertaken, reptile surveys have also been carried out which show no presence of Great Crested Newts. A further recommendation (to the outline permission) was to retain a 5m wide strip of land adjacent the

existing watercourse. This proposed learning village development does not impinge on that area other than to form an outfall from the balancing pond into the watercourse. The Borough Council's Environmental Sustainability Officer had not commented on the proposal at the time this report was drafted, however the Committee will be notified of any comments received via the Late Representations procedure.

Landscaping

51. The Borough Council's Design and Landscape Officer has commented that they would expect that when the temporary school is no longer needed, the site, including the temporary access road, should be made good including replanting any lost trees from within the open space that forms part of the Persimmon housing development. The Design and Landscape Officer also advises that they expect that tree protection measures in accordance with BS5837 should be installed whilst the site is constructed. The submission clarifies that the access to the proposed temporary school has been deliberately routed to avoid the existing copse of trees (but does not reference any trees within the open space afforded to the Persimmon development). The applicants assert that no trees are to be removed as part of the development, so a tree survey is not required. The applicants also state that, as identified in the appended Ecological assessment, there are trees of some value located along the existing watercourse, but these are not affected by this development. On the basis of the limited information provided it is suggested that any recommendation to "not object" to the proposal should be conditional on the protection of the existing trees on the site and replacement of any trees damaged or lost through the construction hereby sought.

Archaeology

52. The submission correctly states that an archaeological desktop survey was previously provided as part of the discharge of conditions for planning application reference 19/02832/DISCON in 2019 as conditioned on permission reference 16/01880/OUT. This written scheme of investigation indicated an assessment and trench to the south of the site approximately where the school building is proposed to be located. The Borough Council are a consultee on this application and, therefore, the determining authority (Nottinghamshire County Council) would need to seek the technical expertise of the relevant consultees prior to determining the application.

Conclusion

53. The principle of a school with pedestrian and cycle access from Sheepwash Way in this location is already established, acceptable and required to serve the needs of the wider residential development(s).
54. The proposal would meet an immediate demand for school places in East Leake. Without the temporary school provision, the alternative could be to bus children to schools outside the village which would not support the expanding community and require additional journeys contrary to sustainable travel objectives.
55. Nevertheless, the County Council have submitted a full application for a temporary school with a temporary vehicular access alongside the approved

permanent pedestrian and cycle links to Sheepwash Way.

56. Although the details of the proposed colour of the external materials is not clarified, on the basis that this is a temporary permission, the scale (single storey structures) over an area of 832m² and access (vehicular via Sheepwash Way with additional pedestrian cycle access alongside it connecting into Footpath 5), landscaping and appearance are considered to be acceptable subject to conditions. However, the recommendations as set out in the supporting documents, along with the technical input of the Highway Authority, the Lead Local Flood Authority and Archaeological Team are recommended to be sought.
57. The Borough Council also advises the County Council to consider the implications of the Traffic Regulation Orders in the area around Sheepwash Way in the event that such controls are not secured through the democratic process. Further consideration should be given to the impact of the construction of the development upon the biodiversity habitat of the surrounding area as well as an ecological enhancement scheme being secured as part of the development.

RECOMMENDATION

It is RECOMMENDED that the Borough Council does not object to the proposal subject to the following recommended condition(s)

1. The building(s), their foundations, all hard surfacing and vehicular access along with any items/chattels including (but not limited to) the access gates, the vehicular access lighting associated with the use hereby permitted must be removed from the land on or before 31 December 2023. The land must also be restored to its former condition by that date.
2. The development hereby permitted must not proceed above foundation level until details of the type, texture and colour of the materials to be used in the construction of the exterior of the structures hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development must only be constructed in accordance with the approved materials.
3. The development hereby approved shall not commence until the recommendations listed in the Preliminary Ecological Assessment Report (PEAR) have been undertaken and the relevant reports containing any mitigation measures have been submitted to the Local Planning Authority. Thereafter the development shall be carried out in accordance with the recommendations contained within the details and retained as such for the lifetime of the development.
4. The development hereby permitted shall not be occupied or first brought into use until a Landscaping Scheme (LS), has been submitted to and approved in writing by the Local Planning Authority. The LS must provide details of all hard and soft landscaping features to be used and include the following:
 - An accurate survey of all existing trees and other natural features showing those to be retained and those to be removed.

- Detailed plans showing the location of all new trees and shrubs to be planted, including the number and/or spacing of shrubs in each shrub bed or hedgerow.
- A schedule of the new trees and shrubs (using their botanical/Latin names) to be planted including their size at planting (height or spread for shrubs, height or trunk girth for trees).
- Plans showing the proposed finished land levels/contours of landscaped areas.
- Details of all proposed hard surfaces areas, retaining structures, steps, means of enclosure, surface finishes and any other hard landscaping features.
- Details of the protection measures to be used of any existing landscape features to be retained.

The approved LS must be carried out and completed in accordance with the approved details no later than during 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.

Once provided all hard landscaping works shall thereafter be permanently retained throughout the lifetime of the development.

The landscape protection measures shall be retained for the duration of the construction period. No materials, machinery or vehicles are to be stored or temporary buildings erected within the perimeter of the fence, nor is any excavation work to be undertaken within the confines of the fence without the written approval of the Borough Council. No changes of ground level shall be made within the protected area without the written approval of the Borough Council.

5. The development hereby permitted must not commence and no preparatory operations in connection with the development hereby permitted (including demolition, site clearance works, fires, soil moving, temporary access construction and/or widening, or any operations involving the use of motorised vehicles or construction machinery) shall take place on the site until a detailed Arboricultural Method Statement (AMS) prepared in accordance with BS5837:2012 'Trees in relation to design, demolition and construction – Recommendations', has been submitted to and approved in writing by the Local Planning Authority and all protective fencing has been erected as required by the AMS. The AMS must include full details of the following:
 - a. The timing and phasing of any arboricultural works in relation to the approved development.
 - b. Detailed tree felling and pruning specification in accordance with BS3998:2010 Recommendations for Tree Works.
 - c. Details of a Tree Protection Scheme in accordance with BS5837:2012 which provides for the retention and protection of trees, shrubs and

- hedges growing on or adjacent to the site which are to be retained or which are the subject of any Tree Preservation Order.
- d. Details of any construction works required within the root protection area as defined by BS5837:2012 or otherwise protected in the Tree Protection Scheme.
 - e. Details of the location of any underground services and methods of installation which make provision for protection and the long-term retention of the trees on the site. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, no services shall be dug or laid into the ground other than in accordance with the approved details.
 - f. Details of any changes in ground level, including existing and proposed spot levels, required within the root protection area as defined by BS5837:2012 or otherwise protected in the approved Tree Protection Scheme.
 - g. Details of the arrangements for the implementation, supervision and monitoring of works required to comply with the AMS.
6. a) Notwithstanding the Preliminary Risk Assessment from VIA East Midlands (Job No: CN2050801 dated November 2020) submitted with the application, the development (excluding any demolition) hereby permitted must not commence until a written report of the findings of an exploratory Site Investigation (SI) with either a generic and/or detailed quantitative risk assessment of those findings has been submitted to and approved in writing by the Local Planning Authority. The SI must be prepared by a suitably qualified 'competent person' (as defined in the National Planning Policy Framework February 2019) and must be in accordance with the Environment Agency's 'Land Contamination Risk Management' (LCRM).
- b) Where the findings of the submitted SI identifies unacceptable risks to human health and/or the environment, the development (excluding any demolition) hereby permitted must not commence until a detailed Remediation Scheme (RS) has been submitted to and approved in writing by the Local Planning Authority.
- The submitted RS must include:
- full details of how the contamination on the site is to be remediated and include (where appropriate) details of any options appraisal undertaken;
 - the proposed remediation objectives and criteria; and,
 - a verification plan.
- The RS must demonstrate that as a minimum the site after remediation will not be capable of being classified as contaminated land under Part 2A of the Environmental Protection Act 1990.
- c) The development hereby permitted must not be occupied or first brought into use until the site has been remediated in accordance with the approved RS and a written Verification Report (VR) confirming that all measures outlined in the approved RS have been successfully carried out and completed has been submitted to and agreed in writing by the Local Planning Authority. The VR must include, where appropriate the results of any validation testing and copies of any necessary waste management documentation.

7. Any topsoil (natural or manufactured), or subsoil that is to be imported onto the site must be assessed for chemical or other potential contaminants in accordance with a written scheme of investigation which shall be submitted to and approved in writing by the local planning authority prior to the material being brought onto the site. Only material that has been tested in accordance with the approved investigation scheme shall be imported onto the site.

8. The development hereby permitted shall not commence and no preparatory operations in connection with the development (including site clearance works, fires, soil moving, temporary access construction and/or widening, or any operations involving the use of motorised vehicles or construction machinery) shall take place on the site until a site specific Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The CMP must include details outlining:
 - Appropriate provision for the parking of vehicles within the site belonging to construction operatives and/or visitors.
 - Areas for loading and unloading plant and materials.
 - The location and appearance of any site compound/material storage areas, including heights of any cabins to be sited and details of any external lighting.
 - Measures to control the emission of dust and dirt during construction.
 - Measures for the storage/recycling/disposal of waste resulting from the construction works.
 - Any hoarding to be erected.
 - Details of the construction hours; and
 - Details of delivery hours to the site.

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

9. Prior to the construction of any of the temporary buildings being brought onto site, a scheme for the provision of Electric Vehicle Charging Points (EVCP's) must be 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 school building(s) shall not be brought into use until the EVCP's have been installed in accordance with the approved scheme. Thereafter EVCP's must be permanently retained in accordance with the approved scheme throughout the lifetime of the development.

10. Any aggregate (other than virgin quarry stone) that is to be imported onto the site must be assessed for chemical or other potential contaminants in accordance with a written scheme of investigation which shall be submitted to and approved in writing by the local planning authority prior to the material being brought onto the site. Only material that has been tested in accordance with the approved investigation scheme shall be imported onto the site.

11. Details of all external lighting (including security lighting and floodlights) [together with a lux plot of the estimated illuminance] shall be submitted to and approved in writing by the Local Planning Authority prior to its installation. All lighting will need to conform to the Institute of Lighting Engineers document 'Guidance Note 01/20 Guidance note for the reduction of obtrusive light'.

Thereafter the approved lighting shall be installed in accordance with the approved details and be retained as such for the lifetime of the development.

12. Before the uses commenced, the noise levels for the air source heat pump that is to be installed shall be submitted to and approved by the Borough Council. If this information is inconclusive or not complete, then the applicant will be required to undertake a full noise assessment in accordance with BS 4142: 2014+A1: 2019 Methods for rating and assessing industrial and commercial sound. This report will need to make it clear that the plant/equipment is capable of operating without causing a noise impact on neighbouring properties.

Informatives

- The technical input of the Highway Authority, the Lead Local Flood Authority and Archaeological Team are recommended to be sought and consideration be given to the environmental credentials of the building through the use of solar panels, grey water harvesting, EV charging points etc.
- The Borough Council also advises the County Council to consider the implications of the Traffic Regulation Orders in and around Sheepwash Way in the event that such controls are not secured through the democratic process.
- Further consideration should be given to the impact of the construction of the development upon the biodiversity habitat of the surrounding area as well as an ecological enhancement scheme being secured as part of the development.
- Consideration should be given to a dedicated vehicular drop-off/pick-up zone outside of the school, including for buses/coaches.
- Consideration should be given to the provision of a dedicated gathering area for parents/guardians etc. so as not to block the public footpath/ pavements/ cycle paths for other users at school start and end times.

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Application Number: 21/02496/TPO
31 Edwalton Lodge Close, Edwalton



scale: nts

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0021/02496/TPO

Applicant Mr Michael Davis

Location 31 Edwalton Lodge Close, Edwalton

Proposal Trees: T1 & T2 (sycamore) – Fell

Ward Edwalton

THE SITE AND SURROUNDINGS

1. The application relates to two mature Sycamore trees (identified in the application as T1 and T2) that are located in the rear garden of 31 Edwalton Lodge Close, Edwalton.
2. Edwalton Lodge Close is a linear residential cul-de-sac that was built in the late 1980's on the site of the former Edwalton Station. The development is in a pleasant, quiet location set back from the main A606 Melton Road. At its northern end the cul-de-sac is set into the former railway cutting.
3. The two Sycamore trees in question stand at the top of a large embankment section of the former railway line, on the south-west (rear) side of the house. The top of the embankment stands approximately 4 metres above the level of the garden.
4. The trees are protected by Tree Preservation Order West Bridgford No.4 1987.

DETAILS OF THE PROPOSAL

5. The application seeks consent to fell both Sycamore trees.
6. The applicant's justification for seeking consent to fell the trees is that they cause excessive shading of the neighbour's garden and, given their large size, are a danger to the applicant's house.

SITE HISTORY

7. 15/00652/TPO – Fell 1 Fir and 2 Sycamore trees. Consent granted 29 April 2015.
8. 07/00085/TPO – Remove group of multi-stemmed Sycamore. Consent granted 22 February 2007.

REPRESENTATIONS

Ward Councillor(s)

9. Both Ward Councillors (Cllr S Robinson & Cllr K Beardsall) have objected to the application, Cllr Beardsall has commented that based on the submitted

information he sees no reason why the trees need to be cut down and questions why they can't be trimmed.

10. Cllr Robinson initially commenting that in the absence of solid and justifiable reasons he does not see why the trees cannot be trimmed rather than removed. He has subsequently clarified that his objection to the removal of the trees is on the following grounds:
 - a. The removal of these trees is contrary to our climate emergency status declared by the Council.
 - b. No reference has been made to the contribution these mature trees make to the biodiversity of the environment.
 - c. No reference to the negative impact on wildlife dependent on these trees.
 - d. Replacing mature trees like this with new is woefully inadequate.
 - e. The trees could be pruned and shaped without being killed.

Town/Parish Council

11. Not applicable.

Statutory and Other Consultees

12. The Councils Design and Landscape Officer has confirmed the trees are protected by a Tree Preservation Order ('TPO') but has not objected to the proposed felling of the trees. He makes the following comments:
 - a. The trees on this estate were protected prior to it being built and over the years a common theme has arisen, that the residents based within the old railway cutting have concerns about the large Sycamore trees that are located on top of the raised embankment. As the trees sit on top of the embankment the base of the trunks are approximately 4m above the ground floor of the properties and this change in level causes concerns based around the risk and consequences of failure and also loss of light as the trees dominate the properties below.
 - b. In public amenity terms the trees along the embankment are not particularly prominent as they tend to be screened by the properties on Edwalton Lodge Close so only the very top of the canopies are visible from the road where more prominent trees on Rushcliffe land are prominent features. Views from Machin's Lane are screened by a dense hedge/line of trees. Residents of Edwalton Lodge Close were also aware that the Sharphill development was likely to take place and could consider whether the fact the trees could screen the new development would outweigh the concerns mentioned above.
 - c. In terms of this application, it is necessary to consider the amenity value the trees offer the new Sharphill housing development. The new development does increase the amenity value of the [Sycamore] trees, but in this case there is an old hedgerow within the public open space for the Sharphill development which contain a number of mature trees so the removal of the 2 Sycamore will not affect the new property owners.

- d. The past removal of similar trees has not altered public views from the Edwalton Lodge Close or Machins Lane. Mature trees will screen views from the new estate which is also providing new tree planting on the landscape buffer that runs alongside Edwalton Lodge Close.
 - e. Pruning is not likely to be a successful alternative solution as on Sycamores it will only encourage new growth and would result in trees which gradually lose their natural appearance and require work on a regular basis.
13. Whilst the Design and Landscape Officer did not initially recommend planting replacement trees, he has subsequently suggested that if consent were to be granted a condition could be imposed requiring the two Sycamore trees (a non-native species) be replaced with two native tree species that would be more suitable for the elevated embankment location and would also provide more wildlife value to the area. He has suggested a number of native tree species that he considers would be in keeping with the landscape character of the area, but his preference would be Crab Apple (*Malus sylvestris*) trees, which he advises grow up to around 7 metres tall and suit heavy clay soils. He considers this species of tree to be perhaps the prettiest native tree with white blossom in the spring (which would support bees) and red fruits in the Autumn. As an alternative he has suggested Common Whitebeam (*Sorbus aria*) trees could also be suitable. He advises that this species can reach up to 15 metres high and 6 metres wide. It also has spring flowers and red berries in the winter which are favoured by birds.

Local Residents and the General Public

14. One objection from a local resident has been received raising the following summarised points:
- a. Lack of consultation to residents on the new housing estate to the west.
 - b. Details within the application are sparse, inadequate and contradictory.
 - c. Applicant's claim of 'excessive shading to neighbour's gardens' is no ground for felling a protected tree. No claim for loss of light has been made therefore not applicable to this application.
 - d. Applicant has not stated which properties are at risk from the trees and has answered 'no' on their application form to questions asking if the trees might break or fall or if any damage has been caused to drains/driveways.
 - e. Application lacks adequate drawings/photos to show how trees impact on light or their geographical context.
 - f. Environmental impact of trees has not been considered.
 - g. Currently amid a local, national and global climate emergency.
 - h. The trees form part of a wildlife corridor which has already been affected by the adjacent development site and works to layout the designated public open space, should be a protected wildlife area.

- i. Alarmed by the number of protected trees that have been allowed to be felled along Edwalton Lodge Close in the last 15 years. The once majestic row of trees now reduced to a couple of remaining clumps.
- j. Planting replacement sapling trees would not be sufficient to replace wildlife benefits of the existing trees.
- k. The trees have immense wildlife value for bats and other wildlife.
- l. The trees filter the air, provide a sound barrier from Melton Road and are storing tonnes of CO2.

PLANNING POLICY

- 15. The Local Development Plan for Rushcliffe consists of The Rushcliffe Local Plan Part 1: Core Strategy 2014 (LPP1) and The Rushcliffe Local Plan Part 2: Land and Planning Policies 2019 (LPP2).
- 16. The overarching policies in the National Planning Policy Framework (July 2021) (the NPPF) are also relevant, particularly where the Local Development Plan is silent. Furthermore, the guidance contained within the National Planning Policy Guidance (the NPPG) is also relevant.

Relevant National Planning Policies and Guidance

- 17. Paragraph 131 of the NPPF acknowledges that trees make an important contribution to the character and quality of urban environments and requires that planning decisions should ensure, amongst other things, that existing trees are retained wherever possible. The principle of the 'right tree in the right place' is also re-iterated to ensure solutions for replacement trees are found that are compatible with, amongst other things, the needs of different users.
- 18. Chapter 15 of the NPPF relates to conserving and enhancing the natural environments. Paragraph 174 requires that planning decisions should contribute to and enhance the natural and local environment by, amongst other things, recognising the benefits of natural capital such as trees.
- 19. The NPPG advises that when considering applications for consent to carry out works to trees under a TPO, Local Planning Authorities should:
 - assess the amenity value of the tree(s) and the likely impact of the proposal on the amenity of the area;
 - consider, in the light of this assessment, whether or not the proposal is justified, having regard to the reasons and additional information put forward in support of it;
 - consider whether any loss or damage is likely to arise if consent is refused or granted subject to conditions;
 - consider whether any requirements apply in regard to protected species;
 - consider other material considerations, including development plan policies where relevant; and
 - ensure that appropriate expertise informs its decision.

20. The NPPG advises that Local Planning Authorities need to bear in mind that they may be liable to pay compensation for loss or damage caused as a result of refusing consent or granting consent subject to conditions. However, if the authority believes that some loss or damage is foreseeable, it should not grant consent automatically. It should take this factor into account alongside other key considerations, such as the amenity value of the tree and the justification for the proposed works, before reaching its final decision.
21. The NPPG also advises that in general terms, it follows that the higher the amenity value of the tree or woodland and the greater any negative impact of proposed works on amenity, the stronger the reasons needed before consent is granted. However, if the amenity value is lower and the impact of the proposed works is likely to be negligible, it may be appropriate to grant consent even if the authority believes there is no particular arboricultural need/justification for the proposed work.
22. It is important to bear in mind that the Town and Country Planning Act 1990 gives the Council the power to make Tree Preservation Orders in the interests of amenity only and the determination of applications to carry out works to protected trees (including their felling), is primarily an assessment of the amenity value of the said trees and the impact the proposed work would have on the amenity of the area. The NPPG advises that although other factors, such as nature conservation or response to climate change may be taken into account when making a TPO, however these factors alone would not warrant making the making an Order.

Relevant Local Planning Policies and Guidance

23. There are no specific 'tree' policies within the LPP1 that are relevant to this application.
24. Policy 37 of the LPP2 states that the adverse impacts on mature tree(s) must be avoided, mitigated or, if removal of the tree(s) is justified, it should be replaced. Any replacement must follow the principle of the 'right tree in the right place'.

APPRAISAL

Assessment of amenity value and impact on amenity of the area

25. As outlined above, Edwalton Lodge Close is a quiet, linear cul-de-sac development, which at its northern end is set within the former railway cutting. Along most of its eastern side the road is lined with mature trees and hedgerow forming a screen between the cul-de-sac and Machins Lane which rises up gradually to the north. Whilst there are also some mature trees in the rear gardens of the properties on the western side of Edwalton Lodge Close too, when viewed from that road, they are largely obscured from direct view by the houses within the cul-de-sac.
26. The two Sycamores in question, are both mature trees (although neither are of any great age), that stand at the top of the former railway embankment, approximately 4 metres above the rear garden of the application property. Notwithstanding their elevated position, as with the other trees on the west side of the cul-de-sac, the two Sycamores are not particularly prominent within the

street scene on Edwalton Lodge Close and it is considered they afford limited amenity value to the cul-de-sac, with only the tops of the trees being visible over the roofs of the houses on the approach to the site from the south with more direct, albeit limited views of them between the property and the neighbour at no.33 from the north. From Edwalton Lodge Close the Sycamores are also viewed in the context of the other larger trees located within the proposed Public Open Space (POS) for Zone 2 of the 'Sharphill' Sustainable Urban Extension (SUE) development to the west, which also occupy a similarly elevated position over the cul-de-sac. As such, officers consider that the amenity value that the two Sycamore trees provide to Edwalton Lodge Close and the wider area is limited and the impact of their loss would not be particularly significant within the street scene.

27. Similarly, to the east of the site views of the trees are largely obscured along most the length of Machins Lane by the dense hedgerow/treeline that runs between the two roads. Whilst there are a couple of small gaps towards the northern end of Machins Lane, from where the Sycamore trees can be glimpsed, given that the distance is in the region of 60 metres away and the trees are viewed in the context of the larger trees on the development site beyond, it is considered that the amenity value of the two Sycamores viewed from Machins Lane is minimal and the impact of their loss would not be significant either.
28. As highlighted by the Council's Design and Landscape Officer, given that the land to the west/south-west of the application site is currently being developed, as part of the wider 'Sharphill' SUE, the amenity value of the two Sycamores also needs to be considered from this direction. In this regard, that part of the SUE bordering the top of the embankment at the rear of the properties on Edwalton Lodge Close is to be laid out as public open space (POS). Within this area there would be a series of footpaths/cycle routes. The two Sycamore trees are visible from the footpaths when viewed from the north of the application site, albeit they are not quite as prominent as the existing mature trees within the POS area, which are to be retained.
29. Furthermore, the approved landscaping scheme for the POS area indicates that additional native trees and shrubs are to be planted towards the top of the embankment directly at the rear of the application site, and this will bolster the verdant appearance of the top of the embankment when viewed across the POS. In light of these factors, it is considered that the amenity value of the Sycamore trees when viewed from within the SUE site is not particularly high and given the proposed landscaping of the POS area, the impact of their loss would be limited.
30. Overall officers considered that the amenity value of the trees is not particularly high and given the generally sylvan character of the area, the impact of the trees removal upon this existing character would be negligible. It is also considered that if the application were to be granted, then a condition could be imposed requiring replacement trees be planted. As outlined above, the Design and Landscape Officer has suggested a number of native species of tree that would be better suited to the elevated embankment location and more in keeping with the landscape character of the wider area. The suggested replacements would also provide improved wildlife value in addition to enhancing the amenity of the area too.

Is the proposal justified having regard to the reasons put forward to support it?

31. Apart from a general statement about the trees causing excessive shading to their neighbour's garden and expressing their concerns that the trees pose a danger to their property, the applicant has not provided any detailed arboricultural justification for the removal of the trees.
32. Whilst they have not objected to the application, the Council's Design and Landscape Officer does not believe there to be any arboricultural reason for their removal either, although they do acknowledge that merely pruning the trees is unlikely to be a successful alternative to removal, as it would only encourage new growth that would result in the trees losing their natural appearance over time and require tree work to be carried out more frequently.
33. Notwithstanding this, given the views set out in the preceding sub-section of this report, and having regard to the guidance within the NPPG (see paragraph 20 above), in this instance it is considered that it could be appropriate to grant consent, subject to a replacement tree condition, despite there being no apparent arboricultural justification for removing the trees.

Would any loss or damage arise if consent were refused or granted with conditions?

34. Other than the general statement about the trees posing a potential danger to their property, the applicant has not submitted any evidence that the trees have caused damage to their property or that they may do so in the future. Nevertheless, in line with the NPPG, the Committee still need to bear in mind the risk of compensation if any loss or damage is caused as a result of the application being refused or granted subject to conditions.
35. In terms of any decision to refuse the application, given that the trees occupy an elevated position above the house, it is possible that were the trees to fall over they might cause damage to either the applicant's or neighbouring properties. Notwithstanding this, the applicant has not provided any evidence to suggest that there is an imminent risk of this occurring and the trees appear to be healthy. Furthermore, no evidence has been provided to suggest that the roots of the trees are affecting either the applicant's or neighbouring properties. It is also noted that in their application form the applicant has answered 'no' to questions relating to the condition of the tree and alleged damage to property. In light of this and in the absence of any evidence having been adduced by the applicant, officers consider that the risk of a subsequent claim for compensation being successful would be limited.
36. Similarly, it is considered that if consent was granted, subject to a condition requiring replacement trees to be planted, the risk of a compensation claim being successful would also be limited given that smaller, more appropriate native species of trees could be chosen that would be more suited to the elevated embankment location in the rear garden, if the Committee is minded to grant consent subject to a replacement tree(s) condition, officers suggest the replacement trees be the Crab Apple (*Malus sylvestris*) species recommended by the Design and Landscape Officer, as these would not grow as tall as the Common Hornbeam alternative suggested, yet would still provide a reasonable degree of amenity value as well as improved wildlife value to the area.

Protected species

37. In terms of requirements for protected species, it is acknowledged that the Sycamore trees are potentially capable of providing a habitat for both nesting birds and roosting bats. Ultimately, however, it is the responsibility of the applicant (as the tree owner) to ensure that protected species are not disturbed. If the Committee is minded to grant consent, it is recommended that a note be added to any decision reminding the applicant of their obligations in this regard.

Other considerations

38. Whilst the concerns in respect of the climate emergency is acknowledged, given the Governments guidance in this regard (referred to in paragraph 21 above), it is not considered that, such concerns, on their own, justify refusing the application in this instance.
39. With regard to concerns about the impact of the proposal on biodiversity/wildlife, whilst officers acknowledge that the Sycamores are likely to offer some contribution towards supporting the biodiversity of the area, as a non-native species it is considered that this contribution is not particularly significant. Moreover, having regard to the advice of the Design and Landscape Officer, it is considered that by seeking the replacement of the Sycamore trees with two native species, there is potentially an opportunity to enhance biodiversity/wildlife as well as being more in keeping with the 'native' landscape character of the wider area.
40. In terms of the other grounds of objection raised, as outlined above, the Design and Landscape Officer has advised that pruning the trees is not likely to be a successful alternative and would only encourage the trees to gradually lose their natural appearance, thereby diminishing their limited amenity value further.
41. In terms of other material considerations, policy 37 of the LPP2 does allow the removal of mature trees, where it is justified and subject to them being replaced by appropriate trees, following the 'right tree for the right place principle'. This echoes the NPPF in this regard.
42. As outlined above, it is considered that the removal of the two Sycamore trees can, in this instance, be justified. Furthermore, their replacement with native trees that would be more suitable for the embankment location and could also provide enhanced wildlife as well as amenity value could be secured by condition. As such it is considered that granting consent for the application would be compliant with both policy 37 of the LPP2 and the NPPF.

CONCLUSION

43. It is considered that the two Sycamore trees have limited amenity value and, on balance, the impact of their removal upon the amenity of the area would be negligible. Whilst the applicant has not adduced any specific arboricultural justification for the removal of the trees, given the negligible impact their removal would have on the amenity of the area, it is considered that an arboricultural justification is not necessary, in this instance. This is in line with the Government's guidance in this regard.

44. Whilst the risk of compensation being payable should the application be refused or granted subject to condition is noted, it is considered that the risk, in this instance, would be limited either way.
45. Whilst it is acknowledged that the two Sycamore trees have the potential to provide habitat for protected species, it is the applicants responsibility to ensure that no protected species are disturbed. Officers also consider that any initial loss of biodiversity/habitat could be restored in time by suitable native trees being re-planted and a condition can be attached to any consent to ensure this takes place.
46. Overall, it is considered that felling of the two Sycamore trees can be justified in this instance, particularly as the trees are not of any great age and do not provide significant amenity value to the area. In addition, it is considered that if the application were granted, subject to the suggested tree replacement condition, there would be an opportunity to replace two non-native species trees with two native species of tree that would be more suited to the elevated embankment location and would provide better amenity value in terms of the existing landscape character as well as improved biodiversity/wildlife value to the area too.
47. Having regard to the matters outlined in this report, it is considered that on balance, the application to fell the two Sycamore trees can be recommended for approval, subject to a condition requiring the trees be replaced during the first planting season (October to March) following the two Sycamore trees being felled.

RECOMMENDATION

It is RECOMMENDED that consent be granted subject to the following condition(s):

1. This consent is valid for a period of two years beginning with the date of this decision notice and the works for which this consent is granted may only be carried out once.

[In accordance with Regulation 17(4)(a) and 17(4)(b) of the Town and Country Planning (Tree Preservation) (England) Regulations 2012].

2. During the first planting season (October-March) following the felling of the two Sycamore trees, 2no. Crab Apple (*Malus sylvestris*) trees with a minimum height above ground level of 2.5 metres must be planted along the top of the embankment in the rear garden of 31 Edwalton Lodge Close. If within a period of five years from the date of planting, these trees (or any other tree planted in replacement for them) is removed, uprooted, destroyed or dies, another tree of the same species shall be planted at the same place during the next planting season (October-March).

[To preserve the amenity of the area and enhance bio-diversity having regard to policy 37 of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)].

Notes to Applicant

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