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Direct dial 0115 914 8511
Email democraticservices@rushcliffe.gov.uk

Our reference:
Your reference:
Date: Wednesday, 1 May 2024

To all Members of the Planning Committee

Dear Councillor

A Meeting of the Planning Committee will be held on Thursday, 9 May 2024 at 6.00 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



Gemma Dennis
Monitoring Officer

AGENDA

1. Apologies for Absence and Substitute Members
2. Declarations of Interest

[Link to further information in the Council's Constitution](#)

3. Minutes of the Meeting held on 11 April (Pages 1 - 2)
4. Planning Applications (Pages 3 - 86)

The report of the Director – Development and Economic Growth

Membership

Chair: Councillor R Butler
Vice-Chair: Councillor T Wells
Councillors: A Brown, S Calvert, J Chaplain, A Edyvean, E Georgiou, S Mallender, H Parekh, C Thomas and R Walker

Rushcliffe Borough
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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
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Rushcliffe Arena
Rugby Road
West Bridgford
Nottingham
NG2 7YG





Rushcliffe
Borough Council

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

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Recording at Meetings

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.

Rushcliffe Borough Council is committed to being open and transparent in its decision making. As such, the Council will undertake audio recording of meetings which are open to the public, except where it is resolved that the public be excluded, as the information being discussed is confidential or otherwise exempt

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MINUTES OF THE MEETING OF THE PLANNING COMMITTEE THURSDAY, 11 APRIL 2024

Held at 6.00 pm in the Council Chamber, Rushcliffe Arena, Rugby Road, West
Bridgford
and live streamed on [Rushcliffe Borough Council's YouTube channel](#)

PRESENT:

Councillors R Butler (Chair), T Wells (Vice-Chair), A Brown, S Calvert, J Chaplain, E Georgiou, R Inglis, S Mallender, H Parekh, D Soloman and C Thomas

OFFICERS IN ATTENDANCE:

H Knott	Service Manager – Planning
E Dodd	Planning Manager - Development Lead Specialist
J Bate	Team Manager – Monitoring and Implementation
M Hilton	Senior Area Planning Officer
A Walker	Borough Solicitor
E Richardson	Democratic Services Officer

APOLOGIES:

Councillors A Edyvean and R Walker

36 Declarations of Interest

Councillor C Thomas declared a non-pecuniary interest as Ward Councillor for application 24/00050/TPO and would remove herself from the discussion and vote for this item.

Councillor R Butler declared a non-pecuniary interest as Ward Councillor for application 23/02280/FUL and would remove himself from the discussion and vote for this item.

37 Minutes of the Meeting held on 14 March 2024

The minutes of the meeting held on 14 March 2024 were agreed as a true record and were signed by the Chair.

38 Planning Applications

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

Councillor C Thomas removed herself from the Committee and did not contribute to the discussion or vote on the following application.

24/00050/TPO - Tree: (Corsican Pine) – Fell - 53 Leivers Close East Leake Nottinghamshire LE12 6PQ

Updates

Additional representations were received after the agenda was published and these were circulated to the committee before the meeting.

In accordance with the Council's Public Speaking Protocol for Planning Committee Dr R Moul (Applicant) and Councillor J Billin (Ward Councillor) addressed the Committee.

DECISION

Consent for 24/00050/TPO - Tree: (Corsican Pine) – Fell be refused.

Councillor C Thomas rejoined the meeting.

Councillor R Butler removed himself from the Committee and did not contribute to the discussion or vote on the following application.

23/02280/FUL - Refurbishment of leisure centre premises and integrated youth club to include internal rearrangement, new entrance canopy and associated groundwork, new cycle shelter, fencing and signage, EV charge points. Also includes upgrade of mechanical plant systems to improve energy efficiency and associated substation - Cotgrave Leisure Centre, Woodview, Cotgrave, Nottinghamshire, NG12 3PJ

Updates

Additional representations were received after the agenda was published and these were circulated to the committee before the meeting.

DECISION

PLANNING PERMISSION BE GRANTED SUBJECT TO CONDITIONS, THE DETAILS OF WHICH ARE SET OUT IN THE REPORT PUBLISHED WITH THE AGENDA AND THE ADDITIONAL CONDITION 6 SET OUT IN ADDITIONAL REPRESENTATIONS.

Councillor R Butler rejoined the meeting.

39 Planning Appeals

The Committee noted the Planning Appeal Decisions report which had been circulated with the agenda.

The meeting closed at 6.58 pm.

CHAIR



Planning Committee

Thursday, 9 May 2024

Planning Applications

Report of the Director – Development and Economic Growth

PLEASE NOTE:

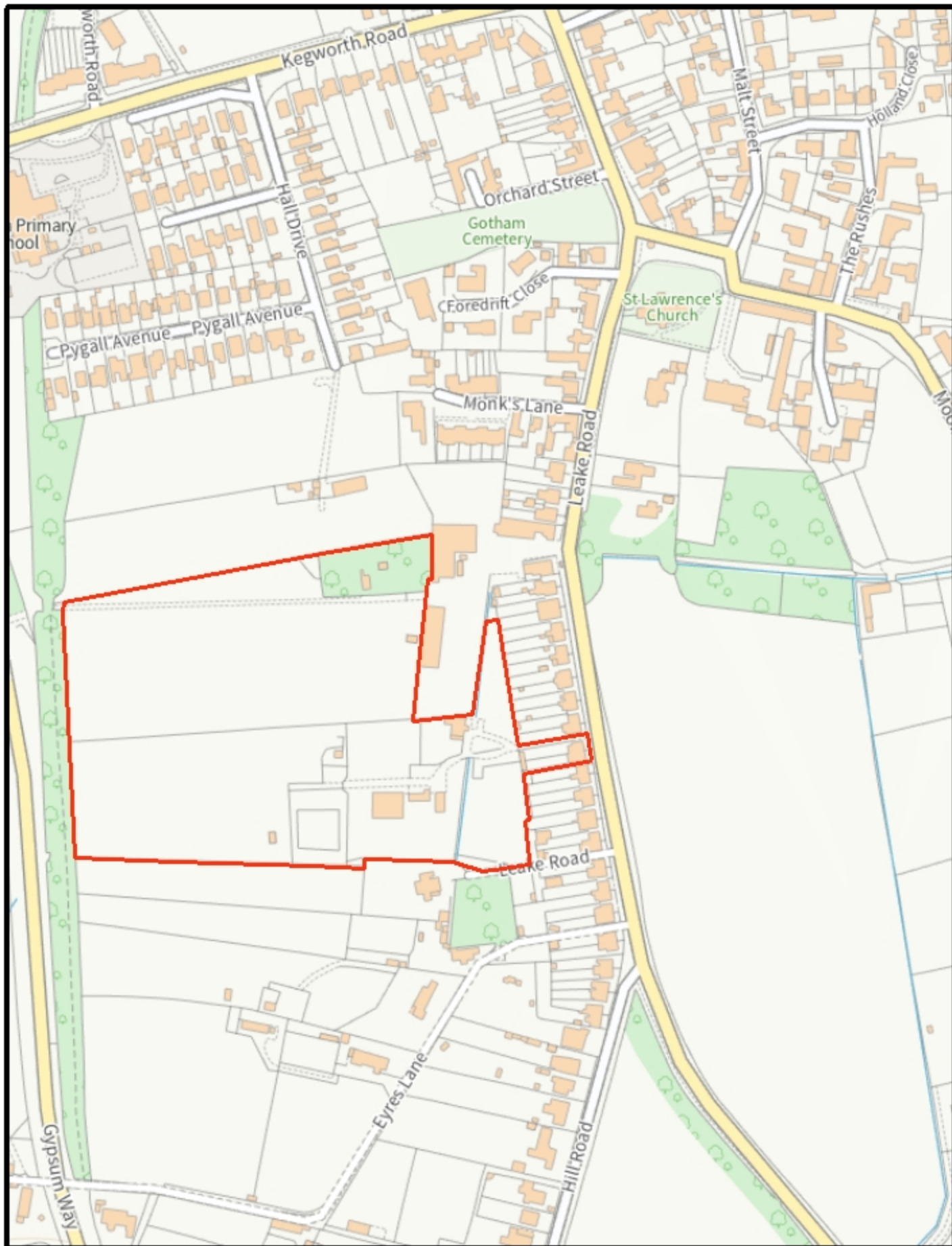
1. Slides relating to the application will be shown where appropriate.
2. Plans illustrating the report are for identification only.
3. Background Papers - the application file for each application is available for public inspection at the Rushcliffe Customer Contact Centre in accordance with the Local 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
19/02915/FUL	Land East of Gypsom Way, Gotham, Nottinghamshire	5 - 66
	Residential development of 96 dwellings with associated infrastructure, access, and areas of open space at Land east of Gypsum Way, Gotham	
Ward	Gotham	
Recommendation	The Director of Development and Economic Growth be authorised to grant planning permission subject to the prior signing of a Section 106 agreement and the following condition(s), which the Director of Development and Economic Growth is also authorised to amend to correct any matters that do go to the heart of any condition(s).	

Application	Address	Page
23/02238/FUL	Hollytree Farm, Cropwell Road, Tithby, Nottinghamshire NG13 8GS	67 - 85
	Proposed residential conversion of brick-built threshing barn, cartshed and stable building and the residential redevelopment of the balance of the former farm complex with 6no. new dwellings, including associated landscaping, car parking and access works	
Ward	Cropwell	
Recommendation	Refuse planning permission	



Application Number: 19/02915/FUL
Land East Of Gypsum Way, Gotham



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19/02915/FUL

Applicant Davidsons Developments Ltd

Location Land East of Gypsum Way Gotham Nottinghamshire

Proposal Residential development of 96 dwellings with associated infrastructure, access, and areas of open space at Land east of Gypsum Way, Gotham.

Ward Gotham

Full details of the proposal can be found [here](#).

THE SITE AND SURROUNDINGS

1. Gotham is a village to the south of Nottingham City and within the Borough of Rushcliffe. Whilst it is not identified within Policy 3 of the Rushcliffe Publication Core Strategy as a key settlement for growth, the site this application relates to is identified for the development of around 70 homes under Policy 9 of the Local Plan Part 2: Land and Planning Policies as adopted in October 2019.
2. The application site comprises in part, a former nursery, two fields and 4 residential properties of approximately 4.53 hectares. The site has a gradual slope from east to west which results in a land level increase by around 1m. There are several trees and hedgerows within the site and to the boundaries. "The Orchard" and "Field House" (both two storey dwellings) are present on the site along with several buildings associated with the former nurse use on the south-eastern section of the site. There is also a Beech tree located behind 88 Leake Road that is protected by a Tree Preservation Order (TPO).
3. To the northern and western boundaries of the site is the former bus depot which is currently not in operation. There are several large buildings on this neighbouring site, including one which forms part of the western boundary. In addition, there are fences around 1.5m high that help bound the bus depot from the application site. Within the grounds of the former bus depot there is a Grade II listed building, located approximately 50m from the application site's boundary (with intervening buildings).
4. To the east of the site are residential properties that front onto Leake Road some of which have vehicular access to the rear of the properties but in the main their parking requirements are served by on street parking on Leake Road itself to the frontage of the properties. The dwellings on Leake Road are predominantly 2 storey (some with loft conversions) and have rear gardens around 30m in depth. Most of these rear gardens have fenced boundary treatments and/or vegetation to the boundary of the application site.
5. To the south of the site, outside of the redline application area, there is a bungalow (108a Leake Road) which is set back on a long drive that takes its access between no's 108 and 110 Leake Road. Much of the southern boundary of the site is formed by fencing but transitions to hedgerow as you

go further west. The land located between the rear gardens of the properties on Leake Road and the existing dilapidated greenhouses within the site, the land is predominantly overgrown with hedgerow boundaries.

6. The western boundary of the site borders the Gypsum Way and associated disused railway line that is a Local Wildlife Site known for its botanical interest. To the north the site adjoins paddock land with Pygall Avenue, Hall Drive and Monks Lane beyond.

DETAILS OF THE PROPOSAL

7. The application seeks full permission for 96 properties and associated infrastructure and landscaping representing a density of 35 dwellings per hectare. The proposal seeks to demolish the two existing properties on the site ("The Orchard" and "Field House") together with the remaining greenhouses and other structures within the site associated with the former nursery use. In addition, to increase the width of the existing former nursery access, the application proposes to demolish two further properties (90 and 92 Leake Road) to facilitate the access. A 2.4m high acoustic fence is proposed to the north and eastern boundaries of the site that adjoin the former bus depot. The proposal also seeks to provide replacement parking to the rear of properties 82-88 and 94-98 Leake Road that would be displaced by the visibility requirements of the new access.
8. The proposal includes a mix of housing including 2 bed bungalows, 2-, 3-, 4- and 5-bedroom houses with a provision of affordable housing. The proposals includes 1.62ha of open space in the form of open space, a play area, an ecological area, where practicable the retention of trees and hedgerow, a 4m hedgerow buffer to the northern boundary, a 10m wide noise attenuation buffer to the bus depot (including the 2.4m high acoustic fence), an attenuation pond between the former bus depot and the proposed access road and swales along the southern boundary of the site.
9. The application was supported by a Planning Statement, Design and Access Statement, Heritage Report, Transport Assessment, Travel Plan, Flood Risk Assessment, Ecology Reports, Tree Report, Landscape Summary, Contaminated Land and Noise Reports, and a Utilities and Services Statement that all formed part of the submission.
10. During the course of the assessment of the application a number of revised plans and documents were received together with additional information regarding Utilities and Services, Waste minimisation and management, Acoustic Boundary Treatment, refuse swept path plans, Affordable housing, Biodiversity Metric, and acoustic fencing. Consultation exercises have been undertaken on the submission of new information/revisions/clarifications.
11. The site is allocated for residential development in the Adopted Rushcliffe Local Plan Part 2, Policy 9 – Land east of Gypsum Way/The Orchards, Gotham.
12. Members attention is drawn to the fact that viability has become an issue in the determination of this application and is addressed later in this report.

SITE HISTORY

13. The site has no recent/relevant planning history.

REPRESENTATIONS

Ward Councillor(s)

14. One Councillor (Cllr R Walker) objects to the application on the following grounds:
- a) The Local Plan Part 2 (LPP2) states that "Gotham has scope to sustain around 70 dwellings..." but this proposal (96 dwellings) represents a 37% increase above that deemed sustainable level.
 - b) Recent flooding incidents have acutely demonstrated the strain on current infrastructure, specifically the capacity of the existing surface and foul/combined water systems. Investigations into the existing issues and causes of flooding demonstrate that STW's understanding of the issues, and capability to control the network is inadequate.
 - c) The Utilities and Service Statement asserts that "*STW have also highlighted that no surface water is permitted to enter the foul/combined system.*" However, it is exactly this issue that has contributed towards sustained localised flooding in the nearby network. Until these, admittedly complex, issues have been adequately addressed, I am not able to support the application. This is because the development, regardless of any mitigation, can only worsen the already broken foul/combined water system.
 - d) Cumulative impact on the immediate road network would be severe. Leake Road has well known parking issues, coupled with excess speeds from traffic.
 - e) Not convinced that the on-site parking spaces for Leake Road properties at the rear would necessarily replace those spaces lost to the front as residents of these properties would still be afforded the opportunity to park, nearer their front doors, on-street.
15. Following a subsequent set of revisions Cllr R Walker advised that his previous objections still stood. Following a further set of revisions Cllr R Walker advised that he acknowledged that the applicants have sought to address a number of issues with previous plans, including working closely with neighbours on Leake Road to provide increased amenity for those residents.
16. However, the revised plans still do not address the original basis of Cllr R Walker's objections:
- a) Sustainability - As per LPP2 Gotham has "scope to sustain around 70 dwellings on greenfield sites adjacent to the village." 96 is 'around' 100 not 'around' 70.
 - b) Access - Notwithstanding the highways officer's comments, a simple T-junction is not appropriate for egress to Leake Road given the vehicle speeds and parking density.
 - c) Foul Water - The Village water treatment works have been visibly under pressure for months. Until Severn Trent Water explicitly confirm that the works have the capacity to cope with additional flows from the development, the development should not proceed.

- d) I further note the consultation response of strategic housing officer and concur that the split of affordable/social rental properties should be revisited.
17. As a result of the May 2023 Local Elections the Gotham Ward became a dual Member Ward with a second Ward Councillor, Cllr A. Brown elected.
18. Cllr A Brown objects to the proposal on the following grounds:
- a) Overdevelopment
 - b) Insufficient Car Parking Facilities
 - c) Highway Safety
 - d) Sewage Capacity - The lack of available sewage capacity has been given by RBC as a reason for rejection of Gotham located planning applications for over 30 years. I note, in this case, Severn Trent advise positively regarding the available sewage capacity. However, due to the numerous recent and ongoing incidents of sewage flooding into Gotham residences, that 'positive' STW response should be seriously questioned.

Town/Parish Council

19. Gotham Parish Council objected to the original submission on the following grounds:
- a) Overdevelopment
 - b) Insufficient Car Parking Facilities on-site
 - c) Replacement Leake road resident parking - incongruous that, to the North side of the proposed access T junction replacement parking is to be provided for 4 houses (nos. 82, 84, 86 & 88), whilst on the Souths side replacement parking is proposed for only 3 houses (nos. 94, 96, & 98).
 - d) Highway Safety
 - e) Sewage Capacity
20. In response to further consultation, following the submission of revised plans the Parish Council maintained their objection, further raising concerns about the capacity of the sewage systems in the village, the footway through the site and the lack of access onto a privately owned Woodland Trail on the adjoining land. The Parish also objected to the breakdown of the affordable housing provision and reiterated that they still consider this proposal to be overdevelopment.
21. In response to further consultation, following the submission of revised plans the Parish Council maintained their objection, commenting further on the drainage addendum and the validity of the statements within it, the adoption of the onsite drainage facilities, the responsibility for the culvert pipework running under the bus garage concrete in the adjacent land.
22. The Parish Council requested a full list and contact details for all riparian owners responsible for the drainage ditch leading from this site, down Moor Lane. They also raised questions regarding the sewage and the pumping station. Full details of the Parish objections can be read on the Borough Council's website.

Statutory and Other Consultees

23. Sport England advise that the proposal is not in their statutory remit but nevertheless offer advice.
24. Severn Trent Water do not object to the proposal subject to an informative note being attached to any grant of permission.
25. The NHS Clinical Commissioning Group (CCG), now known as the Integrated Care Board (ICB) request Section 106 (S106) contributions for Primary Health Care from this development. They reiterated this request as part of the subsequent consultation exercises. Officers however note that Primary Health Contributions are covered by the Community Infrastructure Levy (CIL) and therefore not through the S106 process.
26. The NHS Hospitals Trust also request S106 contributions towards the impacts on the existing hospitals and their operating costs arising from this development. Officers however advise that this is an allocated site and therefore the population growth generated by the proposal should have been planned for in the budgets set by the Hospital Trust.
27. The Trent Valley Internal Drainage Board (TVIDB) comment that no board-maintained watercourses are in close proximity to the site, but that the applicant(s) may have riparian responsibilities.
28. Notts Wildlife Trust advised that the surveys were in date at the point of submission and advised that conditions should be attached to any grant of permission.
29. The Environment Agency do not object to the proposal subject to conditions being attached to any grant of permission.
30. Notts Police offered recommendations to improve safety and design out crime.

Nottinghamshire County Council comments:

31. Highway Authority initially raised objections to the proposal seeking amendments. They also noted that the Travel Plan needed further work too. The Highway Authority continued to raise issues on subsequent submission of revised plans seeking to address their concerns. Eventually, following a number of revisions being made and clarifications provided the Highway Authority advised that they do not object to the proposal subject to conditions being attached to any grant of permission.
32. Lead Local Flood Authority (LLFA) offered no objections recommending approval of surface water management for the site and a condition being attached to any grant of permission. The LLFA have maintained this stance throughout a further six rounds of consultation on the proposal, and challenge by officers regarding matters raised by the local community, Parish, and Ward Councillors.
33. Strategic Planning requested dendrochronological investigation be undertaken for the listed building on the bus depot site and made obligation requests towards education, libraries, bus stops and sustainable travel.

The Borough Council comments:

34. Planning Contributions Officer has advised on the CIL liability for the development.
35. Planning Policy Team does not object to the proposal confirming that it is an allocated site within the Local Plan Part 2 but expressed comments regarding the quantum of development being proposed.
36. Conservation Officer does not object to the proposal and comments that the County Council's request for dendrochronological investigation on a building outside of the applicant's ownership, that is not within the site and is separated from the site by other intervening buildings would be unreasonable. The Conservation Officer also advises that there is a low risk of any buried archaeology on the site.
37. Strategic Housing Officer (affordable housing) did not object to the initial proposal and provided details of the breakdowns of affordable housing type and tenure details. They reiterated this information as part of the subsequent consultation exercises and in acknowledging the viability issues agreed to the reduced offering.
38. Community Development Manager has commented that the proposal would generate a need for on-site children's play provision, unequipped play/amenity public open space but not allotments.
39. The Waste and Recycling Officer initially requested swept path analysis be provided for the access to the site. Following their submission there was further discussion about the enforceability of Traffic Regulation Orders (Double Yellow Lines) and existing residents potential parking behaviours. Nevertheless, officers are satisfied that the information provided demonstrates that the waste collection vehicles can enter and exit the site and that the Highway Authority have not raised any objections to the issue.
40. Design and Landscape Officer does not object to the proposal noting works to trees are required and recommending that conditions be attached to any grant of permission.
41. Environmental Health Officer initially requested further information regarding the noise impacts and suggested conditions be attached to any grant of permission for contaminated land and a construction management plan. Subsequent submissions addressed the initial noise concern (with an acoustic fence) recommending that conditions be attached to any grant of permission.

Local Residents and the General Public

42. A total of twenty-one (21) representations have been received have been received over the course of the application and revisions, fifteen (15) of them objecting to the proposal. The objections cite the following:
 - a) Flooding concerns.
 - b) Drainage ditch next to Gypsum Way fills and overflows into neighbouring fields.
 - c) Site is constantly flooded with surface water.

- d) The current drainage infrastructure cannot support the existing residents, let alone new developments.
- e) Instances of flooding and untreated sewage are reported.
- f) Leake Road is a hotspot for flooding in Gotham.
- g) Wildlife, loss of habitats for protected species
- h) Noise generated by new occupants.
- i) Loss of view.
- j) Parking on Leake Road already congested.
- k) Concerns about the allocation of displaced parking spaces.
- l) Increase in traffic congestion.
- m) Traffic speeds on Leake Road will make the access unsafe.
- n) Accessibility of displaced parking to the rear of properties on Leake Road.
- o) Amount of displaced parking/visitor parking shows applicants don't understand existing parking problems.
- p) Too many dwellings – not justified.
- q) The allocation should be held in reserve for any future housing targets.
- r) Unsustainable location.
- s) Loss of trees.
- t) Houses are excessive and unnecessarily given development occurring in East Leake and Fairham.
- u) Drawing discrepancies.
- v) Resident has a family right of way across the site from Gypsum Way to Leake Road.
- w) Accuracy of statements in technical reports.

43. In addition to the above, four (4) comments marked as neutral have been received and two further responses (2) in support.

44. Full details of the representations received can be found [here](#).

PLANNING POLICY

45. The Development Plan for Rushcliffe consists of the Rushcliffe Local Plan Part 1: Core Strategy (December 2014) (LPP1), the Rushcliffe Local Plan Part 2: Land and Planning Policies - adopted October 2019 (LPP2) and the Gotham Neighbourhood Plan (GNP) adopted January 2020. Other material considerations include the National Planning Policy Framework (NPPF), National Planning Practice Guidance (NPPG) and the Rushcliffe Residential Design Guide 2009. Any decision should be taken in accordance with the adopted development plan documents.

46. The full text of the Council's policies are available on the Council's website at: [Planning Policy - Rushcliffe Borough Council](#).

Relevant National Planning Policies and Guidance

47. The National Planning Policy Framework (NPPF) includes a presumption in favour of sustainable development. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area. In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development. Decision-makers at every

level should seek to approve applications for sustainable development where possible.

48. The relevant Sections of the NPPF are:
- Section 5: Delivering a Sufficient Supply of Homes
 - Section 6: Building a strong, competitive economy.
 - 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.
 - Section 16: Conserving and enhancing the historic environment.
 - Section 17: Facilitating the sustainable use of minerals.
49. Full details of the NPPF can be found [here](#).

Relevant Local Planning Policies and Guidance

50. The Rushcliffe Local Plan Part 1: Core Strategy was formally adopted in December 2014. It sets out the overarching spatial vision for the development of the Borough to 2028.
51. The following policies in the Rushcliffe Local Plan Part 1: Core Strategy are also relevant:
- Policy 1 - Presumption in Favour of Sustainable Development
 - Policy 2 - Climate Change
 - Policy 3 - Spatial Strategy
 - Policy 8 - Housing Size, Mix and Choice
 - Policy 10 - Design and Enhancing Local Identity
 - Policy 11 - Heritage Environment
 - Policy 14 – Managing Travel Demand
 - Policy 15 – Transport Infrastructure Priorities
 - Policy 16 - Green Infrastructure, Landscape, Parks and Open Spaces
 - Policy 17 - Biodiversity
 - Policy 18 - Infrastructure
 - Policy 19 - Developer Contributions
52. Full text of the above Policies can be found [here](#).
53. The Local Plan Part 2: Land and Planning Policies (LLP2) was adopted in October 2019 and the following policies in LPP2 are also considered material to the consideration of this application:
- Policy 1 -Development Requirement
 - Policy 9 - Housing Allocation – Land east of Gypsum Way/ The Orchards, Gotham
 - Policy 12 - Housing Standards
 - Policy 17 - Managing Flood Risk
 - Policy 18 - Surface Water Management
 - Policy 28 - Considering and Enhancing Heritage Assets

- Policy 29 - Development Affecting Archaeological Sites
 - Policy 32 - Recreational Open Space
 - Policy 34: Green Infrastructure and Open Space Assets
 - Policy 35 – Green Infrastructure Network and Urban Fringe
 - Policy 37 - Trees and Woodland
 - Policy 38 - Non-Designated Biodiversity Assets and the Wider Ecological Network
 - Policy 39 - Health Impacts of Development
 - Policy 40 - Pollution and Land Contamination
 - Policy 41 - Air Quality
 - Policy 42: Safeguarding Minerals
 - Policy 43 - Planning Obligations Threshold
54. Full text of the above Policies can be found [here](#).
55. Gotham Neighbourhood Plan was adopted on 30 January 2019.
56. The following policies are applicable to the assessment of the current application:
- Policy GS1 Protective and Enhancement Measures for a Green Network, which covers footpaths, bridleways, areas of biodiversity value, locally designated green-spaces and recreation uses
 - Housing Policies - H1 Sites and H3 Affordable Housing
 - Policy T1 – Traffic Calming, Congestion and Parking
 - Policy T2 – Sustainable transport
 - Policy FL1 – Sewerage
57. Consideration should also be given to other Borough Council Strategies including the Sustainable Community Strategy, Leisure Strategy, Nature Conservation Strategy, and the Borough Council's Corporate Priorities.
58. Conservation of Habitat and Species Regulations 2017, and the Wildlife and Countryside Act (as amended) 1981 - These regulations/legislations 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 provide 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.
59. 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:

- a) 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"
 - b) There is no satisfactory alternative; and
 - c) 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.
60. The Supreme Court has clarified that it could not see why planning permission should not ordinarily be granted unless it is concluded that the proposed development is unlikely to be issued a license by Natural England.
61. The Community Infrastructure Levy Regulations 2010 (As amended) places the Government's policy tests on the use of planning obligations into law.
62. Equality Act 2010 - Under s.149 of the Act (the Public Sector Equality Duty) all public bodies are required in exercising their functions to eliminate discrimination, advance equality of opportunity and foster good relation.
63. Planning (Listed Buildings and Conservation Areas) Act 1990 the Borough Council has a duty under sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires special regard to be paid to the desirability of preserving listed buildings, their setting or features of special architectural or historical interest that they possess; and special attention to be paid to the desirability of preserving or enhancing the character and appearance of the conservation area.
64. Environmental Impact Assessment Regulations – This is a full planning application for the development for 96 dwellings and supporting infrastructure. As such it was screened under the Environmental Impact Assessment Regulations 2018. The screening opinion concluded that the proposal is not considered to constitute EIA development (as it is for less than 150 dwellings and the site does not exceed 5ha) and that matters could be adequately considered by way of general development management considerations as part of the determination of the application(s). It should be noted that the screening opinion only relates to the EIA regulations and does not imply any likely outcome of the planning application.

APPRAISAL

65. The planning process in England is underpinned by planning law requiring all applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. The Framework (NPPF) does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

66. Paragraph 7 of The Framework confirms that the purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives which are economic, social, and environmental and Paragraph 8 says that the roles performed by the planning system in this regard should not be undertaken in isolation, because they are mutually dependent. It goes on to say that, to achieve sustainable development, economic, social, and environmental gains should be sought jointly and simultaneously through the planning system, which should play an active role in guiding development to sustainable solutions.

Principle of Development

67. In considering this application, it must be borne in mind that the Council does currently have a 5-year housing land supply.
68. Policy 3 of LPP1 does not identify Gotham as a 'Key settlement identified for growth' nevertheless, the principle of developing this site for housing was established with allocation of the site under Policy 9 in the Local Plan Part 2 (LPP2) for around 70 dwellings subject to a number of requirements set out in the policy document.
69. Part of the assessment of the application is to determine whether that quantum of development proposed is acceptable on this site or not. Nevertheless, officers note that Policy 9 does not seek to place an upper limit on the number of dwellings on this site as it does not state a maximum of 70 dwellings.
70. In doing so the principle of development is accepted subject to it being satisfactorily demonstrated that the following 7 criterion (set out within Policy 9) can be satisfactorily met:
- a) Significant impacts on the amenity of new residents resulting from the of the neighbouring bus depot must be avoided or adequately mitigated.
 - b) The neighbouring Local Wildlife Site should not be adversely affected.
 - c) Green Infrastructure should deliver net-gains in biodiversity, including grassland and woodland habitats.
 - d) Sustainable drainage measures should ensure new and existing resident are not at risk of surface water flooding.
 - e) The amenity of residents should not be significantly affected during the construction and subsequent use of the highway access.
 - f) Any loss of existing on-street parking on Leake Road should be compensated through the provision of replacement parking spaces within the development. These should be located in an easily accessible location, close to those residents who have lost parking; and
 - g) It should be consistent with other relevant policies in the Local Plan.

71. Officers are satisfied that the principle of dwellings on this site has already been established through the allocation of the site within the Local Plan Part 2 (LPP2). Furthermore, officers acknowledge that 96 dwellings is a greater number than the policy figure of “around 70” dwellings, and equates to a 37% increase. If these 96 dwellings have any significant impact on the amenities/services in the settlement, drainage, and the highway network, it must be considered whether those impacts can be adequately mitigated through either planning conditions or S106/CIL contributions if appropriate.
72. The application seeks permission for 96 dwellings. Paragraph 67 of the Inspector’s Report on the Examination of the Local Plan Part 2 stated that:
73. ‘The proposed housing allocations each provide an indication of site capacity which has been used to inform the housing trajectory. So that the Plan is justified and effective, it is necessary to include within the text the basis upon which the capacity figures have been derived and to confirm that the final dwelling figures delivered would be established through the development management process’.
74. The final version of LPP2 was therefore amended to reflect these comments from the Inspector and paragraph 3.12 states that: *“In the case of certain sites, because of particular specific circumstances, an estimated dwelling capacity figure has been identified which does not necessarily follow this standardised approach. However, in all cases, the final number of dwellings on each of the allocated sites will be established at the planning application stage, following consideration of site-specific detailed design matters and any other relevant planning considerations”.*
75. The proposal results in a net developable area of circa 2.7ha at a proposed density of 35 dwellings per hectare. There is approximately 1.62ha of green infrastructure proposed, which equates to around 40% of the site. 0.2ha of the proposed site relates to associated infrastructure. It is considered that this is a reasonable scale and density of development for Gotham and provides a good balance between built development and green infrastructure. Officers also note that the proposal would result in the loss of 4 existing dwellings, thus resulting in a net gain of 92 dwellings.
76. Therefore, whilst the proposed quantum of development (96 dwellings) is over the number referred to in the LPP2 policy (around 70) it is considered that provided the scheme can demonstrate compliance with the requirements of the Local Plan then the increased number should not be considered to be overdevelopment or contrary to Policy 9 of the LPP2 and that the proposal is a sustainable development in accordance with LPP1 Policy 1 and LPP2 Policy 1.
77. The below section of the report will assess the proposal against the specific criteria of Policy 9 of the LPP2.
78. Policy 9a) Significant impacts on the amenity of new residents resulting from the activities of the neighbouring bus depot must be avoided or adequately mitigated.
79. At the time the application was submitted the neighbouring bus depot operated from early morning throughout the day, seven days a week. Suitable mitigation

measures were incorporated into the design and layout of development to ensure that the amenity of the new residents would not be adversely affected by noise. During the determination of this application the neighbouring bus depot has ceased trading. Nevertheless, officers are mindful that the bus company could lawfully continue trading from the site at any point in time, and that there are several other uses that could lawfully trade from the site without requiring any planning permission to do so.

80. The acoustic fencing circa 2.4m high along the common boundary with the site is proposed. There is also a building within the neighbouring former bus depot that forms part of the common boundary with the application site. That building would further mitigate any impacts on noise on any future residents of the proposed development should the bus depot start trading again. Furthermore, officers are satisfied that the proposed layout, separation distances from the bus depot (and existing residential properties), the orientation of new properties, landscaping and internal configuration of the proposed properties is such that, subject to conditions, the impacts of any future residents on this site would not be significantly impacted by any activities occurring on the neighbouring (former) bus depot site, or any new that could lawfully operate from that site without the need for planning permission.
81. It should be noted that if a new use of the (former) bus depot were proposed that does require planning permission then the relationship to the neighbouring land/uses would need to be considered at the time that any such application were determined. Therefore, officers advise that the proposal is considered to comply with the requirements of Policy 9a of the Local Plan Part 2.
82. Policy 9b) The neighbouring Local Wildlife Site should not be adversely affected and 9c) Green Infrastructure should deliver net-gains in biodiversity, including grassland and woodland habitats.
83. The supporting text of the LPP2 policy advises that the *“allocation is located within the Gotham Hills Ecological Network of woodland and grassland habitats. Therefore, this proposal should, where appropriate incorporate these habitats into on-site Green Infrastructure, including any buffer zones between the development, neighbouring properties, wildlife site and bus depot.”*
84. The application is a FULL application and includes details of the proposed ecological mitigation measures, provision of ecological space and a full layout of the proposed road network, properties, and their gardens for consideration.
85. The Wildlife Trust also comment that whilst the ecology reports try to achieve net gain with the provision of an ecological mitigation area in the west of the site, which is separated from the development by a new native hedgerow, they were concerned that part of northern most hedge appears to be incorporated in gardens, even though the EclA recommends a 3m buffer (para 5.1). Based on experiences elsewhere the Wildlife Trust advise that hedges can be managed inappropriately or removed by future residents. As such, the Wildlife Trust wish to be assured a mechanism is in place to ensure future protection / maintenance of hedgerows. Officers advise that this could be achieved in the form of a requirement on the legal agreement and a covenant between the property owners and the developer.

86. Much of the site currently comprises unmanaged grasslands and the proposals include establishment of wildflower meadow mix in the mitigation area, which, the Wildlife Trust advise would require careful future management (cut and remove on at least an annual basis), otherwise the proposed gain (species-rich grassland) would not be achieved. They comment that this needs to be secured through the planning process. Alongside species-rich grassland, the Wildlife Trust also recommend some of the grassland be less intensively managed, in order to replicate habitats that would be lost as such areas would be valuable to insects and small mammals. Officers advise that these matters can be addressed through suitably worded planning conditions requiring the details of the management and maintenance responsibilities of the areas in question to be pre-agreed with the Local Planning Authority.
87. Therefore, subject to a condition requiring a Biodiversity Enhancement Plan, Construction Management Plan and Landscape Management Plan with details of bat boxes or similar, bird boxes, reptile hibernacula, and a summary of ecological beneficial landscaping to be provided the Wildlife Trust do not object to the proposal. The Wildlife Trust also advise that if the ecological reports are more than 2 years old at the point at which development is due to start that the site should be re-surveyed. Officers advise that this could be conditional to any grant of permission. Consequently, officers advise that the proposal is considered to comply with the requirements of Policy 9b and 9c of the Local Plan Part 2.
88. Policy 9d) Sustainable drainage measures should ensure new and existing resident are not at risk of surface water flooding.
89. A significant area of the site is identified as being at high risk of surface water flooding. The proposal has been designed to ensure sustainable drainage systems reduce risks of surface water flooding to new and existing residents. This not only addresses the resulting impacts of the proposal but also seeks to address, or at least improve the existing issues as well.
90. The Flood Risk Assessment (FRA) that accompanied the submission goes into detail looking at the Lead Local Flood Authority's (LLFA) requirements under Section 19 of the Flood and Water Management Act to investigate all flooding incidents that occur. It states that in response to several previous flooding events within Gotham, a formal flood investigation for Gotham was undertaken. The FRA included the report into the localised, surface water flooding in Gotham following an intense rainfall event in June 2016, that resulted in road closures and the internal flooding of 17 properties in total within the village.
91. The report concluded that the flooding was attributed to several sources and contributing factors:
- a) Localised areas experiencing extreme rainfall, that could not be accommodated by the local drainage systems
 - b) Poor maintenance of local, riparian owned watercourses
 - c) Local topography which falls towards Gotham, the affected properties were located along natural flow paths
 - d) Local geology is a permeable band of gypsum that is underlain by impermeable band of mudstone. This prevents surface water runoff permeating into the ground, and creating a flow path

- e) Loss of historic drainage features, e.g. ponds and ditches from the local catchment
 - f) Prevention of highway gully cleaning by NCC/VIA due to vehicles being parked over the gully.
92. That flooding incident in Gotham was focused on several “hotspots” that included Leake Road to the east of the site. A map was included within the Report appended to the Flood Risk Assessment, which shows all the areas within the village that were affected by that flood event.
93. According to the FRA the LLFA’s report did prompt the County Council and other relevant agencies to work with the local community on flood resilience measures, and to ensure that all drainage assets are maintained on a more regular basis.
94. The Environment Agency do not object to the proposal subject to a condition being attached to any grant of permission (a stance they have maintained throughout numerous re-consultation exercises). Furthermore, the Lead Local Flood Authority (LLFA) do not object to the proposal subject to conditions being attached to the proposal. Officers have sought clarification and challenged the LLFA’s response due to the level and strength of the local concerns raised, but the LLFA have maintained their stance of “no objection” on no fewer than 7 separate occasions. Officers also advise that Severn Trent Water are not objecting to the proposal.
95. The application included a Flood Risk Assessment as part of the submission which proposed a surface water strategy for the development seeking to manage not only the surface water runoff generated by the development, but also from the surrounding catchment to the site.
96. The proposed strategy for the onsite development involves the use of a below ground, gravity conveyed surface water drainage network that would collect surface water runoff from impermeable surfaces (roofs and highways) onsite and drain down towards a basin feature that would be located towards the south-east site corner, adjacent to the existing watercourse.
97. The application proposes raising of levels onsite in order of between 1m and 1.5m to aid the conveyance of runoff down towards the proposed basin to reduce ponding of surface water in other areas of the site. Plans of the level increase and sections through the site have also been provided. The proposed basin would have a depth of 1.5m and maximum attenuation volume of 2160m³ is proposed.
98. Furthermore, the drainage strategy for the wider catchment involves a swale that would run parallel to the southern boundary and outfall into the watercourse to the south of the proposed access road. The swale would convey any runoff from offsite areas to the proposed new surface water drainage in the access road that would otherwise have previously drained to the culvert beneath the bus depot.
99. A new diversionary surface water culvert is also proposed to be constructed underneath the proposed access road and continue into Leake Road, where it would outfall into the brick culvert to the north. The purpose of the culvert is to convey surface water runoff from the open drainage network within the site that

would otherwise discharge to the drain beneath the bus depot. The new culvert would provide additional capacity over and above the bus depot drain with the intention of mitigating the existing surface water flood issues in the vicinity.

100. The Lead Local Flood Authority (LLFA) advised that they are satisfied with the proposal.
101. During the processing of the application addendums to the drainage strategy have been provided by the applicant. The latest drainage addendum reiterates that *“Sustainable Drainage Systems (SuDS) act to remove, store, re-use, and intercept runoff by mimicking the natural water cycle. This not only alleviates flood risk but also promotes benefits for water quality, amenity, recreation, health, and the local ecology”*.
102. The initial SuDS submission proposed a swale feature along the western and southern boundary to primarily capture and convey runoff from offsite areas to a new culvert structure that would outfall into the existing watercourse to the northeast. In addition, a single large basin feature that would temporarily store and treat runoff generated by the development was also proposed. Since the initial drainage strategy submission, that was submitted to the LLFA, the strategy for the site has evolved and so a re-appraisal of the proposed SuDS features has been undertaken by the applicants (despite the lack of objections from the LLFA). This re-appraisal was in accordance with the hierarchical approach outlined in the SuDS Manual (CIRIA C753). The re-appraisal amended the following features:
 - The attenuation basin has been moved to the northern side of the main access road to accommodate the onsite foul pumping station,
 - The basin has been re-shaped to include an extended section that would receive runoff from the northern section of the site. There would be a narrowed section that has been designed as a swale feature with an underdrain.
 - The swale feature in the south has been reprofiled.
 - The ditch in the east of the site will be reprofiled and the culvert beneath the access road would be upsized.
103. With regards to the Surface Water Drainage Network the original FRA report, an indicative calculation of the total attenuation volume required onsite was undertaken in the Micro Drainage Source Control module. This found that for the 1 in 100 year plus 30% climate storm event an onsite attenuation volume up to 1812m³ would be required. This was then further refined via more detailed calculations, with a detention basin sized to a depth of 1.5m that provided an attenuation volume of 2160m³ i.e., there is additional capacity/headroom over and above the storage volume required.
104. The calculation results in the Drainage Addendum show that the proposed surface water drainage network can accommodate the design flows from the development for up to the 1 in 100 + 40% climate change storm events, and the detention basin volume is shown to have sufficient capacity. The restricted discharge from the drainage network does not exceed the calculated greenfield runoff rate for the site.

105. The issues raised by the Parish Council were discussed with the applicants who prepared in response to drainage comments relating to the drainage proposals and Drainage Strategy Addendum. The response clarified that in relation to surface water:
- a) The maintenance of the SuDS features would be undertaken by a management company. This is typical for a new development such as this and is standard practice for SuDS drainage features..
 - b) The surface water discharge rate for the development, which has been determined and agreed with the LLFA, is in accordance with their requirements and standard drainage design practice. The surface water discharge would be restricted to a rate that is equivalent to the greenfield runoff rate for the site, also referred to as Q_{bar} , thereby not increasing the discharge for the new development when compared with the existing site conditions.
 - c) The onsite sewers would be adopted by the sewerage undertaker, Severn Trent Water, as part of a Section 104 agreement. The culvert under the adjacent site which is separate to the sewers, and part of the local watercourse network, falls under the responsibility of the riparian owner for maintenance, so the owner of the site would maintain the culvert.
 - d) The surface water discharge from the development would be limited to greenfield runoff rates so would not exceed the discharge from the current site. Therefore the flows in the watercourse continuing downstream would not be increased above the existing conditions.
 - e) Maintenance of the watercourse beyond the site and east of Leake Road would be the responsibility of riparian owners, and this stretch of the watercourse is beyond the boundary of the site so any maintenance would be carried out by the respective landowner(s).
106. With regards to the Parish Council's questions regarding the foul drainage & sewerage network the applicants responded to the matters raised as follows:
- a) The existing public sewer network in Gotham is maintained by the sewerage undertaker which is Severn Trent Water (STW), so they have responsibility for the maintenance of the sewers. Severn Trent has advised that the site can connect to the existing 225mm sewer in Leake Road, and that once the site has progressed through the planning process, they (STW) would undertake modelling of the foul sewer network to determine what upgrades might potentially be required to the existing sewers in Gotham.
 - b) The proposed foul drainage comprises a pumping station on the site with a connection to the 225mm sewer in Leake Road. The provision of a pumping station means that there is some flexibility in the level of the sewer pipe leaving the site up to the connection point, therefore it would be designed to avoid the existing drainage within Leake Road so as to minimise the effect on the brick culvert.
107. Officers advise that some of the above-described processes (applying for adoption of drainage etc) would only take place once an application has been

determined. Nevertheless, based on the information provided, both the LLFA and STW accept the findings within the technical reports and are not objecting to the proposal. Therefore, officers advise that as there are no technical objections to the proposal, it is considered to comply with the requirements of Policy 9d of the Local Plan Part 2.

108. Policy 9e) The amenity of residents should not be significantly affected during the construction and subsequent use of the highway access.
109. Access to the site would be achieved through the demolition of a pair of semi-detached properties (90 and 92 Leake Road) thus widening the existing entrance off Leake Road. The proposed new carriageway would be 5.5m wide, flanked on either side by a footway 2m wide, thus making the highway 9.5m wide. The resultant gap between 88 and 94 Leake Road would be wider (circa 17m), leaving a gap of 5.6m between the side boundary of 88 Leake Road and the back edge of the proposed footway. Similarly, to the side of 94 Leake Road a landscape area of 2.2m width is also proposed. This separation and ability to provide landscaping would help soften any impacts on residential amenity and officers are mindful that traffic speeds should be low at the access point as vehicles would be braking when they approach the junction when exiting the site or having just braked / slowed down to turn into the site from Leake Road.
110. Officers acknowledge that there would be a degree of disruption caused during the demolition of 90 and 92 Leake Road and widening of the access. Nevertheless, conditions requiring a construction management plan for both the demolition of the buildings, and the construction of the new highway are recommended detailing details of noise and dust suppression amongst other factors to minimalise any harm to residents' amenity. Officers are mindful that the demolition and construction phase of the development would be relatively short. Therefore, subject to the above mitigation measures and design of the access arrangements the proposal it is considered to comply with the requirements of Policy 9e of the Local Plan Part 2.
111. Policy 9f) Any loss of existing on-street parking on Leake Road should be compensated through the provision of replacement parking spaces within the development. These should be located in an easily accessible location, close to those residents who have lost parking.
112. To compensate for some loss of existing frontage parking on Leake Road, to provide the required visibility splays, Policy 9 recognises that the provision of replacement parking spaces would be required. Whilst a handful of properties along Leake Road have rear parking facilities, the majority do not, nor do they have the ability to instigate such measures. As a result, the parking for most of these properties is provided by on-street parking on Leake Road. However, the existing on-street parking is on a "first come, first served" basis, i.e., the on-street parking spaces are not allocated to properties.
113. The application proposes 8 parking spaces within the site to serve properties at 82, 84, 86 and 88 Leake Road, based on two spaces per property. These spaces would be located to the rears of 80, 82, 84 and partly to the rear of 88 Leake Road. A further six spaces, to serve properties at 94, 96 and 98 Leake Road are proposed, based on two spaces per property, to the rear of those properties.

114. Officers and the Highway Authority are satisfied with the level and location of the “displaced” parking provision. Officers also consider that the location of these new parking places would be well related to the properties most likely affected by the proposal. Nevertheless, officers acknowledge that whilst the majority of properties on Leake Road have no allocated parking, the provision of allocated spaces for the specified properties would not exacerbate the parking pressures on Leake Road despite the provision of a wider access with requisite visibility splays.
115. Furthermore, officers also consider that if any current or future occupiers of the existing properties who would have their parking options displaced were to have any mobility issues, or other disabilities, that might impact the distance they could travel to a displaced parking space to access their vehicles they would have the opportunity to comment on any Traffic Regulation Order (TRO) process (that sits outside of the planning process). In such a scenario residents would have the ability to petition the Highway Authority to provide a dedicated “disabled” parking bay in a more accessible location on Leake Road, should such a need ever arise. Finally, officers are mindful that any resident(s) in possession of a “Blue Badge” are afforded certain rights regarding the ability to park in locations that might otherwise be restricted to those not in the position of a “blue badge”.
116. Residents have commented that the provision of displaced parking does not seem equitable, with three properties (six spaces) provided on the southern side of the proposed access, but four properties (eight spaces) on the northern side. The visibility splays are calculated based on the position of the highway/junction, and as this proposed new road is “off-centre” between 88 and 94 Leake Road. Officers understand that this is why displaced parking split is proposed in this form, as it would allow the requisite visibility splays to be provided and minimise the number of parking spaces on Leake Road that would need to be compensated for. Therefore, the proposal it is considered to comply with the requirements of Policy 9f of the Local Plan Part 2.
117. Policy 9g) it should be consistent with other relevant policies in the Local Plan.

Flooding and Drainage

118. In addition to the requirements of Policy 9 of the Local Plan Part 2, specifically criterion d) “Sustainable drainage measures should ensure new and existing resident are not at risk of surface water flooding”, criterion c) of Policy 2 of the Core Strategy and Policy 17 of Local Plan Part 2; together with paragraph 173 of the NPPF are of relevance. Paragraph 173 of the NPPF which states “*when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that: a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location; b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment; c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be*

inappropriate; d) any residual risk can be safely managed; and e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.”

119. Whilst Policy 9d of Local Plan Part 2 requires the application to ensure that new and existing residents are not at risk to surface water flooding, the risk to existing and new residents from other forms of flooding is considered below.
120. The application site is shown on the Environment Agency’s online Flood Map as being within Flood Zone 1, that is land with a low probability of flooding. Buildings to be used for dwelling houses are defined as “more vulnerable” to flooding.
121. “More vulnerable” development within “Flood Zone 1” is classified as acceptable, with no exception test being required.
122. the Flood Risk Assessment considered the risk posed to the development from a range of flooding sources. It concluded that the site is not at risk of fluvial or tidal flooding (due to the sites location relative to Rivers and Oceans), and that there is no risk of flooding caused by the failure of a canal or a canal retention structure. Furthermore, the FRA states that the risk of Ground Water Flooding was low and would have a minimal impact on the proposed development.
123. The Environment Agency publish pluvial (surface water) flood maps that the Flood Risk Assessment includes. The Surface Water mapping shows that the site is prone to flooding and that the surface water flood risk appears to be due to a combination of factors that include the local topography, capacity of existing drainage features, and underlying soils and geology. The FRA explores each of these elements in details along with measures to mitigate and manage surface water runoff on site.
124. The Flood Risk Assessment (FRA) states that with regards to sewer flooding, Severn Trent Water STW are responsible for the sewer assets for the site and the surrounding area. The FRA notes that STW confirmed that the existing foul network surcharges monthly with a series of reported flooding incidents occurring along the network. However, the FRA goes on to state that “further consultation with Severn Trent has confirmed that the foul flows from the development can be accommodated in the sewer system and will not increase the flood risk in the downstream sewer network.” Officers can further advise that the Severn Trent Water were consulted as part of the application and advise that they do not object to the proposal. Therefore, there is no technical objection to the proposal or any indication that the proposal would exacerbate any existing problems regarding sewer flooding.
125. The FRA states that the *“risk of flooding to the site from a variety of sources has been investigated and it is deemed that there is a relatively low risk posed to the site. The site is located within Flood Zone 1 but is at risk from surface water flooding attributed to overland flows caused by a combination of topography, the underlying site geology, and the under capacity of existing site drainage.*

To mitigate against this, a series of recommendations taken from the NPPF, local planning and the Non-Statutory Technical Standards for SuDs guidance have been put forward”. The mitigation highlighted in those documents can be secured through conditions attached to any favourable recommendation.

126. Based on the information provided, and the specialist advice given from statutory consultees, it is considered that the proposals to construct 96 dwellings on the site would not increase flood risk elsewhere and would include mitigation measures which protect the site and manage any residual flood risk. As such the development therefore complies Criterion c) of Policy 2 of the Core Strategy, Policy 17 of Local Plan Part 2, together with paragraph 167 of the NPPF.

Viability

127. In May 2021, 18months after the initial planning submission, the agents submitted a "Development Viability Appraisal" for the site. The Headline Points were as follows:
- a) Several viability scenarios were tested by the applicants and are presented within a Development Viability Appraisal; those scenarios sought to demonstrate how differing levels of affordable housing provision affect the land value of the site.
 - b) In addition to this, a threshold land value had been determined and evidenced within that Appraisal; that value was deemed to represent the minimum price that a willing and informed landowner would reasonably accept to dispose of a long-term asset in this area.
 - c) The Appraisal indicated that for every 1% affordable housing provision, the net land value was decreased by approximately £72,000. Therefore, to achieve the required threshold land value, the affordable housing would need to be reduced to approximately 6.50% (at the compliant tenure split) to make the scheme economically viable.
128. The agent also advised that Davidsons have gone above and beyond in terms of seeking to work with the residents, Parish Council and Neighbourhood Plan Group to bring them on-board with the proposed development and leave them feeling that the proposed development would be a positive addition to the village. They state that *"From the early stages of the Local Plan Part 2 preparation right through to the latter stages of the planning application process, Davidsons have met on numerous occasions with these stakeholders and genuinely sought to explore options to overcome their concerns."*
129. That process has led to some significant features being incorporated into the layout plan, as well as some significant off-site exploration and works being carried out which the agent advises include:
- a) *"Creation of large, attractive parking areas to accommodate displaced parking from along Leake Road."*
 - b) *Re-landscaping of Leake Road gardens to facilitate easy access to the new parking areas.*
 - c) *Significant upfront spend on existing drainage problems within the village around Leake Road, the Bus Depot and further downstream.*

d) *Proposed regrading of the whole site to allow the creation of a more suitable drainage system, despite the fact that the LLFA and Severn Trent were content with the original site drainage solution.*

130. The agent advised that there are other factors that have negatively affected the land value, and these are duly explained in their Appraisal document, but can be summarised as follows:

- a) Abnormal foundation requirements.
- b) Retaining structure requirements.
- c) Part L (Building Regs) "Future Homes" costs.
- d) Required works to the existing culvert under Leake Road to mitigate the existing flooding issues.
- e) Foul outfall costs and foul pumping station owing to the levels.
- f) Required earthworks and raising of the existing levels owing to the drainage requirements and topography.
- g) Open space and ecological requirements.
- h) Additional on-site parking to compensate for the displaced provision on Leake Road.
- i) Works to the existing properties on Leake Road, which relates to the additional parking requirement and covers rear gates, landscaping, fencing, and paving etc.
- j) Surface water drainage requirements and ditch course crossing.
- k) High up-front costs.

131. The Agent also wished to emphasise that "*...it is important to Davidsons that both officers and members are aware that the overriding factors that have negatively impacted upon the land value (and thus the provision of affordable housing) are works and/or proposals that have been carried out to help the development positively assimilate into the village, as well as actually creating betterment in the village in terms of the risk of flooding from surface water*" and that "*this is unique amongst house-builders in my experience*".

132. The agent also sought to emphasise that "*Davidsons do not want this to be perceived by members and the local community, as so many viability challenges unfortunately are, as an easy option to reduce costs to the benefit of profit margin or land value.*"

133. As is common practice, The Borough Council sought independent assessment of the applicants Financial Viability Assessment (FVA) and sought to recover the costs of that independent assessment from the applicants. As the FVA contains financial information the documents and assessments are not in the public domain as they contain commercially sensitive information. Nevertheless, the Borough Council's independent assessor had full access to

all the documents provided and sought additional information from the applicants as part of their scrutiny of the viability assessment. The Borough Council's independent assessment of the applicant's Financial Viability Assessment (FVA) was provided in September 2021.

134. That report assessed the applicant's FVA, and additional information, provided by the applicant, regarding the scheme construction costs, sales values, and benchmark land value. The Borough Council's Independent Assessor concluded that the proposed development could viably support affordable a higher percentage of affordable housing than the 6.5% being proposed.
135. Following further submissions by Davidsons. The Borough Council's Independent Assessor advised, in July 2022 that the scheme stops being viable at the point of provision of 6.5% affordable housing plus £398k, which would result in a total of 9 affordable dwellings based on the following:
136. There are 96 dwellings proposed. Four dwellings already exist on the site. That's a net gain of 92.
 - 6.5% of 92 = 6
 - £398k buys 3 dwellings.
 - 6+3= 9 affordable dwellings on site

There was further discussion about the mix of the 9 affordable dwellings and the potential provision of "First Homes".

137. The applicant subsequently confirmed that they were happy to provide 2 first homes, 4 shared ownership properties and 3 affordable rent properties. The Borough Council's Housing Strategy and Development Team Leader subsequently confirmed that they would accept this mix.
138. It is acknowledged that there has been a passage of time since the independent assessor working on behalf of the Borough Council arrived at their conclusions. However, the reality is that if the site were to be re-assessed for financial viability now, that the situation is highly unlikely to have improved since the last assessment. In fact, there is a very real risk that if it were to be reassessed that the situation may have worsened due to global events, and rising costs. In such a situation it is likely that the Borough Council would be faced with considering a further reduction of affordable housing and potentially other contributions that could be justified. It is for this reason, in trying to secure the best possible scheme for the community that officers have not requested that the site be finically reappraised.

Health and Wellbeing

139. 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.

140. The provision of open and green space is proposed as part of the development, which would support these policy ambitions. Furthermore, the sites' sustainable location (as accepted by the Local Plans Inspector through the assessment of the site at that stage) within the heart of village with access to its existing services and facilities and the surrounding countryside. The site's location would therefore support the ability of less mobile members of the population to achieve this aim. The proposal is therefore considered to accord with the requirements of the abovementioned Policies.

Access and Highway Safety

141. The site would be served by a one single vehicular point of access off Leake Road, which currently serves as a vehicular access to the former use of the site. This existing access would be widened, which would be facilitated by the demolition of 90 and 92 Leake Road. Access is proposed via a simple priority-controlled T-junction on Leake Road. Visibility splays of 2.4m x 43m have been detailed as being achievable (which the Highway Authority have accepted). The impacts of the proposed access, and its relationship to the existing, neighbouring properties has already been addressed above.
142. The Highway Authority also advised that the methodology within the Transport Assessment was accepted, and the results of the highway impact assessment confirms that the development would not result in a severe impact on the highway in terms of traffic generation.
143. The Highway Authority also commented that the principle of the site access arrangement is acceptable, subject to the S278 detailed design process and subject to conditions being attached to any grant of permission that they do not object to the design and layout of the proposal on highway safety grounds.
144. The Highway Authority have requested a survey of the road pre-commencement and post-completion to assess any damage caused by the development over and above normal wear and tear. However the developer has put forward reasons why they feel this would not meet the tests for conditions of reasonable or necessary to make the development acceptable and, on balance, officers have not recommended this condition form part of the approval.

Traffic Regulation Order (TRO) Process

145. Officers sought clarification on the Traffic Regulation Order (TRO) process with regards to the proposed double yellow lines outside 82-98 Leake Road, and on the opposite side of Leake Road and whether an objection from residents means the TRO application would fail.
146. The Highway Authority confirmed that the scheme (of works to the highway) would be designed by the applicants and then consulted on with the Highway Authority. Depending on the number of objections (more than 3), the TRO application may need to be considered at committee. Much like the Planning Committee, any TRO application would be assessed on its merits, but the committee could approve or refuse the application for the TRO. If the TRO is accepted then once the decision is made, legal progress and the order is

made. It should be noted that the TRO process sits entirely outside of the Planning process.

147. The Highway Authority have explained that a Traffic Regulation Order (TRO) sits outside of planning and is a separate process and that this was recently tested at a public enquiry (by the County Council). Counsel advised them that the Highway Authority are perfectly within their rights to refuse a TRO regardless of planning permission being granted. Nonetheless, in that instance the Inspector was content to allow conditions for works which required a TRO because they were considered necessary to make the development acceptable in planning terms. The Highway Authority commented further that:
148. *“In this case the TRO is required to provide the requisite visibility to make the access safe and therefore make it acceptable in planning terms. Without it we wouldn’t recommend approval of the application and a negatively worded condition is considered appropriate to achieve this.”*
149. Taking into account the above, the Highway Authority has no objections to the proposal subject to a s106 request towards Travel Plan monitoring and a number of conditions being attached to any grant of permission.
150. Officers are therefore satisfied that, subject to suitably worded conditions, the proposal accords with the requirements of Policy 1 (Development Requirements) of the LPP2 which seeks to secure, amongst other things, a suitable means of access for all new developments without detriment to the amenity of adjacent properties or highway safety and the parking provision in accordance with the advice provided by the Highway Authority.

Landscape / Visual Amenity

151. As previously described, the site is currently a mixture of undeveloped land and a former garden centre / nursery use. The site comprises a mix of arable grassland, trees, hedgerows, two detached dwellings and structures related to the former garden centre / nursery use. There are also two further dwellings on Leake Road (90 and 92) that form part of the proposal site.
152. Consideration has been given to the impact of the access arrangements, and the principle of developing the site for 96 dwellings on the visual amenity of the area. The application included a Design and Access Statement (D&S), an Arboricultural Assessment Report, and Landscape and Visual Baseline Report. There are no trees or hedgerows along the site’s frontage Leake Road, which predominantly comprises two storey dwellings, although the disused railway line that is a Local Wildlife Site, is located to the rear (west) of the site and comprises a wide belt of dense trees and shrubs.
153. The Borough Council’s Senior Design and Landscape Officer has been consulted and advised that retaining the hedgerow, where it runs across the biodiversity area at the west of the site, and the fact that some additional trees along the northern edge of the balancing pond would be positive from an aesthetic and biodiversity point of view. Whilst the submitted landscape and visual baseline isn’t a full Landscape Visual Impact Assessment (LVIA), it is based on best practice and is appropriate for this site. The Senior Design and Landscape Officer also advised that they do not dispute its findings and in principle they are not against development taking place on this site from a

landscape perspective. The agents have confirmed that the revisions to the initial layout have not affected the conclusions of the professional reports, a view that the Senior Design and Landscape Officer has not disagreed with.

154. The Senior Design and Landscape Officer advised that the Arboricultural Assessment Report contained the level of information they expected. The only BS5837 Category A (the best quality) tree is the Beech (to the rear of 88 Leake Road), which is protected with the Tree Preservation Order (TPO) and is to be retained. There is one Category B tree (which is not protected) shown to be removed, but this doesn't appear to be visible from public vantage points, so the Senior Design and Landscape Officer does not object to this, as it would not fulfil the criteria for protection by TPO.
155. The other trees on the site are all Category C or U and given the secluded nature of the site they are not considered to be especially important (or candidates that would fulfil the criteria for TPOs) by the Senior Design and Landscape Officer. They do however note that the TPO'd Beech tree would need a 3m crown lift, which they don't object to, and as these works are specified in the application and required to implement the development, they could take place without the need for a separate TPO application if this permission were to be granted. The location of the indicative protective fencing details provided are appropriate, however, an arboricultural method statement detailing the protection measures in more detail, i.e., sequence of events, details of the fencing/signage and on-site supervision should be conditional to any grant of permission.
156. The Senior Design and Landscape Officer also comments "*...ideally trees and sections of hedgerows to be retained would be agreed before a decision, if not, we will need to condition and detail further information before any tree removal takes place. A detailed landscape plan will be needed as well as a management plan.*" Officers advise that all the details requested by the Senior Design and Landscape Officer, along with a detailed landscape proposal for the site, can be secured by conditions attached to any grant of permission.
157. Having reviewed the most recent submissions the Senior Design and Landscape Officer advised that when they assessed the site and made a TPO to protect a good quality Beech tree it was considered that it would also make an impressive entrance feature to the site. They also clarified that they didn't choose to protect any of the other trees and at that time as they were simply not visible from public vantage points.
158. The only difference to tree retention, due to the revised layout, is T10, a Cherry. This was originally shown to be retained but is now within the footprint of plot 2. The Senior Design and Landscape officer suggests that now the site of the balancing pond is being replaced with a pumping station and play area it should be possible to seek appropriate replacement planting for this tree in a prominent part of the site adjacent to the main access road. They further commented that "*Whilst the loss of the tree is not ideal, the original layout was not ideal and in time the tree would have conflicted with the adjacent property. Getting some succession planting in locations where trees can grow to maturity will be positive*".
159. The Senior Design and Landscape Officer reiterated the need to condition a full arboricultural method statement, including tree removal and retention,

protection measures in accordance with BS5837, location of underground services and details of any surfacing works within retained tree's root protection areas. They also clarified that a detailed landscape plan would also need to be conditioned.

160. The application is therefore, subject to suitably worded conditions, considered to accord with the requirements of Policy 16 of the Rushcliffe Local Plan Part 1: Core Strategy and with Policies 1 (Development Requirements) and 37 (Trees and Woodland) of the Rushcliffe Local Plan Part 2: Land and Planning Policies which seeks to secure a suitable means of access for all new developments without detriment to the amenity of adjacent properties or highway safety and avoid adverse impacts through the loss of trees on site.

Design and neighbouring amenity

161. The issues of impact on amenity due to the (former) neighbouring bus depot and on the existing residents either side of the proposed access to the site have already been addressed elsewhere in this report.
162. The proposed quantum of development i.e., for 96 dwellings, whilst above the "around 70 dwellings" as stated in Policy 9 of the Local Plan Part 2, has also previously been addressed elsewhere in this report.
163. The proposed layout, at a density of 35 dwellings, is considered to result in an appropriate density of development whilst providing suitable levels of amenity space (private and public) for the future residents. The density is also considered to represent an efficient use of land as required by paragraphs 123 to 130 of the NPPF. The layout and design of the properties closest to the existing rear gardens of properties on Leake Road, and to the other properties that adjoin the site are considered to respect the amenity of these existing residents through design (use of bungalows), orientation of proposed properties and the separation distances to existing dwellings.
164. Sections through the site have also been provided to demonstrate the heights (due to the raised ground levels to address the issue of surface water flooding) of the proposed dwellings demonstrating their relationships to existing dwellings and neighbouring uses to the application site are acceptable. Due to separation distances, orientations of dwellings relative to one another and the opportunity for landscaping the proposal does not result in any material overbearing, overlooking or overshadowing impact on neighbouring residential amenity due to the scale of the properties and their relationship with neighbouring dwellings.
165. In respect of noise and disturbance, a noise assessment has been submitted to consider the potential impact of the (now former) bus depot with acoustic fencing being proposed to mitigate any harm from noise generated by that neighbouring site / lawful use.
166. The Borough Council's Environmental Health Officer (EHO) confirms that the application is supported by a 'Proposed New Residential Development Report on Existing Noise Climate Revision 2 (dated 12th December 2019)', an Acoustic Mark-Up Site Layout Plan dated 20th February 2020, an Addendum and Acoustic Marked-up Site Layout Plan (Rev H) dated 7th January 2021.

167. The noise assessment assumed that the boundary fence with the adjacent commercial premises (on the eastern boundary) was a minimum height of 2.4m and that the nearest facades were set back 10m from the boundary. As a significant period had passed since the original noise assessment was undertaken and given the potential for the increase in land levels to impact on the findings and proposed mitigation measures, the EHO requested a further updated addendum to the Noise Assessment be undertaken, and that this can be secured by condition.
168. However the applicant was concerned this would place an unnecessary burden on the development and potentially delay commencement, the original survey was undertaken when the bus depot was in situ and as such any subsequent survey would arguably find reduction in noise. On balance, officers accept this and propose to condition mitigation in line with the original noise assessment.
169. The Environmental Health Officer also requested that in order to control and manage noise, dust emissions and overall air quality during the construction phase of the development conditions be imposed requiring a Construction Management Plan, together with details for the control of noise, dust and vibration from piling works. Restricted demolition and construction hours are also suggested by officers to minimise any impact on the amenity of existing residents living in proximity to the site.
170. It is considered that these suggested conditions are justified would provide measures to protect neighbouring amenity to accord with the broad policy requirement to ensure that there is no significant adverse effect upon the amenity, particularly residential amenity of adjoining properties or the surrounding area as detailed in Policy 1 – Development Requirements of the adopted Rushcliffe Local Plan Part 2: Land and Planning Policies.

Contamination

171. The NPPF (Section 15) requires that decisions should ensure that a site is suitable for its proposed use considering ground conditions and any risks arising from natural hazards or former activities.
172. The application is supported by a report prepared by GRM Development Solutions 'Phase I Site Appraisal (Desk Study) (Project Ref: P8918 Rev A; dated 3rd December 2019)'. The report has been thoroughly assessed by colleagues in Environmental Health who advise it identifies some potential contaminant linkages associated with the previous use of the land. The report therefore concludes that further work is required to inform the refinement of the initial conceptual site model. The Environmental Health Officer advises that the requirement to raise land levels would have an impact on the findings of the above referenced report. Therefore, to ensure the site is suitable for the proposed sensitive end use, and there is no unacceptable risk to human health and/or the environment, they recommend that a condition requiring an updated Preliminary Risk Assessment (PRA) on the nature and extent of any contamination affecting the site, and whether or not it originates from the site, be submitted to and approved in writing by the Local Planning Authority is attached to any recommendation to grant permission.
173. The Borough Council's Environmental Health Officer (EHO) also advises that if the PRA Report confirms that "contamination" exists, a remediation report

and validation statement would also be required. In addition, they recommended that if any materials brought to site for use in garden areas, soft landscaping, filling, and level raising shall be tested for contamination and suitability for use on site. Officers advise that all these requests can be addressed by suitably worded conditions.

174. It is therefore considered that the site can be developed subject to any potential remediation and conditions are proposed in respect of this. This is not unusual, and it is not considered that this prevents residential development on the site and will ensure compliance with the requirements of Policy 14 (Environmental Protection) of the Local Plan Part 2 Land and Planning Policies and with Section 15 of the NPPF.

Appearance

175. The proposed housing development would be comparable with the density of other modern residential developments elsewhere in the Borough with a density of 35 dwellings per hectare. As previously stated, the site is largely set back from the public vantage points of Leake Road, Hall Drive, and Pygall Avenue by the existing residential development that fronts onto these roads. The site is also well screened to Gypsum Way, to the sites and south -west and west by the dense, mature belt of planting. As such, the proposed development would be read against a foreground of the existing built form from areas to the north, east, and south, south-east that are afforded fleeting glimpses of the site. Similarly, when viewed from the medium to long range views to the north, south and west the site would be read as a foreground to the existing development of the village.
176. The submission includes a detailed layout of 96 dwellings providing information regarding the building heights, separation distances, plot and garden sizes, amenity spaces and locations for infrastructure (such as roads, drainage, and biodiversity/ecological areas). Full details of the layout and designs of the properties and streets have also been provided.
177. The application includes a mixture of 1-to-5-bedroom houses, ranging in heights from 5.3m to ridge for the bungalows to 9m high (to ridge) for two storey dwellings. This provision includes a variety of different house types including terraced, semi-detached, and detached dwellings as well as bungalows. The site would deliver a significant proportion of green infrastructure, comprising over a third of the site area (1.62ha). The residential area is 2.71ha of developable area with 0.2ha of associated infrastructure. It is proposed that 96 residential dwellings be constructed on the site with a mixture of market and affordable housing.
178. The details provided are for traditional housing with detailing incorporate chimneys that are proposed on corner and landmark buildings and enhance the roofscape by adding variety. The use of what appears to be sash windows, stone heads/cills, front gable, and varied entrance features, would lead to a high-quality built environment being created. The materials proposed for the site appear to be of a high-quality for both external fascia and roofing, to the use of wooden porches, eaves detailing and barge boards. Predominantly the proposed materials through the site would be red brick and grey roof tiles. Feature buildings are proposed at key location (largely around road junctions and the central green space) within the development.

179. There are several green spaces across the site proposed with a play area and surface water attenuation located upon arrival into the site on either side of the road. To the west a Biodiversity Area, which would not be accessible to the public as this would be protected for wildlife and ecological enhancement, is proposed. In addition, a swale/ ditch is proposed along the southern boundary which also form the buffer to the existing hedgerow along the boundary. A 4m high hedgerow buffer is also proposed along the northern boundary of the site.
180. The proposed dwellings would be located to sit at a slight angle to sympathetically address the view upon entering the site. From this point the primary route continues through the site creating angles and vistas which would give an informal character to the scheme that is considered to be in keeping with the village context.
181. In terms of the wider context, the application proposes a continuous footpath from the proposed new vehicular access, along Leake Road into the centre of the village. It is proposed that all junctions have dropped kerbs, with tactile paving to facilitate pedestrian movement (subject to final designs being agreed by the Highway Authority). A footpath is also proposed through the site, from the entrance at Leake Road weaving through to the northwest corner of the site past the play area and central green. This pedestrian route would preserve the opportunity for a future pedestrian access to continue through the site to the linear woodland and Logan Trail which is an aspiration of the parish council.
182. Officers are satisfied that the site can accommodate the 96 dwellings proposed and that the appearance would be acceptable and be capable of integrating with the surrounding built form and open countryside.
183. The application is therefore considered to accord with the requirements of Policy 1 (Development Requirements) of the LPP2 which seeks to secure that proposals would not impact on the amenity of any adjoining properties, provides a suitable means of access, provides sufficient space for ancillary amenity and circulation space, is of a scale, density, height, massing, design, layout and is constructed from suitable materials that are sympathetic to the area, as well as addressing other matters including but not limited to noise, impacts on wildlife, landscape character, heritage assets and energy efficiency requirements.

Heritage Assets and Archaeology

184. The Borough Council's Conservation Officer reviewed the proposals advising that they had considered Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990.
185. Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
186. The site is not located in a Conservation Area and is not within an Archaeological Alert Site zone. However, features including a ridge, furrow and

boundary bank of unknown dates were identified in the Village Earthwork Survey III and are present on the Nottinghamshire HER (MNT9977 and L10076) in the area of the known modern trackway or boundary to the site's north end. The Heritage Desk-Based Statement provided with the application includes details of archaeological implications for the site (as required by the NPPF).

187. The site does not contain any listed structures itself. A Grade II listed, single-storey originally timber-framed red-brick, render and slate roof barn is found nearby: described as 'Store at South Notts Bus Depot (M17, Post Medieval to Modern - 1635 AD to 2000 AD in the Nottinghamshire Heritage Environmental Record (HER)).
188. The Council's Conservation Officer advises that they do not have any heritage or archaeological concerns about the proposal. The site has been in agricultural use for many years including the medieval and post-medieval periods, with a horticultural nursery and garden centre located on part of the site in the twentieth Century. The western site boundary is delineated by the former Gotham branch railway line that served the Plaster Mill to the north and the gypsum mines to the south, that is now in use as a pathway. There are no designated heritage assets within the site.
189. The Heritage Desk Based Assessment provided with this application outlines a low potential for significant Roman, medieval, and post-medieval archaeological deposits. The Borough Council's Conservation Officer agrees with this assessment. No previous archaeological works are recorded within the site or the immediate vicinity. The Conservation Officer also advises that "*The ridge and furrow of earlier agricultural practices is now lost, probably due to modern farming methods; if buried furrows have survived it is likely that they would be of limited archaeological significance. An investigation into historic maps of the area has shown the boundary bank earthworks to have likely arisen as a modern trackway or boundary*".
190. In assessing any potential impact and harm to the significance or setting of the listed barn officers note that the site is approximately 4.6ha and that the listed barn is located approx. 46m from the north-eastern most edge of the site and, where the site forms a triangular area behind the extant housing, this measures c. 45m. Officers also note that the Heritage Desk Based Assessment records this as 50m but the difference in distances is not significant on the assessment. Importantly, investigations undertaken as a part of that report have revealed no recorded documentary or cartographic evidence for a historic association (for instance, of land ownership) between the asset, which is a former barn, and the site and so there is no key relationship to be interrupted and no interference with an element of the heritage asset's setting that contributes to its significance.
191. The layout of the proposal is such that the dwellings would be at a distance from the listed barn and the barn itself is divorced from the application site by a modern bus depot building. As such the site and the barn lack intervisibility. This arrangement has existed for some time as historic plans show with the bus depot coming into existence in the 1920s when the service was established. The proposal notes that the residential dwellings would be screened from the bus depot by using buffer planting to screen existing depot buildings along the site's eastern perimeter and utilising areas of open space, all the while maintaining a 10m noise buffer from the depot. Officers note that

the 2.4m high acoustic fence is also now proposed because of the recommendations by colleagues in Environmental Health.

192. Officers note that the Nottinghamshire County Council (NCC) Policy response raised some concern about the built heritage of the nearby listed barn. The listed building referred to in comments from NCC does not fall within the application site, or ownership of the applicant. Therefore, officers advise that it would not be reasonable, required, or possible for the applicants to do the investigation works that have been requested by the County Council in this instance.
193. In assessing the proposal, officers advise that there would be no harm to the listed barn. Furthermore, the significance and setting of the listed building would be preserved by the proposal. The Conservation Officer therefore considers that the proposal would not harm the significance of any heritage assets or their settings within the wider area.
194. The proposal is therefore considered to preserve the setting of the nearest Listed Buildings, a goal considered to be desirable within section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and the proposal is considered positively in relation to the duty under those section(s) of The 1990 Act.
195. Therefore, the proposal is considered to accord with the requirements of Policy 11 of the Local Plan Part 1, and Policy 28 of the Local Plan, Part 2 and no heritage or archaeological conditions are sought in relation to the proposal.

Ecology and Biodiversity Net Gain

196. 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. Under Section 40 of the Natural Environment and Rural Communities Act (2006), every local authority has a statutory duty, in exercising its functions, to have regard, so far as it is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity. Paragraph 185 of the NPPF states that to "...*protect and enhance biodiversity and geodiversity, plans should:*
 - a) *Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity; wildlife corridors and steppingstones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation; and*
 - b) *promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.*"
197. Policy 17 of the Local Plan Part 1: Core Strategy requires biodiversity to be increased over the plan period, for designated national and local sites of biological or geological importance for nature conservation to be protected, and that development on or affecting other, non-designated sites or wildlife

corridors with biodiversity value only to be permitted where it can be demonstrated that there is an overriding need for the development and that adequate mitigation measures are put in place.

198. Nottinghamshire Wildlife Trust (NWT) reviewed the submission, noting that it included an Ecological Impact Assessment, and several associated ecological surveys were provided.

The Wildlife Trust confirmed that the Ecological Impact Assessment (EclA) Report and subsequent protected species reports provided an adequate assessment of the biodiversity value of the site, that they were up-to-date and that they follow the latest guidelines for EclA.

NWT highlighted that the site is located within the West Leake, Gotham Hills, and Bunny Ridge Line 'focal area' in the Rushcliffe Biodiversity Opportunity Map. NWT also clarified that all applications should provide an overall net gain for biodiversity, as per the requirements of local and national planning policies.

Details relating to biodiversity protection, mitigation, compensation and enhancement are provided at paras 5.1, 5.2 and 5.3 of the EclA report and section 5 of the protected species reports.

Whilst the ecology reports try to achieve net gain with the provision of an ecological mitigation area in the west of the site, which would be separated from the development by a new native hedgerow. The Wildlife Trust expressed concerns that part of northern most hedge appears to be incorporated in gardens, even though the EclA recommends a 3m buffer (para 5.1). Experience from elsewhere we have found that hedges can be managed inappropriately or removed by future residents. They request that a mechanism is put in place to ensure future protection / maintenance of the hedgerows. Officers advise that conditions can be attached to any grant of permission and that the developer can also place covenants on the sale of any properties' that back onto the hedgerows to ensure that the hedgerow is retained and maintained and not "absorbed" into the gardens that back onto it.

Much of the site currently comprises unmanaged grasslands and the application proposes to establishment of wildflower meadow mix in the biodiversity mitigation area, which would require careful future management (cut and remove on at least an annual basis), otherwise the proposed gain (species-rich grassland) would not be achieved. Officers advise that this can be secured through appropriately worded conditions. Alongside species-rich grassland, NWT also recommend some of the grassland be less intensively managed, in order to replicate habitats that would be lost as such areas would be valuable to insects and small mammals. The Wildlife Trust conclude that the recommend that conditions be attached to any grant of permission to secure a Biodiversity Enhancement Plans, Construction Management Plans and Landscape Management Plan and that if development has not commenced within two years of the updated ecological surveys being undertaken that the updated surveys should be undertaken and submitted to the Local Planning Authority prior to any works commencing highlighting any mitigation measures to address any potential impacts on protected species.

199. Officers advise that the requested conditions would meet the relevant tests and therefore, subject to these forming part of the recommendation the proposal is

considered to accord with the requirements of Policy 16 of the LPP1 and to accord with Policy 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the LPP2 which seek to ensure net gain in biodiversity and improvements to the ecological network through the creation, protection and enhancement of habitats and through the incorporation of features that benefit biodiversity.

Affordable Housing

200. The site lies within the 'Rural West' housing submarket area. Under Policy 8 (Housing Size, Mix, and Choice) of the Rushcliffe Local Plan Part 1: Core Strategy colleagues in Strategic Housing advised that they therefore sought the provision of 30% affordable housing on the site. This would equate to 28 affordable units on a scheme of 96 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 11 intermediate units, 11 affordable rent and 6 social rent units.
201. Since adoption of the Core Strategy the 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.
202. The Government has also introduced "First Homes" as a form of discount market sales housing since the submission of the planning application. These will comprise 25% of the affordable housing contribution and must be sold at a discount of 30% as a minimum. The details of contributions and, guidance on the implications of First Homes during the transitional period (prior to adoption of the Greater Nottingham Strategic Plan) is set out in the [Affordable Housing SPD](#). Critically, whilst social rent requirements are ringfenced, the inclusion of First Homes would reduce the proportion of affordable rent and other affordable homes for sale.
203. However, as previously discussed in this report at paragraphs 139-156 since the initial submission the matter of financial viability became a material consideration. As a result of a lengthy assessment of the applicants claims the Borough Council sought independent assessment of the financial position and were advised that a significant reduction in affordable housing was required to make the scheme viable for the applicants to proceed. Those discussions have led to a reduction in affordable housing delivered by the proposal from 28 dwellings to 9. These would be split into 2 first homes, 4 shared ownership and 3 affordable.
204. To conclude, the provision of 6.5% affordable housing on this site would NOT comply with Policy 8 (Housing Size, Mix, and Choice) of the Rushcliffe Local Plan Part 1: Core Strategy which requires the provision of 30% affordable housing in this location, i.e., 28 units.
205. However, the applicants have provided evidence that has been independently tested and proven to be accurate as to why the provision of 28 affordable units

on a scheme of 96 dwellings would not be deliverable financially. Officers must therefore acknowledge that whilst the proposal is not policy compliant, with regards to the provision of affordable housing, that the provision of the 9 affordable homes proposed would still assist the Borough Council in meeting its strategic aims to address housing need whilst reducing the number of households in temporary accommodation by increasing the supply of permanent affordable housing.

Gotham Neighbourhood Plan

206. The referendum of the Gotham Neighbourhood Plan took place in January 2020, with the “Plan” being adopted. As such, full weight should be given the policies in the Neighbourhood Plan which was found sound by an Inspector and adopted by the residents.
207. Officers must advise that this site (Land East of Gypsum Way) is not a recommended housing allocation listed within the Gotham Neighbourhood Plan under Policy H1 ‘Sites’ (housing), but an allocated site carried forward from Local Plan Part 2. Consequently, Gotham Neighbourhood Plan Policy H2 ‘Design Brief’, which relates solely to those sites listed in Gotham Neighbourhood Plan Policy H1, is not considered to be wholly relevant to this site. Nevertheless, during the evolution of the scheme, comments made by the Parish Council and local people have been taken into account in the evolution of the design and layout of the site to the final design
208. Furthermore, the provision of affordable housing, and the mix offered and accepted by the Borough Council has been discussed already in this report under the “viability” and “affordable housing” sections. Officers note that the Neighbourhood Plan states a preference for bungalows and one bed flats (Gotham Neighbourhood Plan Policy H3), however the provision is for 2x 1 bed maisonettes, 5x 2 bed semi-detached and 2x 3 bed semi-detached properties. However, officers note that the open market provision also includes 4x 2 bed bungalows as well. Therefore, whilst the proposed number and mix does not strictly comply with the requirements of Policy H3 the reasons for this level and split of affordable housing (and therefore deviation from the Policy position) has previously been discussed elsewhere in this report.
209. Neighbourhood Policy T1 states that *“The priority within the village is the safety and convenience of residents. Traffic speed will be restricted to defined limits by traffic calming at such sites as the entrance to the village at Nottingham Road, the Curzon St/Kegworth Rd junction, the Square and the entrance to the village from East Leake. The amount of traffic passing through the village and the existing issues with parking will be a consideration in assessing development proposals and will take into account wider cumulative impacts. Traffic Regulation Orders and other means may be used to deal with congestion and parking on Leake Road and Kegworth Road/Hall Drive at school arrival and departure times.”*
210. The application has been assessed by the Highway Authority who are not objecting to the proposal, subject to conditions being attached at any grant of permission. However, the initial submissions underwent significant scrutiny by the Highway Authority who raised several issues that were subsequently resolved. To provide the requisite visibility splays at the proposed access the Highway Authority have advised that a Traffic Regulation Order on Leake Road will be required. This would appear to be in accordance with the desires of

Policy T1 of the Neighbourhood Plan. The other areas of the village cited in Policy T1 have not been raised by the Highway Authority as an area of concern or requiring any further mitigation to address the harms from the proposed development.

211. The allocation of the site through the examination, and ultimately the adoption of Local Plan Part 2 would have considered the villages sustainability, ability to accommodate new growth and the access and provision of sustainable methods of transport as is required by Policy T2 of the Neighbourhood Plan. Furthermore, Nottinghamshire County Council as the Highway Authority have reviewed and scrutinised the proposal in their determination of this application.
212. Finally, Policy FL1, Sewage, of the Neighbourhood Plan has been considered by officers when arriving at the recommendation. The application was accompanied by the drainage addendums to the Flood Risk Assessment and those documents have been considered by the Environment Agency, the Lead Local Flood Authority and Severn Trent Water (STW). Perhaps of most relevant to foul drainage, STW have advised that they do not object to the proposal.
213. In summary, this is an allocated site contained within the Borough Councils Local Plan, therefore the development of the site in principle has been established in policy terms by the Borough Council. There have been no changes to national policy since the allocation of the site in relation to flood risk policy or access. As such, the principle of development this site for housing use as proposed would accord with the development plan (including the Neighbourhood Plan) when read as a whole save for the deviations from the affordable housing policies.

Planning Obligations

214. Planning obligations assist in mitigating the impact of otherwise 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 and as policy tests in the National Planning Policy Framework. This report has a table attached which sets out the contributions being sought by infrastructure providers or equivalent and the Borough Council's considered position on this, as local planning authority.
215. The Planning Contributions Officer has revised the proposal and advised that having reviewed the site plan details (Rev R), that they can advise that the likely CIL liability for this development would be in the region of £490,000. Calculations were provided.
216. The Planning Contributions Officer goes on to say that they "*expect that the developer may seek to apply for Social Housing Relief for the affordable units shown. Assuming these are eligible, this would give a relief amount of around £26,500, leaving an anticipated CIL receipt of £463,500. Of this, £371,000 would go towards items on the Borough Council's Strategic Infrastructure List, with £69,500 towards the Gotham Neighbourhood CIL and £23,000 towards CIL Admin.*"

217. Members are advised that the above figures are an estimation based on the information at hand and may change should revisions to the application be submitted. The overall CIL charge will be confirmed should planning permission be granted and would be set out in a Liability Notice to be served following the issue of a decision.
218. Contributions are also sought towards the provision of primary school places, highway matters (neither are covered by CIL), and affordable housing and are set out in the S106 Table appended to this report.
219. 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 and this has been taken into account in the preparation of the S106 Table.
220. The financial contributions relate to contributions required as a direct result of the development for education, open space, play, allotments, health, bus route and bus stop improvements, highway improvements, together with the provision of affordable housing on site when factoring the accepted viability position that has been evidenced by the applicants and accepted by officers following independent scrutiny and assessment.

Planning Balance and Conclusion

221. 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.
222. As set out in the above report, the proposal has been assessed against the 7 criterion (set out within Policy 9 of the Local Plan Part 2 (LPP2) and below) and all other material considerations.
 - a) Significant impacts on the amenity of new residents resulting from the activities of the neighbouring bus depot must be avoided or adequately mitigated.
223. The proposal is considered to comply with the requirements of Policy 9a of the Local Plan Part 2.
 - a) The neighbouring Local Wildlife Site should not be adversely affected.
 - b) Green Infrastructure should deliver net-gains in biodiversity, including grassland and woodland habitats.
 - c) Sustainable drainage measures should ensure new and existing residents are not at risk of surface water flooding.
 - d) The amenity of residents should not be significantly affected during the construction and subsequent use of the highway access.
 - e) Any loss of existing on-street parking on Leake Road should be

compensated through the provision of replacement parking spaces within the development. These should be located in an easily accessible location, close to those residents who have lost parking; and

- f) It should be consistent with other relevant policies in the Local Plan.
224. The proposal is considered to comply with the requirements of Policy 9a) to f) of the Local Plan Part 2.
225. With regards to the requirements of criterion g) of Policy 9 of the LPP2 the proposal has been further assessed against matters of Flooding and Drainage, Health and Wellbeing, the new Access and Highway Safety (including Traffic Regulation Orders), Landscape and Visual Amenity, Design and Neighbouring Amenity, Contamination, Appearance, Heritage and Archaeology, Ecology and Biodiversity Net Gain. The proposal is considered to comply with the relevant policies within the Development Plan for all the above matters.
226. The issue of financial viability was also assessed during the consideration of the proposal and its impacts on the provision of Affordable Housing, and the policies within the Gotham Neighbourhood Plan. Whilst the proposal is considered to broadly accord with the relevant policies in the Neighbourhood Plan it should be noted that proposal does not accord with the requirements of Policy H3 (affordable housing). Furthermore, due to the viability issue the proposal also does not comply with the requirements of Policy 8 (Housing Size, Mix, and Choice) of the Rushcliffe Local Plan Part 1: Core Strategy.
227. Officers have had the Viability Appraisal and subsequent information provided by the applicants independently verified and tested, and following a lengthy exercise have been advised that it is accurate. That is to say the scheme would be financially unviable for the developer to deliver unless the affordable housing requirement was reduced from the Policy requirement of 28 homes to just 9 properties.
228. For the reason of viability, and its impact on the provision of affordable housing, the scheme would not fully accord with the development plan as a whole, but the balance of material considerations (namely the evidenced position within the Financial Viability Assessment) weighs in its favour. Consequently, it is recommended that the Planning Committee support the resolution to grant planning permission, subject to conditions.
229. Officers have had due regard to the Public Sector Equality Duty contained in Section 149 the Equality Act 2010, which sets out the need to eliminate discrimination, harassment, and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. Officers have also had regard to rights conveyed within the Human Rights Act.
230. Discussions have taken place in an attempt to resolve issues raised by interested parties, which has resulted in the submission of additional information. Negotiations have been undertaken in relation to securing appropriate levels of planning obligation to mitigate impacts of the proposal. This has ultimately resulted in a favourable recommendation to the Planning Committee.

RECOMMENDATION

It is RECOMMENDED that the Director of Development and Economic Growth is authorised to grant planning permission subject to the prior signing of a Section 106 agreement and the following condition(s), which the Director of Development and Economic Growth is also authorised to amend to correct any matters that do go to the heart of any condition(s).

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

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

2. The development hereby permitted shall be carried out in accordance with the Drawing Schedule provided 25th April 2024.

[For the avoidance of doubt; and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy.]

3. The materials, as specified on the below drawing number shall be used for the external walls, roofs and outside areas of the development hereby approved.

- 1197-200 Rev P03 titled "Materials and Boundary Treatment Plan" dated 28.03.2024.

If any alternative materials are proposed to be used, prior to the building(s) affected by any proposed change of materials advancing beyond foundation level, details of any alternative facing and roofing materials to be used on their external elevations shall be submitted to and approved in writing by the Borough Council. Thereafter the development shall be undertaken in accordance with the materials as approved.

[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 Policies 1 and 9 of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)].

4. The drainage scheme and mitigation measures, as detailed in, Flood Risk Assessment Parts 1 and 2 (ADC1804-RPC rev 3), Drainage Technical Note (ADC1804-RP-1-v1), Drainage Strategy Addendum (ADC1804-RP-H Rev 2), Revised Drainage Strategy with Foul Pumping Station (E1183-ENG451 Rev B), and the Revised Utilities and Services Statements (194370-01C Rev C) should be implemented in accordance with the approved details prior to the first occupation of any dwelling and be retained and maintained in situ for the lifetime of the development.

[Reason To ensure that the development increases water attenuation/storage on the site and minimise 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].

5. Prior to the first occupation of any dwelling hereby approved a detailed management and maintenance plan for all drainage features on site for the lifetime of the development has been submitted to and been approved by the Local Planning Authority. The plan 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 first brought into use until the surface water drainage system has been carried out and completed on the site in accordance with the approved details. Thereafter surface water drainage system must be maintained in accordance with the approved details throughout the lifetime of the development.

[Reason 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. This is a pre-commencement condition to ensure that the drainage is sufficient to address local and technical concerns prior to development commencing that might make any rectification or alterations to the system, difficult, more expensive or not possible].

6. The development hereby permitted must not commence and no preparatory operations in connection with the development hereby permitted (including, soil moving, temporary access construction and / or widening,) shall be undertaken until a scheme of interim and temporary drainage measures during the construction period have been submitted to, and approved in writing by, the local planning authority. The scheme shall provide full details of the responsibility for maintaining the temporary systems and demonstrate how the site will be drained to ensure there is no increase in the off-site flows, nor any pollution, debris and sediment to any receiving watercourse or sewer system. Construction shall be carried out in accordance with the approved scheme.

[To reduce the risk of flooding and potential pollution off site resulting from construction works regard to Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019). This is a pre-commencement condition to ensure that the drainage is sufficient to address local and technical concerns during the construction phases prior to the approved drainage solutions being brought online].

7. The development hereby permitted must not commence and no preparatory operations in connection with the development hereby permitted (including demolition, site clearance works, , soil moving, temporary access construction and / or widening, or any operations involving the use of motorised vehicles or construction machinery) shall be undertaken until an Biodiversity Enhancement Plan and Landscape Ecological Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This is to achieve a net gain in biodiversity in accordance with the NPPF and the Rushcliffe Local Plan (2019) and recommendations in the submitted ecology reports.

Measures shall include (but are not limited to):

- Details of integrated bat boxes or similar will be clearly shown on a plan (positions/specification/numbers).
- Details of bird boxes will be clearly shown on a plan (positions/specification/numbers).
- Details of reptile hibernacula will be clearly shown on a plan (positions/specification/numbers).
- Swift Bricks to a minimum of 50% of all units.
- Bee Bricks; and
- Details of gaps in all gardens and all perimeter fencing, walls, or other means of enclosure to allow hedgehogs to navigate the environment along with details of signage to be erected.
- Summary of ecologically beneficial landscaping (hedgerows, grasslands, suds area with full details to be provided in Landscape Plans).
- Details of protection of the hedgerow to the northern boundary of the site during construction, details of how the hedge will be retained post construction and details for its management and maintenance throughout the lifetime of the development.
- Details for the management and maintenance of the meadow / grassland areas throughout the development.

Thereafter, the biodiversity gain improvements and any mitigation measures contained within the approved Biodiversity Enhancement Plan and Landscape Ecological Management Plan shall be implemented in accordance with the approved details and must be retained, managed and maintained on the site throughout the lifetime of the development, with photographs of the measures in situ submitted to the LPA to fully discharge the condition.

[To provide habits for protected/endangered species, and to ensure that the proposed development contributes to the conservation and enhancement of biodiversity within the site and for the wider area in accordance with in accordance with Chapter 15 of the NPPF, Policies 10 (Design and Enhancing Local Identity), and 17 (Biodiversity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014); and Policies 1 (Development Requirements) and 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019). This condition is pre-commencement as the baseline surveys need to be undertaken prior to any development taking place].

8. If construction work has not commenced by the end of December 2025, updated ecology surveys should be completed and submitted to the local planning authority prior to any development commencing. Thereafter, any recommendations set out in the reports should be implemented in accordance with the approved details.

[Reason: 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].

9. The development hereby permitted must not commence and no preparatory

operations in connection with the development hereby permitted (including demolition, site clearance works, , soil moving, temporary access construction and / or widening, or any operations involving the use of motorised vehicles or construction machinery) shall be undertaken until the details of a Construction Management Plan for that phase is submitted and approved in writing by the Local Planning Authority. The statement shall provide details of the following items:

- a) Access and parking of vehicles of site operatives and any visitors.
- b) Loading and unloading of plant and materials.
- c) Storage of plant and materials used in constructing the development.
- d) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
- e) Wheel washing facilities.
- f) Measures to control the emission of noise, dust, dirt, and vibration during construction.
- g) A scheme for recycling/disposing of waste resulting from construction works.
- h) Hours of operation (including demolition, construction, and deliveries).
- i) A scheme to treat and remove suspended solids from surface water run-off during construction.
- j) The siting and appearance of contractors' compounds including heights of stored materials, boundaries and lighting together with measures for the restoration of the disturbed land and noise mitigation. And,
- k) Should piling be required on site the Construction Method Statement should include specific reference to these works and the mitigation thereof.
- l) Site preparation works including earth moving, HGV movement and the deposition of materials can be a source of noise, dust and vibration complaints and measures must be put in place prior to the commencement of these works to protect the amenity of neighbouring premises. These measures should include prior notification to neighbours and the provision of contact details should any issues arise.

Thereafter the approved Construction Management Plan shall be adhered to throughout the entire construction period (including any demolition and site clearance works).

[Reason: In the interests of Highway safety and to minimise disruption to users of the local highway network adjacent to the development site 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 to ensure that the appropriate measures to protect the amenities of the local residents are in place before development starts.]

10. No dwellings shall be first occupied until the site access, as detailed indicatively on Drg. No. ADC1804-DR-014 Rev P3, has been provided in accordance with the Highway Authority specification to the satisfaction of the Local Planning Authority.

[Reason: In the interests of Highway safety and to minimise disruption to users of the local highway network adjacent to the development site having regard to Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).]

11. No dwellings shall be first occupied until double yellow line waiting restrictions are in place at the site access junction and on the eastern side of Leake Road, in accordance with Drawing. No. ADC1804-DR-014 Rev P3 titled "Access Junction Layout" dated 23.06.2020.

[Reason: To ensure a suitable form of access is provided, in the interests of Highway safety and to minimise disruption to users of the local highway network adjacent to the development site having regard to Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).]

12. No dwelling shall be occupied until the driveway and parking areas associated with that plot have been surfaced in a bound material, and constructed with provision to prevent the unregulated discharge of surface water from the driveways and parking areas to the public highway. The surfaced drives and parking areas and provision to prevent the unregulated discharge of surface water shall then be maintained and retained in such bound material for the life of the development.

[To ensure surface water from the site is not deposited on the public highway causing dangers to road users having regard highway safety and Policy 1 (Development Requirements) and Policy 15 (Employment Development)] of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)].

13. Prior to the first occupation of any dwelling the applicants, or any subsequent owner(s) of the site, a Framework Travel Plan shall be submitted to and be approved in writing by the Local Planning Authority. The Framework Travel Plan shall include details of a travel plan coordinator who shall remain employed or engaged and shall detail the implementation, delivery, monitoring and promotion of the sustainable transport initiatives, and the timescales for their doing so. Thereafter, the approved details within the Framework Travel Plan shall be implemented and retained in accordance with the timeframes set out in the approved document(s).

[To promote sustainable travel and to ensure compliance with Policy 14 (Managing Travel Demand) and Policy 25 of the Rushcliffe Local Plan Part 1: Core Strategy].

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

[To promote sustainable travel and to ensure compliance with Policy 14 (Managing Travel Demand) and Policy 25 of the Rushcliffe Local Plan Part 1: Core Strategy].

15. The travel plan coordinator shall submit reports in accordance with the Standard Assessment Methodology (SAM), or similar, to be approved and to the Local Planning Authority in accordance with the Travel Plan monitoring

periods. The monitoring reports submitted to the Local Planning Authority shall summarise the data collected over the monitoring period and propose revised initiatives and measures where travel plan targets are not being met including implementation dates to be approved in writing by the Local Planning Authority.

[To promote sustainable travel and to ensure compliance with Policy 14 (Managing Travel Demand) and Policy 25 of the Rushcliffe Local Plan Part 1: Core Strategy].

16. Prior to the first occupation of any dwelling, 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 not be technically feasible. No dwellings shall be occupied until an EVCP serving it has been installed in accordance with the approved scheme. Thereafter an EVCP must be permanently retained on each dwelling in accordance with the approved scheme throughout the lifetime of the development.

[To enable the use of non-carbon based technology in accordance with the guidance contained within the National Planning Policy Framework, Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policies 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 41 (Air Quality) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).]

17. The development hereby permitted must 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.

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.

[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].

18. Prior to the first occupation of any dwelling hereby permitted in this phase a Landscape Management Plan (LMP) for the planting and grassland area(s) hereby approved has been submitted to and approved by the Local Planning Authority. The LMP shall include:
- a) A description and evaluation of the features to be managed (including any drainage features).
 - b) Long-term landscape management responsibilities including, but not limited to, details for the control of weeds, watering and removal of any tree guards, stakes, and ties along with details of the mowing frequency and litter picking.
 - c) A schedule of maintenance for all landscape areas from the date of first planting.
 - d) Details of the body or organisation responsible for implementation of the plan; and
 - e) Ongoing monitoring and remedial measures.

The area shall thereafter be managed in accordance with the approved LMP for the lifetime of the development.

[To ensure that the planting within the site is maintained so as not to create a safety risk to the general public, and/ or become a maintenance burden to either the Local Authority, or the Highway Authority (above and beyond what would usually be considered reasonable) and to accord with Policies 10 (Design and Enhancing Local Identity), 16 (Green Infrastructure, Landscape, Parks and Open Spaces), and 17 (Biodiversity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014); Policies 1 (Development Requirements) and 37 (Trees and Woodland) 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].

19. The development hereby permitted must not commence and no preparatory operations in connection with the development hereby permitted (including demolition, site clearance works, , soil moving, temporary access construction and / or widening, or any operations involving the use of motorised vehicles or construction machinery) shall be undertaken 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.

Thereafter the approved details shall be implemented on site prior to development commencing and be retained in accordance with the approved details for the lifetime of the development.

[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. This is a pre-commencement condition as the works can only be undertaken prior to development starting on site to ensure that the trees are protected adequately].

20. Notwithstanding the Preliminary Risk Assessment [GRM Development Solutions 'Phase I Site Appraisal (Desk Study) (Project Ref: P8918 Rev A; dated 3rd December 2019)] the development hereby permitted must not commence and no preparatory operations in connection with the development (including demolition, site clearance works, , soil moving, temporary access construction and / or widening, or any operations involving the use of motorised vehicles or construction machinery) shall be undertaken until a written report of the findings of an updated Preliminary Risk Assessment (PRA) of the nature and extent of any contamination affecting the site, whether or not it originates from the site, has been submitted to and approved in writing by the Local Planning Authority. The PRA 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). As a minimum the PRA must include the following:

- a) a desktop study identifying all previous and current uses at the site and any potential contaminants associated with those uses;
- b) the results of a site walkover, including the details and locations of any obvious signs of contamination at the surface;
- c) the development of an initial 'conceptual site model' (CSM) which identifies and qualitatively assesses any potential source - pathway - receptor (contaminant) linkages;
- d) a basic hazard assessment identifying the potential risks from any contaminants on:
 - Human health;
 - Property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
 - Adjoining land;
 - Ground and surface waters;
 - Ecological systems;
 - Archaeological sites and ancient monuments.
- e) Recommendations for any further works that may be required to refine the CSM including any exploratory site investigation works and the sampling and analytical strategies proposed.

Where the PRA identifies potential unacceptable risks associated with the contaminant linkages present in the initial CSM, the development (excluding any demolition) hereby permitted must not commence until a written report of the findings of any exploratory Site Investigation (SI) with either a generic and/or detailed quantitative risk assessment of those findings has been submitted to and approved in writing by the Local Planning Authority.

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:

- o 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 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 including unacceptable levels of water pollution from previously unidentified contamination sources at the development site, 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 the National Planning Policy Framework. This is a pre-commencement condition to ensure that the site is safe and clean to work on by the developer and/or any contractors].

21. The development hereby permitted must not commence and no preparatory operations in connection with the development hereby permitted (including demolition, site clearance works, , soil moving, temporary access construction and / or widening, or any operations involving the use of motorised vehicles or construction machinery) shall be undertaken until a Demolition and Construction Method Statement detailing techniques for the control of noise, dust and vibration during site preparation, demolition and construction shall be submitted to and approved by the Local Planning Authority. Should piling be required on site the Demolition and Construction Method Statement should include specific reference to these works and the mitigation thereof. Thereafter the works shall be carried out in accordance with the approved Demolition and Construction Method Statement.

[To protect the amenities of existing residents 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 to ensure that any harm to the amenity of existing residents is mitigated ahead of development starting on site].

22. The development shall be carried out and completed in accordance with the approved Noise Impact Assessments (Hoare Lea 'Proposed New Residential Development Report on Existing Noise Climate Revision 2 (dated 12th December 2019)', Acoustic Mark-Up Site Layout Plan dated 20th February 2020, Addendum and Acoustic Marked-up Site Layout Plan (Rev H) dated 7th January 2021) and any mitigation measures proposed must be fully implemented prior to the buildings first being bought into use. Thereafter, the mitigation features shall be retained (and maintained as necessary) for the lifetime 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). This is pre-commencement condition to ensure that the impacts on future occupiers are fully understood prior to progressing beyond the point at which any mitigation becomes expensive or difficult to implement retrospectively as the previously submitted noise surveys are now out of date].

23. Prior to the importation soil or soil forming material onto the contamination testing should take place within UKAS and MCERTS accredited laboratories, unless otherwise agreed with the Local Planning Authority. Laboratory certificates shall be submitted to and approved in writing by the Local Planning Authority. Only material that has been tested in accordance with the approved investigation scheme shall be imported onto the site. Details of the source and type of the imported materials and the estimated amount to be used on the site are also required to be submitted.

[Reason: To ensure that all aggregate 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 Section 15 of the National Planning Policy Framework].

24. During any ground works, demolition, or construction there shall be no burning of waste or fires lit on the site.

[Reason: To protect the amenities of nearby residential properties at for the duration of the construction of the development hereby permitted, having regard to 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).]

25. Notwithstanding the provisions of the Schedule 2 Part 1 Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and/or re-enacting that Order) no additional storeys of accommodation shall be added to the dwellings hereby permitted without express planning permission from the Local Planning Authority.

[To enable the Local Planning Authority to retain control over the insertion of any additional window openings or roof-lights 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)].

26. None of the units within the development hereby permitted shall be occupied until the optional requirement for water efficiency (i.e.: not exceeding 110litres 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)].

27. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order), prior to it being brought into use all exterior lighting shall be capped at the horizontal with no upward light spill and shall thereafter remain as such for the lifetime of the development. Lighting schemes required during construction and for the completed development shall be of a flat glass, full cut off design, mounted horizontally, and shall ensure that there is no light spill above the horizontal.

[In the interests of flight safety and to prevent distraction and confusion to pilots using East Midlands Airport].

28. The development hereby permitted must not commence and no preparatory operations in connection with the development hereby permitted (including demolition, site clearance works, soil moving, temporary access construction and / or widening, or any operations involving the use of motorised vehicles or construction machinery) shall be undertaken until an Employment and Skills Strategy for the construction phase of the approved development shall be submitted to and approved in writing by the Borough Council. This strategy will provide opportunities for people in the locality including employment, apprenticeships and training. 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.

[Reason: 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 take place prior to commencement].

29. Prior to the construction of the pumping station hereby approved details of the appearance, scale, design and location of the proposed pumping station along with details of the means of enclosure to surround and secure the pumping station shall be submitted to and approved in writing by the Borough Council. The details shall include, but not be limited to the heights of all plant/machinery and means of enclosure, materials, colours, finishes, along with details of the position(s), heights, colours, finishes and design(s) of any security measures (including lighting with levels of illumination). Details of the person(s) responsible for the maintenance and management of the pumping station shall also be provided. Thereafter the pumping station shall be constructed and operated in accordance with the approved details and retained and maintained as such for the lifetime of the development.

[To ensure the appearance of the development is satisfactory and to comply with Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019). This is a pre-commencement condition as no details of the proposed pumping station have been provided to allow officers to consider its relationship to neighbouring properties or any potential mitigation measures to minimise the harm it may generate].

NOTES TO APPLICANT

In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) (Order) 2010, as amended, and the National Planning Policy Framework 2021, the Council has worked in a positive and proactive way in determining the application and has granted planning permission.

The applicant is reminded that this permission 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.

The applicants should consult Severn Trent Water Limited who should be satisfied that the sewerage and sewage disposal systems serving the development have sufficient capacity to accommodate additional flows, generated as a result of the development, without causing pollution.

Good practice construction methods should be adopted including

Advising all workers of the potential for protected species. If protected species are found during works, work should cease until a suitable qualified ecologist has been consulted.

No works or storage of materials or vehicle movements should be carried out in or immediately adjacent to ecological mitigation areas or sensitive areas (including ditches).

All work impacting on vegetation or buildings used by nesting birds should avoid the active bird nesting season, if this is not possible a search of the impacted areas should be carried out by a suitably competent person for nests immediately prior to the commencement of works. If any nests are found work should not commence until a suitably qualified ecologist has been consulted.

Best practice should be followed during building work to ensure trenches dug during works activities that are left open overnight should be left with a sloping end or ramp to allow animal that may fall in to escape. Also, any pipes over 200mm in diameter should be capped off at night to prevent animals entering. Materials such as netting and cutting tools should not be left in the works area where they might entangle or injure animals. No stockpiles of vegetation, soil or rubble should be left overnight and if they are left then they should be dismantled by hand prior to removal. Night working should be avoided.

Root protection zones should be established around retained trees / hedgerows so that storage of materials and vehicles, the movement of vehicles and works are not carried out within these zones.

Pollution prevention measures should be adopted.

It is recommended that consideration should be given to climate change impacts, energy efficiency, alternative energy generation, sustainable transport (including travel planning, electric vehicle and bike charging points and cycle storage), water efficiency, management of waste during and post construction and the use of recycled materials and sustainable building methods.

The use of external lighting (during construction and post construction) should be appropriate to avoid adverse impacts on bat populations, see <https://www.bats.org.uk/news/2018/09/new-guidance-on-bats-and-lighting> for advice and a wildlife sensitive lighting scheme should be developed and implemented.

New wildlife habitats should be created where appropriate, including wildflower rich neutral grassland, hedgerows, trees and woodland, wetlands and ponds.

Any existing hedgerow / trees should be retained and enhanced, any hedge / trees removed should be replaced. Any boundary habitats should be retained and enhanced.

New trees / hedges should be planted with native species (preferably of local provenance and including fruiting species). See <https://www.rushcliffe.gov.uk/conservation/treeshedgesandlandscaping/landscapingandtreeplanting/plantingonnewdevelopments/> for advice including the planting guides (but exclude Ash (*Fraxinus excelsior*))

Sustainable Urban Drainage schemes (SUDs) where required should be designed to provide ecological benefit.

Good practice regarding Biodiversity Net Gain (BNG) can be found here <https://www.rushcliffe.gov.uk/environment/ecology-in-planning-and-biodiversity-net-gain/#BNG>.

All works to existing trees shall be carried out in accordance with British Standard BS 3998:2010 Tree work (or any equivalent British Standard if replaced).

Planning Practice Guidance and section H of the Building Regulations 2010 detail surface water disposal hierarchy. The disposal of surface water by means of soakaways should be considered as the primary method. If this is not practical and there is no watercourse is available as an alternative other sustainable methods should also be explored. If these are found unsuitable, satisfactory evidence will need to be submitted, before a discharge to the public sewerage system is considered.

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.

Section 38 Agreement (Highways Act 1980)

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.

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.

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

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 hdc.south@nottscc.gov.uk for details.

Traffic Regulation Order

The proposed site access requires a Traffic Regulation Order to provide safe access. The developer should note that the Order can be made on behalf of the developer by Nottinghamshire County Council at the expense of the developer. This is a separate legal process and the Applicant should contact helen.north@viaem.co.uk.

Mud on the highway

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.

Travel Plan

Advice regarding travel plans can be obtained from the Travel Plans Officer on telephone 0115 9774323.

In order to carry out the off-site works required you may 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 would need to enter into an agreement under Section 278 of the Act. Please contact Nottinghamshire County Council Highway Development Control (email: hdc.south@nottscc.gov.uk) for details.

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.

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Item/Policy	Detail/requirement	Developer proposes	RBC comment	Trigger sought by consultees
Primary School Contribution	<p>A development of 96 dwellings on this site was originally considered to generate no additional need for primary school places due to the provision of a new primary school at Fairham. However, as the delivery of that school has been delayed NCC Education advised that the primary school children would go to East Leake, which would generate a requirement for an additional 20 places at £23,888 per place (i.e. £477,760) towards the current deficiency in primary places available in the planning area.</p>	<p>Whilst the developer has proven their viability position, their agent advises that Davidsons are content to pay the more recent, updated Education contributions on the grounds that the daily interest costs of owning the land (Davidsons have now bought the site) are likely to outweigh any cost savings made after several months of viability negotiations.</p>	<p>Accepted</p>	<p>TBC</p>

Highway Improvements	A travel plan monitoring fee of £1500 pa for 5 years; and £900 pa for subsequent years up to and including the year after the end of construction is requested. Funding is payable from 50% completion of the development, and is subject to VAT.	Agent agrees to the payment	N/A	
Bus Service Contribution	A contribution of £35,000 to provide improvements to the local public transport network to serve the site is sought. The Travel Plan details the provision of a range of tickets / passes for new residents inc free introductory bus passes. These should be secured and provided.	TBC	Bus stop infrastructure contribution - Upon Occupation Bus Service contribution - prior to occupation of 25% of dwellings.	
The Bus Stop Improvements Contribution	Monies to provide improvements to the four bus stops on Leake Lane denoted RU0708 Eyres Lane; RU0360 Eyres Lane; RU0370 Leake Road and RU0381 Leake Road. £73,200 is sought.	Agreed	Officers note justification has been provided by the County for the request.	TBC
Waste Collection	A contribution of £110.713 per dwelling is sought, i.e. £10,628.51 .	TBC	NCC advise this is sought towards the provision of a new or expanded Household Waste Recycling Centre in Rushcliffe	

<p>Travel Plan Monitoring Fee</p>	<p>Depends on length of build – see trigger section, but £1,500 each year for the first four years, then £900 per year for the fifth year and every year after until the development is completed.</p>			<p>Prior to Occupation of 50% of the Development to pay to the County Council £1500.00</p> <p>Not to Occupy more than 50% of the Development until £1500.00 has been paid to the County Council</p> <p>Prior to the first anniversary of 50% Occupation of the Development to pay to the County Council £1500.00 and to pay a further £1500.00 on the second, third and fourth anniversary thereafter.</p> <p>Prior to the fifth anniversary of 50% Occupation of the Development to pay to the County Council £900.00 and to pay a further £900.00 on each anniversary thereafter until construction of the Development is completed.</p>
<p>Affordable Housing</p>	<p>Core Strategy Policy 8 requires 30% affordable housing.</p> <p>Following the submission of a viability appraisal, which officers have had tested, and now accept this offer was</p>	<p>Developer agrees to this revised level of provision of 6 units and a financial contribution.</p>	<p>The applicant is not policy compliant, but the viability position has been tested and accepted by officers.</p>	<p>Provide details of affordable housing in an affordable housing scheme as part of the S106 which would include details of tenure mix, dwelling (size mix) details of the location, and the affordable housing provider.</p>

	<p>reduced to 6.5% affordable housing plus £398k, which would result in a total of 9 affordable dwellings based on the following:</p> <p>There are 96 dwellings proposed. Four dwellings already exist on the site.</p> <p>6.5% of 92 = 6 £398k buys 3 dwellings. 6+3= 9 affordable dwellings on site.</p> <p>Mix was agreed as 2 first homes, 4 shared ownership properties and 3 affordable rent properties.</p>			
<p>Open Space</p>	<p><u>Children's play</u> Local equipped area for Play (LEAP) equivalent of 0.25 hectares per 1,000 = 0.0525 hectares is required onsite. <u>Unequipped play/ amenity public open</u> provision of unequipped play space of at least 0.55= 0.1215 hectares is required (onsite).</p>	<p>Agreed</p>		<p>TBC</p>

	An Open Space/Play Scheme will also be required as part of the S106 as no details of the play area have been provided as part of the FUL Planning Application.			
Monitoring Fee	RBC S106 monitoring costs of £273 per principal obligation X by the number of years over which monitoring will be required. NCC Also request a monitoring charge of £200 per trigger payment relating to county obligations	Agrees to the principle of proving a monitoring fee but the actual amount is TBA	The approach is accepted but the actual overall monitoring fee shall be agreed with the applicant prior to the conclusion of the S106A.	Prior to Commencement of Development to pay to the Borough Council the Monitoring Fee Not to Commence Development until the Monitoring Fee has been paid to the Borough Council.
Indexation	All financial contributions subject to indexation using Retail Price Index or the BCIS All-in Tender Price Index as appropriate	TBC	N/A	TBC
Legal Costs	With all Sect 106 agreements, the applicant is required to pay the Council's legal fees. In this instance these would be £2,000 (TBC) .	TBC	Required to complete agreement.	To be paid on completion of agreement.
CIL	CIL liability for this development would be in the region of £490,000. Calculations are available. It is expected that the	TBC	N/A	TBC

	<p>developer may seek to apply for Social Housing Relief for the affordable units shown. Assuming these are eligible, this would give a relief amount of around £26,500, leaving an anticipated CIL receipt of £463,500. Of this, £371,000 would go towards items on the Borough Council's Strategic Infrastructure List, with £69,500 towards the Gotham Neighbourhood CIL and £23,000 towards CIL Admin.</p>			



Application Number: 23/02238/FUL
Hollytree Farm, Cropwell Road, Tithby



scale 1:2000

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23/02238/FUL

Applicant Holly Tree Tithby Ltd

Location Hollytree Farm Cropwell Road Tithby Nottinghamshire NG13 8GS

Proposal Proposed residential conversion of brick-built threshing barn, cart-shed and stable building and the residential redevelopment of the balance of the former farm complex with 6 no. new dwellings, including associated landscaping, car parking and access works

Ward Cropwell

THE SITE AND SURROUNDINGS

Details of the application can be found [here](#)

1. The application relates to land to the south of Cropwell Road and west of Tythby Road encompassing a collection of portal-framed agricultural buildings, traditional red-brick agricultural buildings and a cart shed to the north of the site, areas of hardstanding and a hard surfaced enclosure to the west of the site. The site is set behind residential properties fronting Cropwell Road. The site is currently served by two access points from Tythby Road. The Grade I Listed Church of the Holy Trinity is located to the north of Cropwell Road, along with its associated listed churchyard wall and headstones/ chest tombs. The Grade II Listed Old Vicarage is located to the north west of the site.
2. The site falls within the Green Belt.

DETAILS OF THE PROPOSAL

3. The application seeks planning permission for the demolition of the existing portal framed barns and enclosure and the erection of six detached dwellings, along with the residential conversion of the brick barn to the north of the site to form a seventh dwelling and the use of the associated cart shed for parking. The site would be accessed from the existing northernmost access from Tythby Road, the southernmost field access would be closed. The proposed dwellings would be of a mix of contemporary designs, summarised as follows:
 - Plot 1- Property Type A
A 5-bed two storey brick dwelling with a seam metal roof and attached garage.
 - Plot 2- Property Type B
A 5-bed 'one-and-a-half' storey brick dwelling with the first floor partly within the roof space, with a single storey side projection clad in timber. Integral double garage.
 - Plot 3- Property Type C

A 5-bed two storey dwelling faced in vertical seam metal cladding and timber.

- Plots 4- 5- Property Type D
4-bed two storey dwellings clad in timber, each with an integral garage.
- Plot 6- Property Type E
A 5-bed part single storey and part two storey dwelling faced in Corten steel with brick and timber facing to the single storey elements and a green roof to the single storey elements.
- Plot 7- Barn conversion
Addition of windows to elevations including full-height glazing in place of the opening to the south elevation, alterations to fenestrations including the bricking up of opening to the northern elevation, new roof lights to northern roof slope.

SITE HISTORY

4. 15/02815/FUL - Conversion and change of use of vacant agricultural buildings to residential use (Use Class C3) and demolition of other agricultural buildings – Approved in 2016
5. 21/00820/FUL- Proposed residential use of existing agricultural buildings to create 3no. dwellings. Landscaping and associated external works. Approved in 2021.
6. 22/00458/FUL- Conversion of existing agricultural buildings to form 6 No. residential dwellings including associated landscaping, car parking and access works (Revised scheme of 21/00820/FUL). Approved in 2022.

REPRESENTATIONS

Ward Councillor(s)

7. Cllr Birch does not object. However he agrees with the comments of the Parish Meeting that careful consideration must be given to drainage in light of the recent flooding issues near the site.
8. In additional comments Cllr Birch furthered his support for the scheme, identifying vast increases to the openness of the countryside (net volume decrease of c.20%), overwhelming local support, and large biodiversity gains. The Cllr identifies this scheme as a once in a lifetime development opportunity which brings so many benefits to Tithby.

Town/Parish Council

9. Tithby and Wiverton Parish Meeting does not object, and confirm they fully support the scheme. However they do have concerns regarding surface and waste water drainage and seek adequate measures to be incorporated into the plans. Recent flooding of the existing drainage in the village caused the road to be closed for a number of days.

Statutory and Other Consultees

10. The Highway Authority (Nottinghamshire County Council) does not object, however they note that they would need to be indemnified from the cost of

making up the streets and private maintenance agreements would need to be sought. Conditions and informative notes are recommended as detailed in the consultee response.

11. Nottinghamshire County Council Archaeology have no comments or recommendations to make.
12. The Borough Council's Environmental Sustainability Officer notes that the submitted bat survey report is in-date and appears to have been completed in accordance with good practice. A bat mitigation plan is recommended. It is likely that a bat mitigation license from Natural England would be required. The recommendations for reasonable avoidance measures and enhancement measures should be implemented, subject to this it is unlikely that the development would have a detrimental impact on populations of protected species.
13. The Borough Council's Environmental Health Officer does not object subject to conditions in relation to contaminated land and the importation of soils. Informative notes in relation to hours of construction and asbestos removal are recommended.
14. The Borough Council's Conservation Officer considers that the proposal would not harm the special interest of listed buildings in the vicinity. It is recommended that the existing vegetation to the northern boundary is retained to maintain the verdant and sylvan character of the lane. It is not considered that the proposal would harm the significance of the barn, cart shed and stables which are considered non-designated heritage assets. Revisions to proposed roof lights are recommended reuse existing openings and minimise new openings where possible, where a stable door is to be blocked it is recommended that the opening is instead glazed. Chimneys are not typically associated with barns. The consultee response sets out a number of recommended conditions should planning permission be granted.

Local Residents and the General Public

15. Ten representations have been received in support with comments summarised as follows:
 - a) Improved appearance compared to existing buildings
 - b) Buildings smaller than existing, less impact on Green Belt
 - c) Good design/ in keeping with village
 - d) Existing buildings of a negative appearance and a hazard
 - e) Sustainable construction of new buildings
 - f) Increased biodiversity
 - g) Development would remove large areas of concrete and reduce runoff
 - h) Drainage needs to be considered due to recent increased flooding
16. One representation has been received neither objecting to or supporting the application with comments summarised as follows:
 - a) An effective on-site SUDS drainage scheme and enhanced biodiversity should be required and protected by planning condition.
17. No representations have been received in objection.

Full comments can be found [here](#)

PLANNING POLICY

18. The Development Plan for Rushcliffe consists of The Rushcliffe Local Plan Part 1: Core Strategy (LPP1) and the Local Plan Part 2: Land and Planning Policies (LPP2). Other material considerations include the National Planning Policy Framework (NPPF)(December 2023), the National Planning Practice Guidance (the Guidance), and the 2009 Rushcliffe Residential Design Guide

Relevant National Planning Policies and Guidance

19. The relevant policy considerations in the NPPF are:
- Paragraph 11c)
 - Chapter 11 (Making effective use of land)
 - Chapter 12 (Achieving well- designed and beautiful places)
 - Chapter 13 (Protecting Green Belt Land)
 - Chapter 14 (Meeting the challenge of climate change, flooding and coastal change).
 - Chapter 15 (Conserving and Enhancing the Natural Environment)
 - Chapter 16 (Conserving and Enhancing the Historic Environment)

Full details of the NPPF can be found [here](#).

20. The 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.
21. 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.
22. 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.

Relevant Local Planning Policies and Guidance

23. The relevant policy considerations in the LPP1 are:
- 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 14 (Managing Travel Demand)
 - Policy 17 (Biodiversity)
24. The relevant policy considerations in the LPP2 are:
- Policy 1 (Development Requirements)
 - Policy 12 (Housing Standards)
 - Policy 18 (Surface Water Management)
 - Policy 21 (Green Belt)
 - Policy 28 (Conserving and Enhancing Heritage Assets)
 - Policy 29 (Development Affecting Archaeological Sites)
 - Policy 37 (Trees and Woodlands)
 - Policy 38 (Non Designated Biodiversity Assets and the Wider Ecological Network)
 - Policy 40 (Pollution and Land Contamination)
25. 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: [Planning Policy - Rushcliffe Borough Council](#)

APPRAISAL

26. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

Principle of development

27. The proposal falls to be considered under Policy 3 of the LPP1 which states that in other settlements beyond the main built-up area of Nottingham and the identified Key Settlements, development will be for local needs only. The explanatory text at Paragraph 3.3.17 states that local needs will be delivered through small scale infill development or on exception sites. Paragraph 3.10 of the Local Plan Part 2 clarifies that development to meet 'local needs' at 'other villages' will be limited to small scale infill, exception sites and allocations in neighbourhood plans.
28. Tithby is not a key settlement for growth, nor is it one of the other villages identified as having the potential for growth under the LPP2. The proposal

would not comprise limited infill development within a settlement defined under paragraph 6.10 of the LPP2 or meet local need as envisaged in paragraph 3.3.17 of the LPP1 and it would not therefore comply with Policy 3 of the LPP1.

29. Tithby does not have public transport links and with the exception of the Church, there are no facilities within the settlement. There is a public house approximately a mile from the site at Cropwell Butler. The closest shop is a small supermarket at Cropwell Bishop approximately 1.8 miles from the site. It is not considered that this could be practically relied upon to support the day-to-day needs of future residents without the use of a car. The development would therefore be car-reliant.
30. The unsustainable nature of the site would be contrary to Policy 14 (Managing Travel Demand), paragraph 1 whereby "The need to travel, especially by private car, will be reduced by securing new developments of appropriate scale in the most accessible locations following the Spatial Strategy in Policy 3, in combination with the delivery of sustainable transport networks to serve these developments". The unsustainable location of the site would also be contrary to Policy 39(2)(b) of the LPP2 which states that where applicable, development proposal should promote, support and enhance health by "providing employment developments in locations that are accessible by cycling and walking.
31. Planning permission was previously granted for the conversion of barns to dwellings. The application considered that whilst the development would be contrary to the spatial strategy, it was noted that the wording of the NPPF does allow for conversions outside of settlements. This is however not the case with the current application with the exception of the proposed residential barn conversion on plot 7. It is not therefore considered that the proposed development of plots 1-6 contrary to Policy 3 of the LPP1 is justified.

Green Belt

32. The application site falls within the Green Belt. Paragraph 152 of the NPPF states that development in the Green Belt should be regarded as inappropriate which is, by definition, harmful and should not be approved except in very special circumstances. Paragraph 153 states that when considering any planning application, substantial weight should be given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
33. Exceptions to inappropriate development are set out in paragraph 154 of the NPPF. Certain other forms of development listed under paragraph 155 are also not inappropriate, provided the openness is preserved and there is not a conflict with the purposes of including land within the Green Belt.
34. With regard to the proposed barn conversion to form unit 7 and the associated repurposing of the cart shed to form a garage, this element would comprise the re-use of buildings of a permanent and substantial construction under paragraph 155d) of the NPPF. No extension of the barn or cart shed

are proposed and therefore no impact on the openness of the Green Belt would be resultant. It would not conflict with the purposes of including land within the Green Belt and as such this element of the scheme would comprise an exception to inappropriate development.

35. With reference to the proposed dwellings on plots 1-6, the main consideration is whether the development would comply with criteria e) or g) of paragraph 154 in terms of whether it would comprise:
- e) limited infilling in villages; or
 - g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
 - not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

Limited infilling in villages

36. The six proposed dwellings would be arranged in a broad L shape to the west and south of the site, in place of a series of barns and an enclosed area of hardstanding. There are residential properties to the north fronting Cropwell Road, however the south and west boundaries of the site would abut open countryside. The proposal would result in a southern extension of residential development in place of agricultural buildings, which are not considered previously developed land. It is not considered that the proposal would comprise limited infill within a village as an exception to inappropriate development under paragraph 154e) of the NPPF.

Previously developed land

37. Previously developed land is defined in the NPPF as land that is or was occupied by a permanent structure and any fixed surface infrastructure. This specifically excludes land that is or was last occupied by agricultural buildings. The application site currently comprises a collection of agricultural buildings/ structures. Planning permission was granted most recently under 22/00458/FUL for the residential conversion of the buildings, however this permission has not yet been implemented nor have the pre-commencement conditions been discharged to allow for development to take place. It is therefore considered that the site remains in agricultural use and thus not previously developed land. It would not therefore comprise an exception to inappropriate development under paragraph 154g) of the NPPF.

Very special circumstances

38. The development would not therefore fall within any of the exceptions to inappropriate development in the Green Belt. The applicant has presented what they consider to be very special circumstances to outweigh the harm arising. In summary, the applicant considers these VSC to be:
That the development would not be contrary to the five purposes of the Green Belt

- a) It would increase the openness
 - b) Improvement in the setting of nearby designated and non- designated heritage assets
 - c) Visual improvement through the removal of functional agricultural buildings and an improvement in architectural design
 - d) An enhancement of landscape character
 - e) Rationalisation of the access
 - f) Improved amenity and outlook for future occupants compared to the consented scheme
 - g) The opportunity for SUDs drainage and biodiversity enhancement.
 - h) Employment opportunities during construction
 - i) Supporting local services
 - j) The fallback position of the extant permission
39. Further consideration will be given to these matters below, and an assessment of any Very Special Circumstances will be undertaken within the conclusion of this report.

Openness and the five purposes

40. Paragraph 142 of the NPPF states that the essential characteristics of Green Belts are their openness and their permanence. When considering openness, National Planning Practice Guidance sets out a number of matters which need to be taken into account when making this assessment including:
- openness is capable of having both spatial and visual aspects - in other words, the visual impact of the proposal may be relevant, as could its volume
 - the duration of the development, and its remediability - taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness
 - The degree of activity likely to be generated, such as traffic generation.
41. Paragraph 143 of the NPPF identifies that the Green Belt serves five purposes:
- a) to check the unrestricted sprawl of large built-up areas
 - b) to prevent neighbouring towns merging into one another
 - c) to assist in safeguarding the countryside from encroachment
 - d) to preserve the setting and special character of historic towns; and
 - e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
42. Tithby is washed over by the green belt designation and represents a rural settlement with strong agricultural ties and character. Whilst it is noted that the proposed plots 1-2 and 5-6 have been sited to broadly respond to the form and place of the existing agricultural barns, the nature of the site layout creating a central driveway for access and parking, in place of the central built form, has resulted in a development scheme which by design encroaches further into the open countryside than the existing.
43. Plot 1 would extend further south and further east than the existing built form, and plot 2 further south also. Plots 3 and 4 and most of 5 would be sited partially in place of an area enclosed to three sides with c. 2 metre high concrete panels but also much further south and west of the existing

buildings on site. Plot 6 would be located largely overlaid with the footprint of the north western most building on site. It is considered that the proposed two storey dwellings on these plots would have a greater impact on the openness of the Green Belt than the existing structures.

44. In this regard it is notable that the existing structures on site (the barns to be demolished) have maximum heights of c.7.15m (central building) and 6.7m (north western building), with eaves for the main structures at c. 5.3m and 5.1m respectively, with both buildings then having lower single storey ranges extending away from the core. By comparison the proposed scheme includes all plots facilitating first floor accommodation, and whilst this takes a variety of forms of notable architectural merit, the heights of these structures, now spread away from the core of the site towards the extremities, would all at their maximum be taller, ranging from 7.3m to 7.956m to ridge, and 4.45m to 6.09m to eaves.
45. As such whilst the scheme presented may present a reduced 'footprint' of development over the existing barns, the layout of the scheme and scale and massing of the buildings would spread and proliferate away from the core of the site, resulting in taller development around the site periphery, as well as additional gardens extending from the buildings, which would clearly result in demonstrable encroachment of development into the open countryside. This would be contrary to the purposes of the green belt, most specifically that as set out in paragraph 143 'c' of the NPPF. Accordingly, the scheme as proposed is considered to result in visual and spatial harms to the openness of the greenbelt.

Design Visual amenity and heritage assets

46. The Grade I Listed Church of the Holy Trinity is located to the north of Cropwell Road, along with its associated listed churchyard wall and headstones/ chest tombs. The Grade II Listed Old Vicarage is located to the north west of the site. The proposal therefore falls to be considered under chapter 16 of the NPPF (Conserving and Enhancing the Historic Environment). Paragraph 206 of the NPPF states that any harm arising to a designated heritage asset should require clear and convincing justification. Where a development would lead to substantial harm to, or total loss of, a designated heritage asset, then permission should be refused unless it can be demonstrated that substantial public benefits can be achieved that outweigh the harm or loss, or that all of the criteria under paragraph 207 can be satisfied. Where a development would lead to less than substantial harm then under paragraph 208 this harm should be weighed against the public benefits of the scheme, including securing its optimal viable use.
47. Further to this, the Borough Council has a duty under section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires special regard to be paid to the desirability of preserving listed buildings, their setting or features of special architectural or historical interest that they possess.
48. The existing portal framed barns are of a functional appearance which whilst appropriate for their original use and typical of more modern agricultural development in the rural environment and does not contribute positively to the character of the area. The more historic brick built barns which relate

more closely to the farmhouse adjacent can however be seen to positively influence the environment, with the heritage helping to inform the character of the area and development over time.

49. The application proposes the removal of the portal barns and their replacement with a series of dwellings of a bespoke and high-quality design that reference the agricultural nature of the site in a clear contemporary way. For example, the barn style building on plot 6 would have a strong linear character and be faced in Corten steel, the 'Dutch barn' and 'agricultural shed' style buildings on plots 3-5 have clear agricultural influences whilst plots 1 and 2 would reference the more traditional brick buildings in the style of a farmhouse and a stable and cart shed respectively. Overall, it is considered that the proposal would elevate the architectural design quality of the area, and whilst it would be considered to form a bespoke architectural solution to the site, it is not considered that the scheme would be redolent of a farmstead in its typology. As such, whilst the scheme would be considered high quality in its architectural form, it would represent a clear more domestic incursion into the open countryside, detrimental to the rural amenities of the area.
50. The proposed conversion and re-use of the existing barns would be considered appropriate, with existing openings re-used where possible and the intrinsic characteristics of these more historic agricultural buildings considered to be protected, and sympathetically adapted.
51. With regards to heritage the proposal would not be clearly intervisible in views of the church due to the location of the site behind the frontage properties and buildings on Cropwell Road. It is not considered that the proposal would harm the setting of the church and associated listed elements or the Old Vicarage. The proposal would therefore preserve the setting of the listed buildings as a desirable objective under section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Landscape character

52. The site is clearly visible from the surrounding open countryside with public views from Tythby Road to the east and a public right of way that follows the hedge field boundary to the west.
53. The previous application sought the residential conversion of the existing barns, retaining their form and some of the functional agricultural character of the buildings. Whilst the current proposal would be of a high-quality design, the construction of new dwellings would introduce an urbanising and domestic character to the street scene notably with regard to the most visible dwelling on plot 1 which would be a brick construction with clearly domestic features rather than reflecting the agricultural character of the site and surroundings.

Highways

54. The application seeks the consolidation of the access to a single access point. This would represent an improvement in terms of a reduced incursion into the open countryside compared to the route of the current southern access track. The Highway Authority does not object to the proposal and it is

noted that sufficient visibility can be achieved. Each plot would be serviced with appropriate off-street parking facilities and provision of Electric Vehicle Charging points could be secured by condition.

55. As a private drive is proposed it would not be expected that refuse lorries would enter the site, instead waste would be collected from the roadside on Tythby Road. Details of a bin collection point could be appropriately secured by condition. The access includes appropriate turning space for cars, delivery vans and fire appliances and as such there are no other access, servicing or highways concerns.

Amenity of future occupiers

56. Each of the dwellings would be provided with a private rear garden in excess of the minimum garden size standards set out in the Residential Design Guide. The layout proposed in the current application would represent an improvement in terms of garden sizes and orientation. The internal space within each dwelling would comply with the Nationally Prescribed Space Standards and each habitable room would be provided with a window providing light and a degree of outlook. Given the layout of the dwellings and positioning of windows, there would not be an undue overlooking or overbearing relationship between dwellings or an undue overshadowing of the respective rear garden areas from neighbouring buildings.
57. The Borough EHO has noted potential contamination concerns with the site given its former uses. Subject to appropriate conditions relating to contaminated land reports, remediation and verification this risk could be controlled, and appropriate amenities for future occupiers and site workers could be secured.

Amenity Of Neighbouring Residents

58. In relation to neighbouring occupiers the proposed new build houses would not directly adjoin any neighbours so as to give rise to any possible overbearing, overshadowing or overlooking impacts. The closest relationship would be between the proposed converted barn, and neighbours to the north at Hollytree Farm House and the neighbouring dwelling to the north east. The barn conversion has been sensitively proposed with any openings towards the gardens of these neighbours, which would be directly abutting the building, to be blocked up, and as such the proposed conversion would also not give rise to any significant amenity concerns with regards to overlooking. No extensions to the existing form of this building are proposed and so there would be no change to the existing relationships in relation to overbearing and overshadowing.
59. The use of the access, remodelled from the existing uncontrolled farm access, would not be considered to bring about any significant noise or disturbance concerns.

Biodiversity and SUDs

60. The application seeks biodiversity enhancement through the formation of a biodiverse area to the south east corner of the site, along with a significant reduction in the area of impermeable hard surfacing across the site which the

submitted Design and Access Statement states would ensure that an equivalent or enhanced biodiversity net gain to that secured through the extant permission.

61. Subsequently the applicant has submitted a Net Gain Assessment which shows a potential 39% net gain for the scheme using the retained biodiversity gain area within the site and adjoining land along Tythby Lane within the applicants ownership. Such provisions could be secured by way of appropriate planning condition, along with its appropriate long term management. The provision of this notable net gain must weigh positively in support of the scheme and represents a benefit to the development.
62. In relation to drainage and SUDS, it is noted that the applicant suggests that the scheme can deliver enhancements to existing site drainage through the provision of appropriate SUDS on site. No technical supporting documentation has been provided to demonstrate the viability of such an approach however it is considered reasonable to control the details of surface water and foul water drainage by condition, advocating a SUDS first approach in accordance with policy 18 of the LPP2.

Economic benefits

63. The proposal would provide some economic benefits during the construction phase. However, these would be temporary and minor in scale given the scope of the scheme and as such could only be afforded very limited weight. The occupation of the dwellings may provide benefit in terms of enhancing the vitality and viability of the settlement and supporting surrounding facilities, however such benefits would not be notably different in scale to those associated with the extant approval on site for the conversion of the existing buildings to housing. As such, the economic benefits of the scheme can only be given very limited weight.

Fallback of extant permission

64. Exceptions to inappropriate development in the Green Belt (listed under para 154 of the NPPF included) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development.
65. Previously developed land, by definition of the NPPF, excludes land that is or was last occupied by agricultural buildings. As such, the site at present cannot be considered to represent previously developed land.
66. The applicant considers that if the previous permission for the residential conversion of the buildings were to be implemented, then this would render the site previously developed land. Accordingly, this 'fall-back' position is cited as a Very Special Circumstance. However, it is the view of officers that the application site should be considered in its current state and it is noted that the required pre-commencement conditions to allow the previously approved development to proceed have not yet been discharged. As such, it is considered that little weight can be given to this as a VSC.

67. Nevertheless, the provision under 154'g' of the NPPF, is as follows: “g) *limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:*
- *not have a greater impact on the openness of the Green Belt than the existing development; or*
 - *not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.”*
68. The key assessment would therefore lie in whether the proposed development would have a greater impact on the openness of the green belt than the existing. In this case, as outlined through the green belt assessment made earlier in this report, it is considered that fundamentally the development as proposed would have a demonstrable impact on the openness of the green belt in comparison to the existing and pertinently in this case to the approved conversion scheme which included no extension to the built form, and the removal of the concrete walling to the west of the site.
69. As such, even when the fall back position is considered with regard to the potential use of previously developed land, it would still be considered that the development would reduce the openness of the green belt and therefore represent inappropriate development in the greenbelt.

Ecological considerations

70. The application is accompanied by an ecological survey which identified buildings B3, B4, B6, and B7 as supporting a non-breeding roost of pipistrelle. The work would therefore require a European Protected Species derogation licence.
71. The Borough Council has a legal duty when determining a planning application for a development which may have an impact on protected species. The species protection provisions of the Habitats Directive, as implemented by the Conservation (Natural Habitats Etc.) Regulations 1994, contain three tests which Natural England must apply when determining a licence application. This licence is normally obtained after planning permission has been obtained. However, notwithstanding the licensing regime, the Planning Authority must also consider these tests when determining a planning application. A Planning Authority failing to do so would be in breach of Regulation 3(4) of the 1994 Regulations.
72. In general, five key principles are applied to each licence application:
1. There is a genuine need and a 'purpose' for the proposed activity.
 2. There are no satisfactory alternatives to delivering and meeting the need in the way proposed.
 3. The licensed action will allow the need to be met.
 4. That the proposals are proportionate.
 5. That there will be no adverse effect on the conservation status of the species concerned.
73. To comply with the above legislation, a licence can only be granted if the following three tests can be met:

- a) the activity is for a certain purpose, for example it's in the public interest to build a new hospital
 - b) there's no satisfactory alternative that will cause less harm to the species
 - c) the activity doesn't harm the long-term conservation status of the species
74. When considering 'imperative reasons of overriding public interest, including those of a social and economic nature' Natural England will take into account whether the activities/ developments are required to meet or provide a contribution to meeting a specific need such as:
- the requirement to maintain the nation's health, safety, education, environment (sustainable development, green energy, green transport)
 - complying with planning policies and guidance at a national, regional and local level
 - requirements for economic or social development (Nationally Significant Infrastructure Projects, employment, regeneration, mineral extraction, housing, pipelines, etc.).
75. The proposal would provide some public benefits through the provision of new housing of a sustainable and energy-efficient design as detailed in the Design and Access Statement. Two of the three buildings with roosts are to be re-used rather than demolished representing a reduction in carbon emissions through construction. These buildings represent non-designated heritage assets whose preservation is therefore in the public interest. Any works to re-purpose and maintain the buildings would likely bring about the same conflict with the existing roosts and as such it is not considered that there is a satisfactory alternative to the proposal.
76. Part 4 of the bat survey proposes mitigation measures comprising the installation of bat boxes/ bricks along with precautionary measures relating to the timing of works and the need for a repeat survey should works not take place until late summer/ autumn 2024. Subject to these measures, it is considered unlikely that the development would have a detrimental impact on populations of protected species and the 3 tests as set out by Natural England are considered to be passed.

Very Special Circumstances and Conclusions

77. Paragraph 153 of the NPPF advises that: "When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations." This national policy advice is reinforced within policy 21 of the LPP2, which states that applications for development within the Green Belt should be determined in line with the NPPF.
78. As outlined in paragraph 39 of this report above, the applicant considers there to be numerous benefits to the scheme that would amount to very special circumstances that would clearly outweigh the harm to the green belt (substantial weight), and any other harm. These matters have been considered carefully through the body of this report, and whilst some matters such as BNG (39%), employment opportunities and support for local services can be attributed weight in support of the scheme, for the reasons outlined in

the report it is not considered that all of the factors outlined by the applicant are matters that support the scheme, notably those in relation to the fall back position, impact on openness, enhancement to the setting of heritage assets and visual enhancements to the character of the area. Overall in support of the scheme, it is considered that the development proposal would provide some modest economic, environmental and social benefits.

79. The benefits of the scheme must be weighed against harm to the Green Belt and also any other 'harms' arising. In terms of Green Belt harm, the development of new buildings for housing would represent inappropriate development, therefore harmful by definition to the green belt, with the scheme resulting in a moderate level of impact on the openness of the Green Belt given the encroachment of built form within the countryside contrary to the 5 purposes of the green belt. The changes would be permanent and perceptible. Other harms include conflict with the spatial strategy, and harm to the character and appearance of the area through the domestic encroachment into the countryside.
80. In summary, the proposed development is inappropriate development and is therefore harmful by definition. Substantial weight is attached to that harm. Against the totality of the harm, the above factors have been identified which weigh in support of the scheme. It is however not considered that these factors would together represent Very Special Circumstances that would clearly outweigh the harm to the Green Belt, and that of the additional harms arising.
81. It is, therefore, considered that the proposed development would represent inappropriate development in the Green Belt and that there are no very special circumstance to justify the development or to outweigh harm to the Green Belt.
82. There is a fundamental policy objection to the proposal and it is considered that this cannot be overcome. The applicant has been made aware of the situation in writing. In order to avoid the applicant incurring further abortive costs and time delays, consideration has not been delayed by discussions to resolve this objection, resulting in a recommendation to refuse planning permission.

RECOMMENDATION

It is **RECOMMENDED** that planning permission be refused for the following reasons:

1. The proposed development would not comprise limited infill within the village as an exception to inappropriate development under paragraph 154e) of the National Planning Policy Framework. It would not fall within any of the other exceptions to inappropriate development in the Green Belt listed under paragraph 154 of the NPPF, nor would it fall within the categories of certain other forms of development listed under paragraph 155 that are also not inappropriate, provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

The proposal would constitute an inappropriate and therefore harmful form of development for which 'very special circumstances' have not been demonstrated

to clearly outweigh the harm arising. A decision to refuse planning permission would accord with paragraph 152 of the NPPF which states that "Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances".

The proposal would be contrary to the fundamental aim of Green Belt Policy as detailed under paragraph 142 of the NPPF which is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

2. The proposed development would result in harm to the rural character and setting of the settlement and a detrimental 'urbanising effect' by the domestic incursion into the countryside and extension of the settlement boundary by virtue of the construction of new residential dwellings, with associated access, landscaping and domestic gardens in place of the current barns, and the loss of the existing agricultural character of the site.

The proposal would be contrary to criterion 4 and 5 Policy 1 of the Local Plan Part 2: Land and Planning Policies which states Planning permission for new development, changes of use, conversions or extensions will be granted provided that, where relevant, the following criteria are met:

4. the scale, density, height, massing, design, layout and materials of the proposal is sympathetic to the character and appearance of the neighbouring buildings and the surrounding area. It should not lead to an over intensive form of development, be overbearing in relation to neighbouring properties, nor lead to undue overshadowing or loss of privacy; and
7. there is no significant adverse effects on landscape character;

The proposal would be contrary to paragraph 135 (a,b,c) of the NPPF which states that planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).

3. Policy 3 of the Rushcliffe Borough Local Plan Part 1: Core Strategy sets out the spatial strategy for housing delivery in the Borough which seeks to ensure that sustainable development will be achieved through a strategy which promotes urban concentrations by directing the majority of development towards the built up areas of Nottingham and Key Settlements. In other settlements the Core Strategy at para 3.3.17 envisages that development should be for local needs only through small scale infill development or on exception sites. Paragraph 3.9 of the Local Plan Part 2 lists a number of smaller settlements which are capable of accommodating a limited number of dwellings. Paragraph 3.10 states that beyond these allocations, development will be limited to small scale infill development, defined as development of small gaps within the existing built fabric of the village or previously developed sites whose development would not have a harmful impact on the pattern or character of the area.

The application site does not represent limited infill, or previously developed land where the proposed scheme would not have a harmful impact on the pattern or

character of the area. As such the development would be contrary to policy 3 of the Rushcliffe Local Plan Part 1: Core Strategy and paragraph 3.10 of the Local Plan Part 2 as well as policy 21 of the Rushcliffe Local Plan Part 2: Land and Planning Policy and the National Planning Policy Framework.

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