

When telephoning, please ask for: Martin Elliott
Direct dial 0115 914 8511
Email constitutionalservices@rushcliffe.gov.uk

Our reference:
Your reference:
Date: Wednesday, 3 October 2018



**Rushcliffe Community
Contact Centre**

Rectory Road
West Bridgford
Nottingham
NG2 6BU

To all Members of the Planning Committee

Dear Councillor

A Meeting of the Planning Committee will be held on Thursday, 11 October 2018 at 6.30 pm in the Council Chamber, Rushcliffe Arena, Rugby Road, West Bridgford to consider the following items of business.

Yours sincerely

A handwritten signature in black ink, appearing to read 'S Sull'.

Sanjit Sull
Monitoring Officer

AGENDA

1. Apologies for Absence and Substitute Members
2. Declarations of Interest
 - a) Under the Code of Conduct
 - b) Under the Planning Code
3. Minutes of the Meeting held on 13 September 2018 (Pages 1 - 8)
4. Planning Applications (Pages 9 - 180)
The report of the Executive Manager - Communities.
5. Planning Appeals (Pages 181 - 184)
The report of the Executive Manager - Communities.

Membership

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

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

By telephone
Monday to Friday
8.30am - 5pm

Telephone:
0115 981 9911
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customerservices@rushcliffe.gov.uk

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



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

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, 13 SEPTEMBER 2018**

Held at 6.30 pm in the Council Chamber, Rushcliffe Arena, Rugby Road, West
Bridgford

PRESENT:

Councillors R Butler (Chairman), J Stockwood (Vice-Chairman), B Buschman, N Clarke, M Edwards, R Hetherington (substitute for M Males), S Hull (substitute for S Mallender), R Jones, F Purdue-Horan (substitute for J Greenwood), Mrs J Smith and J Thurman

ALSO IN ATTENDANCE:

4 members of the public.

OFFICERS IN ATTENDANCE:

T Coop	Constitutional Services Officer
M Hilton	Area Planning Officer
I Norman	Legal Services Manager
A Pegram	Service Manager - Communities

APOLOGIES:

Councillors J Greenwood and Mrs M Males

13 Declarations of Interest

18/01376/FUL – 1 Fairfield Street, Bingham, Nottinghamshire – Councillor Hull declared a non-pecuniary interest.

14 Minutes of the Meeting held on 16 August 2018

The Minutes of the meeting held on 16 August 2018 were approved as a correct record and signed by the Chairman.

15 Planning Applications

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

18/01376/FUL – Two storey rear extension and internal alterations to provide additional officeB1(a) accommodation with alternative A2/B1 (a) use of all units – 1 Fairfield Street, Bingham, Nottinghamshire.

Updates

There were no updates reported.

After declaring a non-pecuniary interest Councillor Sue Hull left the room and did not take part in the subsequent discussion and vote.

DECISION

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

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

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

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

Existing and Proposed Plans and Elevations - 17-43-P03 - Rev.E
Block Plan - 17-43-P02 - Rev.A

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

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

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

4. Prior to the installation of any externally mounted plant or equipment (e.g. air conditioning, extraction, heating units, etc.) or any internally mounted equipment which vents externally, the noise levels along with details of the intended positioning of the features in relation to the development, shall be submitted to and approved by the Local Planning Authority. The development shall thereafter only be carried out in accordance with the approved details. If this information is inconclusive or not complete then the applicant will be required to undertake a full noise assessment in accordance with BS 4142:2014: Methods for rating and assessing industrial and commercial sound. This report will need to make it clear that the plant/equipment is capable of operating without causing a noise impact on neighbouring properties.

[To protect the amenities of neighbouring residential properties and to comply with policies GP2 (Design & Amenity Criteria) of the Rushcliffe

Borough Non Statutory Replacement Local Plan].

5. The premises shall only be used for the use hereby permitted between the hours of:

08.30 - 17.30 Monday to Friday;

09.00 to 12.00 Saturdays;

No working on Sundays or Bank Holidays.

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

NOTES TO APPLICANT

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

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

This grant of planning permission does not alter the private legal situation with regard to the carrying out of any works involving land which you do not own or control. You will need the consent of the owner(s) involved before any such works are started.

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

The alterations to the advertisements as indicated on the proposed plans have not been subject to consideration under this planning application. Such alterations may require separate advertisement consent.

Councillor Sue Hull rejoined the meeting at this point.

18/01035/FUL – Conversion of bungalow to four bedroom house including replacement of roof, increasing eaves and ridge height with dormer windows to front and rear; rear extension and replacement detached garage (resubmission) – 5 Roulstone Crescent, East Leake, Nottinghamshire.

Updates

There were no updates reported.

As ward members for East Leake, Councillor John Thurman and Councillor

Ron Hetherington withdrew from the committee for the consideration of this item.

DECISION

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

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

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

2. The development hereby permitted shall be carried out in accordance with the plans ref. 17003-05C and 17003-09A received on 3rd July 2018 and 17003-06B, 17003-07B, 17003-08 and 17003-01 all received on 3rd May 2018.

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

3. The external materials and finishes shall be as specified within the submitted application and as shown on the approved drawings to match the existing external elevations.

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

4. The first floor dormer window in the west elevation to serve the bathroom of the proposed development shall be permanently obscured to Group 5 level of privacy or equivalent. Thereafter, the window shall be retained to this specification.

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

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no additional windows, doors or openings of any kind shall be formed in the west elevation(s) at upper floor levels of the approved development without the prior written approval of the Borough Council.

[To safeguard the reasonable residential amenities of adjoining properties and to comply with policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan]

Councillor John Thurman and Councillor Ron Hetherington rejoined the

committee at this point.

18/01458/VAR – Vary condition 2 of planning permission 17/02133/FUL to increase number of caravans from 2 to 3 – 22 Landcroft Lane, Sutton Bonington, Nottinghamshire.

Updates

There were no updates reported.

In accordance with the Council's Public Speaking Protocol for Planning Committee, Mr P Wall (objector) and Councillor Andrew Brown (Ward Councillor) addressed the meeting.

DECISION

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

1. No more than three caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended (of which no more than 1 shall be a static caravan or mobile home) shall be stationed at any time within the curtilage of 22 Landcroft Lane, comprising of the areas edged red and blue on the Ordnance Survey location Map submitted with the application.

[It is not considered that the site possesses sufficient amenities or is otherwise suitable to accommodate an additional independent unit of accommodation and also to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan].

2. The extent of the site permitted shall be maintained in accordance with the Site Layout Plan received on 12 June 2018.

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

3. The extended site area shall only be used for purposes ancillary to the existing traveller site at 22 Landcroft Lane.

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

4. The occupation of the site hereby permitted shall be carried on only by Mr Felix Connors and his resident dependents.

[It is not considered that the site possesses sufficient amenities or is otherwise suitable to accommodate an additional independent unit of accommodation and also to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan].

Plan].

5. Within three months of the date of this decision, a detailed landscaping scheme for the rear boundary of the site shall be submitted for the approval of the Borough Council. The approved scheme shall be carried out in the first tree planting season following the approval of the landscaping scheme by the Borough Council. Any trees or plants which within a period of 5 years from the date of the decision die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Borough Council gives written consent to any variation.

[In the interests of the visual amenities of the surrounding area and to comply with policy EN13 (Landscaping Schemes) of the Rushcliffe Borough Non-Statutory Replacement Local Plan].

6. No commercial activities shall take place on the land, including the storage of materials.

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

Councillor John Thurman and Councillor Ron Hetherington rejoined the committee at this point.

18/01419/FUL – Single storey side and rear extensions – 31 Asher Lane, Ruddington, Nottinghamshire.

Updates

There were no updates reported.

In accordance with the the Council's Public Speaking Protocol for Planning Committee, Councillor John Lungley (Ward Councillor), addressed the meeting.

DECISION

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

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Plan, Drawing 1- Floor and Roof Plans, and Drawing 2- Elevations, received on 19 June 2018.

[For the avoidance of doubt and to comply with policy GP2 (Design &

Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

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

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

The meeting closed at 8.30 pm.

CHAIRMAN

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Planning Committee

11 October 2018

Planning Applications

Report of the Executive Manager - Communities

PLEASE NOTE:

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

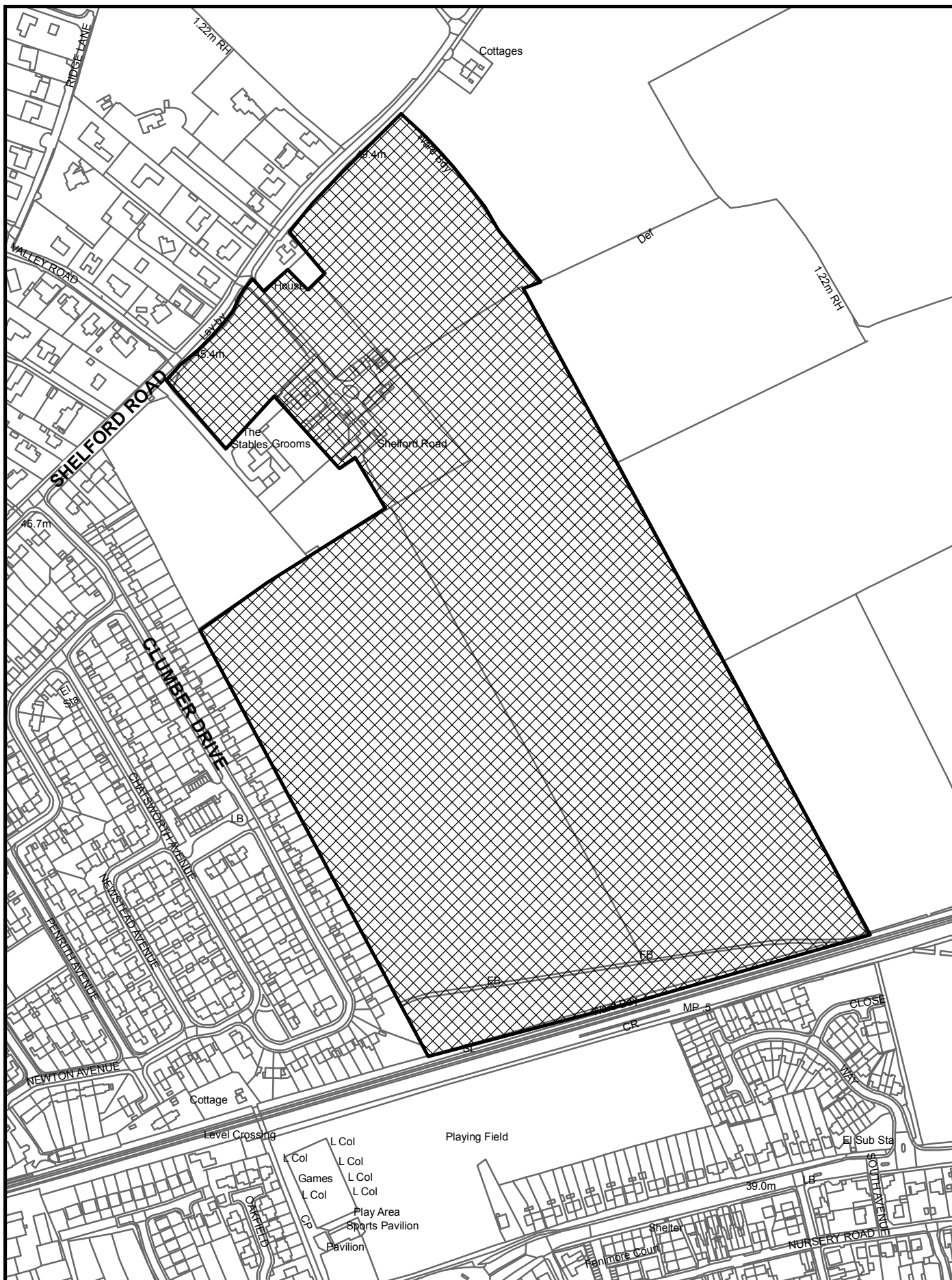
If you have not already made a Building Regulations application we would recommend that you check to see if one is required as soon as possible. Help and guidance can be obtained by ringing 0115 914 8459, or by looking at our web site at

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

Application	Address	Page
13/02329/OUT	Land Off Shelford Road (Shelford Road Farm) Shelford Road Radcliffe On Trent Nottinghamshire	13 - 91
	Outline application for development of up to 400 dwellings, a primary school, health centre and associated infrastructure including highway and pedestrian access, open space and structural landscaping.	
Ward	Radcliffe on Trent	
Recommendation	That in accordance with the Town and Country Planning (Consultation) Direction 2009, the application be referred to the National Planning Casework Unit and that, subject to the application not being called in for determination by the Secretary of State for Communities and Local Government, the Executive Manager for Communities be authorised to grant planning permission subject to conditions and the prior signing of a section 106 agreement.	
18/00300/OUT	Land At OS Reference 456332 Asher Lane Ruddington Nottinghamshire	93 – 127
	Outline planning application for proposed development of 175 dwellings including vehicular access (via 75 Musters Road), pedestrian links, public open space, car parking, landscaping and drainage.	
Ward	Ruddington	
Recommendation	That in accordance with the Town and Country Planning (Consultation) Direction 2009, the application be referred to the National Planning Casework Unit and that, subject to the application not being called in for determination by the Secretary of State for Communities and Local Government, the Executive Manager for Communities be authorised to grant planning permission subject to conditions and the prior signing of a section 106 agreement.	

Application	Address	Page
<u>18/01097/FUL</u>	Land South East Of 75a Wilford Lane West Bridgford Nottinghamshire Erection of four new dwelling houses with associated access	129 – 142
Ward	Compton Acres	
Recommendation	Planning permission be granted subject to conditions	
<u>18/00019/FUL</u>	85 Chaworth Road West Bridgford Nottinghamshire NG2 7AE Demolition of bungalow, erection of 5 apartments and creation of parking area	143 – 157
Ward	Lutterell	
Recommendation	Planning permission be granted subject to conditions	
<u>18/01705/OUT</u>	Land Adjacent to 63 Moor Lane Gotham Nottinghamshire NG11 0LH Outline application for proposed erection of one detached dwelling with new access.	159 – 166
Ward	Gotham	
Recommendation	Planning permission be refused	
<u>18/01543/FUL</u>	14 The Rushes Gotham Nottinghamshire NG11 0HY Demolition of garage, two storey side extension, and single storey front and rear extensions.	167 – 174
Ward	Gotham	
Recommendation	Planning permission be granted subject to conditions.	

Application	Address	Page
<u>18/01772/FUL</u>	1 Priors Close Bingham Nottinghamshire NG13 8EP Alter boundary fence to 1.5m including trellis and 1.2m high at corner (revised scheme)	175 – 179
Ward	Bingham East	
Recommendation	Planning permission be granted subject to conditions	



Application Number: 13/02329/OUT
Land off Shelford Road, Radcliffe on Trent

scale 1:4000

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13/02329/OUT

Applicant William Davis Limited

Location Land Off Shelford Road (Shelford Road Farm) Shelford Road
Radcliffe On Trent Nottinghamshire

Proposal Outline application for development of up to 400 dwellings, a primary school, health centre and associated infrastructure including highway and pedestrian access, open space and structural landscaping

Ward Radcliffe On Trent

THE SITE AND SURROUNDINGS

1. The application site is located on the eastern side of Radcliffe on Trent. Shelford Road delineates the site northern boundary with existing residential beyond, except for an individual dwelling to the south of Shelford Road that is not included within the site and a field which is land associated with Grooms Cottage. The rear gardens of existing properties along Clumber Drive lie to the west of the western site boundary with the stream running through the southern part of the site and the railway line bordering the southern boundary of the site. Beyond the railway line, sports pitches and residential development is present which are accessed from the A52. Agricultural land lies to the east of the site. An area of land immediately adjacent to the north west of the site incorporates two residential properties Grooms Cottage and the Hunting Stables.
2. The site area is approximately 19.63 hectares and largely comprises agricultural land subdivided into regular shaped fields that gently slope down to a stream to the south. However, the northern part of the site also contains a number of agricultural buildings and a farmhouse that previously formed Shelford Road Farm.
3. The site lies within the Nottingham and Derby Green Belt.

DETAILS OF THE PROPOSAL

4. The application seeks outline planning permission, with all matters reserved except access, for residential development providing up to 400 dwellings, with a serviced site for a primary school and health centre (if required) and associated infrastructure including highway and pedestrian access, open space and structural landscaping, notably along the southern and eastern boundaries. The former Shelford Road Farm buildings are proposed to be demolished as part of the application.
5. The application is accompanied by:
 - Site location plan

- Development Framework Plan
 - Planning Statement with S106 Heads of Terms
 - Consultation statement
 - Design and Access Statement
 - Transport Assessment
 - Travel Plan
 - Flood Risk Assessment and Drainage Strategy
 - Landscape and Visual Appraisal including figures
 - Extended Phase 1 Survey Report and Bat Report
 - Existing Tree Report
 - Noise and Vibration Assessment
 - Soil Resources, Agricultural Use and Quality of Land
 - Archaeological Desk Based Assessment
 - Archaeological Trial Trench Evaluation
6. Since the submission of the application additional information has been submitted in respect of Transport Assessments, Ecological surveys, Revised Travel Plan, Roundabout/access design, planning and green belt statement, and Archaeology.
 7. The application proposes that 30% of the dwellings would be affordable homes.
 8. Vehicular, pedestrian and cycle access to the proposed development would be via a new roundabout junction with Shelford Road to the north. The existing access drive to the site would be closed to vehicular movement but retained for pedestrian and cycle movements.
 9. Development parameters have been established and the development would comprise a mixture of traditional house sizes and types (ranging from 1 to 5 bedrooms) including semi-detached and detached style properties. It is proposed that the dwellings would be predominantly 2 storey although some single storey might be appropriate. The design and access statement also suggests that the occasional 2.5 storey dwelling would be incorporated as feature buildings to aid legibility (these would not be along the western boundary of the site adjacent to the existing residential properties or the eastern site boundary which will form the countryside edge). The net density for the residential development is proposed to be approximately 30 dph with variations within the site to allow for a lower density rural edge.
 10. Development along the eastern site boundary is proposed to be at a lower density and informally arranged to create a soft settlement edge where houses face out to the countryside. A landscape buffer (minimum of 10m in depth) is proposed along this boundary incorporating retained hedgerows and proposed tree planting. Green fingers would extend westwards from this buffer to permeate the development.
 11. Provision would be made for 5.12ha of public open space including a children's play space and allotments with significant improvement in terms of biodiversity, sustainable drainage systems, recreational facilities and strategic planting. An area of open space, including equipped children's play and parkland, would be located in the centre of the development. Public open space would also be provided to the south of the built development. This

would incorporate the drainage features and allotments. The existing hedgerow corridor would be retained within a central north – south corridor providing a pedestrian/cycle way link to Shelford Road.

12. In acknowledgement of the sites location in the Green Belt the planning statement includes an analysis of the suggested degree of actual harm that would arise from the proposed development. This assessment has taken account of the Borough Councils Green Belt Review Methodology and draws on the findings of the Landscape and Visual Appraisal that accompanies the application. This is considered further in this report.
13. The application also sets out what are considered to be the Very Special Circumstances necessary to justify inappropriate development in the Green Belt. These are set out in the Planning Statement and are summarised below:-
 - a. Development Plan Policy Support – Clear extant and emerging Development Plan policy support for:
 1. Radcliffe on Trent as a Key Settlement and a focus for growth
 2. The residential development of greenbelt land there
 3. The removal of that land from the designated green belt
 4. The identification for the land to the east of the village including the application site as a broad housing location
 5. The identification of the application site itself as a preferred housing site
 - b. Housing Need - national housing crisis and a pressing need for new housing in the Borough, and consequently the Rushcliffe Core Strategy (CS) establishes a significant housing requirement that is likely to increase further as a result of delays in the delivery of strategic development sites.
 - c. Housing Land Supply - there is an acute housing land supply shortage in the Borough and Radcliffe specifically. The proposed development of up to 400 new dwellings on the application site would make a valuable contribution towards remedying the shortfall
 - d. Affordable housing provision - there is a significant need for affordable housing, both across the Borough and in Radcliffe specifically. The development proposal will provide up to 120 new affordable homes to contribute to meeting that need
 - e. Sustainable Settlement in urgent need of growth - important population and service centre in the Borough and is recognised as an entirely appropriate and sustainable focus for growth. Growth needs to happen to address socio economic issues that arise from the village's aging and declining population. Radcliffe is a key settlement in the Borough and has been identified as a sustainable settlement where growth can be accommodated and the CS proposes a minimum of 400 dwellings should be delivered in the settlement. Therefore, the development proposals would entirely accord with the development strategy and housing objectives contained within the CS.

- f. Provision of education and health facilities for Radcliffe - the proposed development would also facilitate the provision of a new primary school and health centre to meet the needs of the development's residents and address existing capacity issues within the settlement. It would also support the other important community services and facilities in the settlement such as the secondary school.
 - g. Wider community benefit - enhancements to the local highways and pedestrian facilities improving connections to the village centre, local amenity and pedestrian safety. The existing bus service and facilities would also be significantly enhanced. New public open space would be provided and improvements to the village's sports facilities would be facilitated.
 - h. Economic benefit - the proposed development would support new jobs, create economic growth and result in expenditure to enhance the viability and vitality of the local retail and leisure services within it that depend on consumer spending to sustain and grow and to generate local employment opportunities. It would also provide monies to RBC and NCC through the New Homes Bonus.
 - i. Environmental Enhancement – the site is unconstrained with few environmental features of any interest. Provision of substantial green and blue infrastructure will ensure that the overall environmental quality of the site would be enhanced.
 - j. Inevitable need to release Green Belt at Radcliffe - it is widely recognised that substantial Green Belt releases will be required to meet the housing needs of the Borough, indeed the RCS implies that most new housing will have to be delivered on sites that are currently located in the Green Belt, including at Radcliffe on Trent. The application site has the distinct advantage of being able to accommodate the 400 dwellings required together with primary school, health centre and public open space on a single site.
14. The applicant concludes that individually these matters are very significant and taken together they clearly outweigh the harm by way of inappropriateness and the limited 'other' harm that would result from the development. It is concluded that the 'very special circumstances' required by the NPPF in order to approve inappropriate development in the Green Belt exist in this instance and that the proposals accord with Green Belt policy.
15. The additional information submitted states that the site has recently been identified by RBC as a preferred site to be removed from the Green Belt and allocated for residential development in the Rushcliffe Local Plan Part 2 - Land and Planning Policies (LAPP). That reflects the provisions of the recently made Radcliffe Neighbourhood Plan that identifies the site as part of a " Direction of Growth" to the village
16. The information confirms that the site including land required for the access is owned by the applicants who consider themselves to be without funding or capacity constraints and are ready to develop the site as soon as possible. The site is therefore available now for immediate development.

17. They anticipate that an average of 90 dwelling per annum would be delivered comprising 70 market house completions and 20 affordable house completions.
18. The LAPP Preferred housing site highlights that the additional development proposed in the village would help to ensure the delivery of essential community infrastructure. The application proposes the reservation of land for the provision of a new primary school and health centre to meet the needs of the development's residents and address existing capacity and qualitative issues within the village.
19. The revised Development Framework proposes a revised location for a potential health centre close to the Shelford Road frontage and enhanced bus service. Provision has also been made to allow an area of land to be safeguarded for a potential pedestrian/cycle footbridge over the railway line.
20. The development would bring direct and indirect employment benefits and create economic growth resulting in expenditure to the settlement and local area.
21. They consider that the application site is therefore available, suitable and the proposed development is deliverable and would make a significant contribution to meeting the identified market and affordable housing needs within the plan period.

SITE HISTORY

22. There is no planning history which is relevant to the determination of this application.

REPRESENTATIONS

Ward Councillor(s)

23. In response to initial consultation to original application one Ward Councillor (Cllr J Smith) objected to the application on the following grounds:
 - a. Does not object in principal to the application nor to the fact this is proposed on a greenfield site in the Green Belt – would hope that the applicant will look again at their suggested method of entry to and from the estate. Some of the houses on Shelford Road have long and narrow drives, some of them very close to or indeed onto the roundabout. Concern over highway safety.
 - b. Volume of traffic that an estate of this size would generate is a matter of enormous concern to the residents of this side of Radcliffe and indeed to the village as a whole. The provision of a primary school and a doctor's surgery are both welcomed but both will generate even more traffic.
 - c. Acknowledges that asking any developer to provide a new road and bridge to allow direct access to the A52 would make the cost of housing there prohibitively expensive – when taking into account

Bingham, Newton and Cotgrave along with other sites in Radcliffe it is considered that a radical solution is required and one for which public funding is required.

- d. The infrastructure needs to be sorted out first or the A52 will be permanently grid locked.
24. Following the receipt of the additional and revised plans the following comments have been received:
 25. One Ward Councillor (Cllr Upton) does not object to this outline planning application, as although the site is in the Green Belt, it is promoted by the Radcliffe on Trent Neighbourhood Plan and the Borough Council's Draft Local Plan Part 2 "preferred housing sites"; and Radcliffe is identified as a "sustainable key settlement". He does make the following comments:
 26. *"I do have strong reservations about the proposed health centre and primary school on this site. This is contrary to the Neighbourhood Plan, and I would prefer financial contributions to be made so that these facilities can be kept in the village centre. I also have concerns about increased traffic on Shelford Road, and I suggest that a new eastern link road from Shelford Road to the A52 would take traffic out of the village centre and could provide a route for construction traffic and a second access to the development. I would also like some developer financial contribution for improvements to Radcliffe Railway Station car park to encourage commuters and for a pedestrian footbridge over the railway from the development to say the Bingham Road Playing Fields."*
 27. One Ward Councillor (Cllr Clarke) does not object to this application in principle as it is part of the Local Plan Part 2 allocation and there is a need to fulfil the Boroughs 5 year land supply. However, his comment is qualified, i.e. he does not object providing the following issues are addressed and dealt with:
 - a. Traffic issues are not adequately addressed – concern over rat running down Shelford Road from this and other development in Newton and East Bridgford and further afield. He considers that a relief road is required to take all of this traffic away from Shelford road to the east of the village crossing the railway and joining the A52 in the vicinity of the St James Park junction
 - b. A second access point into the development is provided either from Shelford Road or from a new relief road. If an incident occurs at the one access point everyone is then trapped in the development. The proposed new roundabout should be relocated further outside the village envelope away from existing houses to ameliorate the noise from traffic negotiating the roundabout.
 - c. This development is not the right location for a new health centre especially for those without cars. Instead there should be a developer contribution allocated to support the redevelopment of the existing health centre to cater for the increased demand of the whole village. This would allow the allocated space in the new development to be allocated for other use.

- d. Protection of existing dwellings neighbouring the proposed development be enhanced to ensure adequate landscaping/screening.
- e. A developer contribution to support the enhancement of the station car park to encourage greater use of railway services.
- f. Whilst primary school capacity is addressed, secondary school provision also needs to be addressed.

Adjacent Ward Councillors

- 28. At the time of the original application one adjacent Ward Councillor (Cllr D V Smith) objected on the grounds of building on greenbelt. Traffic on Shelford Road. School split from other schools. Health centre too far from centre of village with road needed to A52.
- 29. One adjacent Ward Councillor (Cllr Lawrence) commented on the additional and revised information, that he cannot support the use of Greenbelt farmland in such a way but neither can he produce any other grounds for objection.

Town/Parish Council

- 30. Radcliffe on Trent Parish Council objected to the application at the time of the original submission. This was stated to be a unanimous decision based on the loss of the green belt and the inadequate provision for extra traffic on Shelford Road.
- 31. In response to the re-consultation exercise, the Parish Council have stated that they do not oppose the planning application in principle but do object to the application in its current form for the following reasons:
 - 1. *“The location of siting 400 homes on one site:- Neighbourhood Plan 10.5 and justification 5.25 (5) states that “residential development sites should be designed to deliver development on a number of sites so that the direct impacts of development are spread across the village”, and goes on to state 5.25(5) locating all 400 new houses on one site would be detrimental to local character and amenity (e.g. effects upon landscape and traffic).*
 - 2. *Volume of traffic on Shelford Road, Main Road and through the village; the developers have stated that they do not consider a new road link from Shelford Road to the A52 to be a reasonable requirement (Doc A 4.1.11). There is the potential of an additional 800 cars per day at peak times from this development alone.*
 - 3. *Location of the Health Centre and School; Neighbourhood Plan Policy 12 Housing Mix and Density. The developers have stated that a key consideration of the NP is to ensure that the walkability of the village is maintained. The Health Centre will not be easily accessed by residents from the Harlequin and other outlining areas who do not have access to transport. The siting of the Health Centre on this development is*

also against Policy 1 which is aimed to encourage the Village Centre first.

4. *Lack of provision of Affordable Housing and Bungalows for the Elderly and Housing Mix. Neighbourhood Plan Policy 12 Housing Mix and Density. The developers have stated that the mix of dwellings has yet to be decided but will include 30% of the dwellings as affordable homes. They have also stated that there will not be this proportion during stage 1 so what guarantee do we have that they simply change their minds (Doc A 4.1.20). Cannot find any reference to the building of bungalows within the developer's documents. The Design and Access statement makes frequent references to the predominance of two storey semi detached dwellings with the occasional 2.5 storey.*
5. *Only 1 proposed access point through the site; the Development could take approx. 8 years with construction traffic and residential traffic through the site, including access to the proposed Health Centre and the School. This would be unsafe and unworkable.*
6. *No mitigation for neighbouring occupiers; The application shows no consideration to the residential properties that would now have to directly face the large roundabout and also offers no assurance of privacy (hedge/tree) screening being in place or that existing properties will not be overlooked by the new development.*
7. *Services; the Parish Council would require confirmation from the utilities companies that adequate provision would be made for the new development. In particular, assurance that the current sewage system could cope or that it would be upgraded."*

Adjacent Parish Council

32. At the time of the original submission (Shelford and Newton Parish Council made the following comments:
 - a. While the council do not object to the development of the site in principle, they are very seriously concerned with the question of traffic, and fear the danger that exists now on Manor Lane at Shelford and the top road leading from Radcliffe on Trent to Newton. The council would wish to strongly object to any decision that would result in more traffic being directed through Shelford Village or Newton Village.
 - b. They acknowledge that the traffic would have to get to the site on Shelford Road if permission is given but would also wish to express severe concerns if what is commonly known as Top Road from Radcliffe to Newton was in fact the recognised route, particularly on the stretch of that road which runs along the Shelford Tops. Vehicles often leave the road along there and turn into the ditch. If heavy vehicles were using this road in large numbers during the construction period it would be yet another major hazard being created. If the development is approved it would create a significantly large increase in traffic along Shelford Road and this too would be an ongoing concern, the council being very aware already of the major hazards that exist along the Top Road. To add further traffic to it can only add

to those hazards. It is felt there is some doubt as to whether resources would be made available to equip and staff the proposed medical centre and primary school.

33. As Shelford and Newton now have separate Parish Councils, they have been individually notified of the additional and revised information and the following comments have been received:
34. Shelford Parish Council object to the application on the following grounds:
 - a) They note that there is no direct access from this development to the A52. This means that all westbound traffic emanating from this estate will have to go through Radcliffe on Trent thus creating more congestion in the middle of this already busy village. All east bound traffic from the development will have to go along Shelford Top Road and through the dangerous junction with Oatfield Lane. From there traffic will either go along the unsuitable Oatfield Road to join the A52 if Grantham or Leicester bound or through Newton or Shelford if accessing the A6097 or A46 to Newark
 - b) While traffic calming is planned for Newton, this may not necessarily reduce vehicle usage through the village and it will certainly increase it through Shelford where no traffic calming is planned. The A6097 is already severely congested between East Bridgford and Lowdham at peak times so any unnecessary traffic on this stretch of road is to be avoided.
35. Newton Parish Council do not object

Statutory and Other Consultees

36. Nottinghamshire County Council (Planning) - comments on the original application are summarised as follows; they consider that the applicant has demonstrated 'very special circumstances' as Radcliffe on Trent is identified as a 'key settlement' in the RBC emerging Local Plan. In addition, the proposed development would not result in unrestricted sprawl or encroachment and would not adversely affect the setting and special character of a historic town or negatively impact upon the landscape, the proposal therefore, accords with paragraph 80 of the NPPF in relation to development within the Green Belt.
37. Highways – RBC will need to establish a contribution strategy to deliver this supporting transport infrastructure and the Community Infrastructure Levy (CIL) is being considered as a possible funding mechanism.
38. Landscape and Visual Impact - the impact of the proposed development in landscape character and visual terms have been suitably assessed in the Landscape and Visual Appraisal. The mitigation measures recommended have been translated to some degree in the proposals given in the Design and Access Statement, however, the Development Framework Plan should be reconsidered to allow these measures to be implemented more robustly and more in line with the acknowledged landscape actions. In particular this applies to the creation of copses along the eastern margin of the site and the generosity of the green corridors running westwards into the site. No

objections are raised providing the issues relating to site layout and structural landscape and design are reconsidered.

39. Ecology – it is noted that no bat activity survey has been carried out. They note that the proposals do not directly affect any designated nature conservation sites and aside from bats no evidence of or potential for protected species was identified at the site. Clarification is requested in relation to bats and the applicant is requested to submit a reasoned statement demonstrating how the three tests under the Conservation and Habitats and Species Regulations 2010 have been met. Concerns are raised in relation to vegetation clearance, retention of trees and hedgerows, lighting schemes, the design of site drainage, nesting designs, landscaping schemes and the management plan for the site can be addressed using planning conditions.
40. Further information has been submitted in relation to the Three Tests set out above and they note that the first tests are planning considerations and the Council will need to consider this. The third test relates to favourable conservation status and the County Ecologist is satisfied that due to the nature of the roosts involved and the mitigation measures proposed the favourable conservation status of the bat species concerned can be maintained.
41. Archaeology – the proposed development site has been subject of a program of archaeological evaluation. This commenced with an initial desk based assessment followed by a subsequent scheme of geophysical survey and targeted trial trenching. The geophysical survey identified an extensive complex of archaeological features within the western half of the site along with evidence for contemporary agricultural field divisions. Historic ridge and furrow earthworks were also identified elsewhere within the site.
42. The trial trenching revealed evidence of a Late Iron Age or Early Romano – British settlement within the west of the site along with medieval or post medieval ridge and furrow throughout the rest of the proposed site. Whilst the majority of the excavated archaeological features identified in the trenches corresponded with geophysical anomalies, occasional features did not suggesting that further unidentified archaeology deposits may be present within the site. Due to the archaeological interest of this site as well as the nature and extent of the proposed development, it is recommended that if planning permission is to be granted, this should be conditioned to secure an archaeological scheme of treatment of the site.
43. Heritage - Notes that the Design and Access Statement makes virtually no reference to the existing farm buildings on the site. These buildings appear to date in part at least to the 19th century and on proper examination there may be evidence of earlier buildings. The farmhouse has not been identified on the County Historic Environment Record (HER), and the applicants should demonstrate they have assessed the heritage significance of these buildings for themselves. In the absence of this assessment of the historic buildings on site, the application does not fulfil the requirements of paragraph 128 of the NPPF.
44. Libraries – the proposed development would add 960 persons to the existing library's catchment area population and a contribution of £15,486 is sought

for additional stock.

45. The Nottinghamshire County Council - have been re-consulted on the additional and revised information submitted and their comments have been summarised as follows:
46. In relation to the mineral Local Plan there are no minerals safeguarding and consultation areas covering or in close proximity to the site. There are no current or permitted minerals sites close to the application site therefore, no objections to the proposal from a minerals perspective
47. In terms of the Waste Core Strategy there are no existing waste sites within the vicinity of the site whereby the proposed development could cause an issue in terms of safeguarding existing waste management facilities. As set out in the Waste Core Strategy the development should be designed, constructed and implemented to minimise the creation of waste, maximise the use of recycled materials and assist the collection, separation, sorting, recycling and recovery of waste arising from the development. It would be useful for the application to be supported by a waste audit.
48. Attention is drawn to the memorandum of understanding between RBC, Highways England and NCC regarding improvements required to the A52 and A606 for which financial contributions should be taken from development in Rushcliffe. The revised Transport Assessment acknowledges that a financial contribution will be sought by Highways England.
49. In relation to Ecology, NCC has commented on this application several times and note that an updated Ecological Appraisal has been submitted and advise that consultation with RBCs internal advisor is sought. Previous requests and recommendations on site enhancements remain valid
50. Having reviewed the bus stop contribution, Transport Facilities are happy with the sum of £30,000. They support the plans for relocating the bus stop mentioned within the Transport Update note.
51. They advise that the County Council's S106 Officer will advise on contributions to be sought. Information has been received requesting education contributions.
52. Nottinghamshire County Council (Education) state that they have no alternative but to request both primary and secondary education contributions from any proposed housing development on land at Shelford Road, Radcliffe on Trent as there is no capacity at primary or secondary school level to accommodate additional housing growth. A proposed development of 400 dwellings would yield an additional 84 primary and 64 secondary places.
53. The number of housing developments proposed in the Radcliffe on Trent area delivers 192 primary places therefore NCC will require 1.1 hectares of land and building costs of £4,000,000 index linked to deliver an additional 210 school places, education in this area is of a very high standard and is highly inclusive; discussions will need to take place with the current schools in the village to deliver the right education solution for the village to ensure standards are not compromised. Therefore, NCC would like to keep their options open on the question of how 210 additional school places will be

delivered on the 1.1 hectare site. This will all be master planned and the costs apportioned equally across the developments by colleagues in NCC planning and RBC planning. A 1.1 hectare site for school provision has been designated on the Shelford Road development and NCC can confirm that this is an acceptable location for additional school provision to serve the new developments in the village. With regard to secondary education they request a contribution of £1,104,640 (64 x £17,260) to provide secondary provision to accommodate the additional pupils projected to arise from the proposed development.

54. Nottinghamshire County Council as Highway Authority – comment that when the application was first submitted, no objections were raised in principle to the development but they required further information to be submitted on a number of issues and amendments to be made to the residential travel plan. An Addendum Transport Assessment and Revised Residential Travel Plan was submitted and then re-consulted upon. The final comments of the County Council are summarised below:
55. The roundabout design is currently going through the technical approval process which has led to some minor revisions on the plan. The approved layout of the Section 278 General Arrangement is Rev F and this plan should form part of the application.
56. The following planning obligations have been proposed by the developer, and are agreed with Nottinghamshire County Council:
57. Bus service contributions - A financial contribution of £405,000 is proposed to be made towards the provision of improved bus services along Shelford Road to serve the proposed development.
58. Also, a financial contribution of £30,000 (index linked) is proposed to be made towards improvements to the two closest bus stops to the site to provide enhanced public transport infrastructure for residents of the proposed development.
59. The Highway Authority has spoken to the County Councils Passenger Transport department, who are aware of, and are in agreement with the proposed amounts. The above contributions should be secured through a Section 106 Agreement.
60. Traffic calming contributions - A financial contribution of £260,000 is proposed to be made towards the provision of a traffic management/traffic calming scheme along Shelford Road. The Highway Authority considers that this sum is acceptable. Notwithstanding this, it should be noted that a detailed scheme will need to be drawn up by the County Council. The design of the implemented scheme is likely to differ from that which is proposed as part of the Transport Assessment, but the contribution would be used for Traffic Management measures on Shelford Road to reduce speeds and facilitate non-vehicular movements.
61. A financial contribution of £27,000 towards provision of a traffic calming scheme along Main Street in Newton. The Highway Authority considers that this sum is acceptable.

62. Pedestrian Infrastructure Improvements - The existing zebra crossing of Main Road to the east of the Main Road/Shelford Road mini-roundabout junction is proposed to be upgraded to a signal controlled crossing. The Highway Authority considers that this is not required anymore as works have recently been carried out in the vicinity which make the proposed works no longer necessary.
63. A new pedestrian crossing facility (zebra or pelican) is proposed to be provided on Bingham Road in the vicinity of the Bingham Road/New Road junction. The County Councils preferred location is still on Bingham Road, but closer to the school. The form and location of the crossing facility will be agreed with NCC as part of a S278 Agreement for the improvement.
64. A £10,000 financial contribution, to be secured through a S106 Agreement, is to be provided towards improvements to the Trent Valley Way footpath. The Highway Authority considers that this sum is acceptable.
65. Subject to the planning obligations and mitigation works as outlined above, the Highway Authority has no objections to the proposal subject to conditions relating to the travel plan implementation, provision of the roundabout, details of new roads, surfacing and drainage of drives and parking areas, scheme for the re-siting of speed limit signs has been implemented and wheel washing facilities installed.
66. Highways England (Previously Highways Agency) – a holding direction was initially placed on the application. This has subsequently withdrawn and the following is the comments relating to the current position of Highways England.
67. With a number of development plans for the South Nottingham area, the Rushcliffe Local Plan Part 1: Core Strategy indicates that, in order to address the impacts of future development in Rushcliffe, a package of junction improvements is required on the A52 and that developers should contribute towards the delivery of these improvements. Highways England has agreed with Rushcliffe Borough Council and Nottinghamshire County Council a process for securing these developer contributions which is set out in the *A52/A606 Improvement Package Developer Contribution Strategy Memorandum of Understanding, September 2015*.
68. As part of the contribution strategy, for the proposed development of 400 dwellings a sum of £1,069 on a cost-per-dwelling basis has been identified by Highways England in consultation with Rushcliffe Borough Council, amounting to a contribution of £427,939 for this application. This should be secured by way of a condition requiring an appropriate agreement under S278 of the highways Act 1980 to facilitate improvements to A52 junctions in accordance with the provisions of the *A52/A606 Improvement Package Developer Contributions Strategy Memorandum of Understanding, September 2015*.
69. Network Rail - has no objection in principle to the development but certain issues should be taken into consideration which are summarised as follows:
 - a. Given the size and proximity of the development in relation to the railway it is considered that there may be significant impacts on Radcliffe Railway

Station. It is, therefore, appropriate that a contribution is sought from the developer towards station facility improvements

- b. Technical matters need consideration to ensure the safe operation of the rail network. There is a need to consider drainage and they ask that all surface and foul water drainage from the development area be directed away from Network Rails retained land and structures into suitable drainage systems, and boundary fencing, method statements, soundproofing, lighting and landscaping need to be considered.
70. Sport England - comment on requirement for open space and recreation provision and maintenance of a minimum of on-site public open space, together with financial contributions to off-site sport provision, as follows:
- 0.66ha of formal and informal amenity open space & future maintenance;
 - 0.23ha of equipped children's play space & future maintenance;
 - 0.37ha of allotments & future maintenance;
 - A financial contribution to the equivalent of 1.63ha of sports pitch provision (est. £171,476 @ £10.52 per m²)
 - A financial contribution of £127,229 to off-site swimming pool provision;
 - A financial contribution of £164,267 to off-site sports hall provision.
71. However, the available evidence has moved on since 2013. The council has a revised Leisure Facilities Strategy and now has a detailed Playing Pitch Strategy (PPS), both these documents may alter the above position and understanding on which they were based. In addition the PPS has, as part of it, a pitch demand calculator which can be used to update the off-site contribution to sports pitch provision.
72. Environment Agency - no objection to the application subject to finished floor levels condition. They initially commented regarding surface water but confirm that these comments are now superseded by comments from the County Council as Lead Local Flood Risk Authority.
73. Nottinghamshire County Council as Lead Local Flood Risk Authority - advise that the following comments supersede all previous comments on surface water provided by the Environment Agency (due to a change in responsibility in relation to certain flooding issues).
74. Drainage from the site should be via a sustainable drainage system. The hierarchy of drainage options should be infiltration, discharge to watercourse and finally discharge to sewer subject to the approval of the statutory utility. If infiltration is not to be used on the site, justification should be provided including the results of infiltration tests.
75. For greenfield areas, the maximum discharge should be the greenfield run-off rate (Q_{bar}) from the area.
76. The site drainage system should cater for all rainfall events up to a 100 year + 30% climate change allowance level of severity. The underground drainage system should be designed not to surcharge in a 1 year storm, not to flood in a 30 year storm and for all flooding to remain within the site boundary without

flooding new buildings for the 100year + 30% climate change event. The drainage system should be modelled for all event durations from 15 minutes to 24 hours to determine where flooding might occur on the site. The site levels should be designed to direct this to the attenuation system and away from the site boundaries. All design calculations and simulations must include plot drainage to provide an accurate understanding of flood risk.

77. Consideration must be given to exceedance flows and flow paths to ensure both new properties and areas adjacent to and downstream of the development are neither put at risk or at an increased risk of flooding.
78. Any proposals to use SUDS must include details showing how these will be maintained to ensure their effectiveness for the lifetime of the development and how their design complies with all relevant CIRIA standards and guidelines.
79. No construction should start until a detailed surface water design and strategy is submitted to and approved by the LPA in conjunction with the LLFA.
80. Severn Trent Water – no objection subject to condition requiring details of disposal of surface water and foul sewage.
81. Trent Valley Internal Drainage Board - state that the site is outside of the Drainage Board district and catchment and no comments are made.
82. Rushcliffe Clinical Commissioning Group (NHS) - confirm that developer contribution is required as per the formula. They anticipate, therefore, a total contribution from this development would be £368,000 (based on all 2 bedroom dwellings).
83. They ask that the Borough Council consider the impact of proposed residential developments in the area as a whole rather than on an individual basis. They support the possibility of reserving a site for a potential new health centre within development in the village. The need for this is demonstrated in the under capacity of the existing building. For information for a NHS care facility a good guide is 85sqm per 1,000 registered patients. The current building is 500sqm, the Surgery has a current list size of 8,400 which should receive health services from a building in the region of 714sqm. The existing building is already 30% undersized.
84. The current GP complement is 4.5FTE GP Partners which means that this practise currently has the right complement of GPs operating in a building that is significantly too small. 'Hot desking' consulting/treatment rooms takes place in order to manage the current workload. This is far from ideal when delivering good quality care. It is clear that the building is already over capacity and that any further increase in list size will not be able to be accommodated within the existing premise
85. The Health Centre Radcliffe on Trent - acknowledges the feedback resulting from the health centre's consultation and has attempted to make some provision for health care and education due to the increased demand on these services that their development will produce should it be realised. The proposed site would enable development of a purpose built modern health

centre but its location may be problematic for their patients, particularly those who are less mobile and those without transport. The existing bus service will not be sufficient to transport patients to the health centre enabling them to attend appointments there. In the absence of an improved bus service, the location of the health centre and school on the site may result in an increase in traffic along Shelford Road. The Health Centre has been re-consulted on the revised location for the reserved site but has not made formal comments.

86. Natural England - advises that, in relation to Statutory Nature Conservation Sites, they raise no objection as the proposal is unlikely to affect any statutorily protected sites or landscapes. In relation to protected species, standing advice should be applied. Consideration should be given to biodiversity and landscape enhancements.
87. Nottinghamshire Wildlife Trust - confirm that their observations are limited to the potential ecological impacts of any potential development on this site and they are not commenting on wider policy issues (in terms of green belt policy) on this occasion. In the event that the authority is minded to approve this application, they strongly recommend conditions to secure the conclusions and recommendations as set out in the ecological survey reports.
88. They welcome that the development contains Green Infrastructure (GI) Provision and trust that this complies with local and national requirements and guidance in terms of its design and extent. In the event of approval they would like to see the GI (including the proposed attenuation ponds) being managed to maximise potential for wildlife and they recommend a condition is used to secure a biodiversity strategy and a habitat management plan. The Local Planning Authority should establish who would be responsible for managing the Green Infrastructure in the long term.
89. South Nottinghamshire Academy - Headteacher - commented in relation to the additional information as this development falls within their catchment area. They ask if there is any support that will be made available to them to ensure that everyone within their catchment who wishes to attend SNA is able to do so?
90. Nottingham Campaign to Protect Rural England - comments are summarised as follows:
 - a. Application premature as RBC do not have an adopted plan and the review of the Green Belt has yet to be carried out.
 - b. The site is in the Green Belt, developing it would encroach into the countryside and affect the historic core of Radcliffe on Trent due to the additional traffic which would be channelled from the new development.
 - c. The offer to provide affordable housing should be ensured.
 - d. The provision of suitable housing for older people should be a priority in Radcliffe - applicant design concept only includes single storey houses as a possibility.
 - e. Only one access into the site, will result in significant traffic through Radcliffe on Trent and out onto A52 causing congestion and lowering the quality of life in Rushcliffe.
 - f. Proposed bus route round the new development is likely to be unattractive to operators for operational reasons.

- g. Possible service enhancements to Radcliffe on Trent railway station has not been taken into account by the applicant.
 - h. Claim of walking to railway station, bus stops and centre of Radcliffe is overestimated – due to lack of permeability on three sides of the development it would take longer than 30m to walk from the south east of the development to the centre of Radcliffe.
91. Nottinghamshire Campaign for Better Transport – originally commented that, for development in Rushcliffe there is the problem of the River Trent. Housing is proposed to the south of the river yet employment will mainly be north of the river, as will much shopping activity. The Trent crossings are critical, therefore, in considering any development in Rushcliffe.
92. They consider that the planning application cannot be considered in isolation – potential gridlock on the river crossings results from all new developments not just one. This application is premature without any answers to how the road network will cope at the river crossings. Detailed comment is also provided on the Transport Assessment.
93. They consider that if the council is minded to grant planning permission, they believe that this can only be on the basis of no extra traffic uses on Shelford Road. This would necessitate a new road to the north east of Radcliffe linking Shelford Road and the A52 to the east of Radcliffe. Additionally there should be a quality pedestrian/cycle route from the route from the south of the new development through the existing Clumber Drive estate and crossing the railway to the village centre.
94. Rail resource should not be ignored if development is to proceed through Rushcliffe.
95. In response to the re-consultation the following comments have been received:
- a. Conflicts with national planning policy in that it does not manage development to make the fullest possible use of public transport, walking and cycling and reduce pollution as required in paragraph 17. Instead it makes access to employment and the City of Nottingham more convenient for those using their cars.
 - b. It will increase CO2 emissions due to an increase in car traffic and therefore does not fulfil the environmental role planning has to move to a low carbon economy as required by paragraphs 7 and 17.
 - c. Development does not meet Local Plan policies 1/2/14. The development is almost totally based on highway enhancements and the assumption the majority of citizens will drive. This conflicts with many policies including air quality, climate change, health and environmental protection.
 - d. Concerned that the bus service data is out of date and not fit for purpose. Current villager service is under threat and concern is raised that there may be no bus service to enhance.
 - e. Rail should be being promoted and the much underused Nottingham -

Grantham railway line and the station at Radcliffe not far from the development is completely ignored.

- f. No consideration given to the impact on roads to the west of Radcliffe Centre - there appears to be an assumption that traffic would prefer to travel via New Road and Cropwell Road to the A52. They question this and much traffic joins the A52 at the RSPCA junction.
 - g. Concerned that commuters are using residential streets as informal park and ride sites – pushing more traffic onto the A52 will only exacerbate the situation.
96. Nottingham Branch National Federation of the Blind in the UK - consider that the proposal requires significant improvement to the infrastructure in terms of public transport provision, road safety and traffic calming measures.
 97. RBC Planning Policy - comment that; *“In line with planning law, decisions should be taken in accordance with the Rushcliffe Development Plan unless material considerations indicate otherwise. The relevant statutory policies that form part of the Development Plan for Rushcliffe consist of the adopted Local Plan Part 1: Core Strategy, five saved policies of the Rushcliffe Borough Local Plan 1996 and the Radcliffe on Trent Neighbourhood Plan. The publication version Local Plan Part 2 (LPP2): Land and Planning Policies is also a material consideration, although the policies within this document do not currently carry as much weight as those that are adopted as they are yet to be subject to an examination. Local Plan Part 2 was submitted for examination on 10 August 2018.*
 98. *Other material considerations include the revised National Planning Policy Framework (NPPF), the National Planning Practice Guidance (the Guidance) and the Rushcliffe Borough Non Statutory Replacement Local Plan (NSRLP) (2006).*
 99. *The site is currently located within the Green Belt. Paragraph 143 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.*
 100. *It is considered that the following matters may be pertinent when assessing whether very special circumstances exist in assessing the planning balance of the proposal:*
 - *The principle of greenfield development at Radcliffe on Trent has been established upon the adoption of Local Plan Part 1, Rushcliffe Core Strategy. Policy 3 (spatial strategy) establishes Radcliffe on Trent as a key settlement, and that provision will be made for a minimum of 400 dwellings through Part 2 of its local plan.*
 - *Policy 4 establishes the need to review the green belt. Policy 4 part 5 identifies the need to review inset boundaries in order to accommodate development requirements until 2028.*
 - *The site is proposed for allocation within policy 5.3 of the publication draft LAPP, and the application complies with the criteria contained within the policy, including the safeguarding of a site for a school and*

health centre in the case that existing facilities cannot be expanded. At the present time there are identified issues of capacity at existing facilities and no known solutions to expand existing facilities given potential land constraints. No other sites were identified in the preparation of part 2 publication local plan. It is considered that such provision is essential to delivering the proposed housing allocations at Radcliffe on Trent.

- *The proposed allocation is supported by evidence produced by, or on behalf of the Borough Council.*
 - *The site is available now, has a housebuilder involved and can provide for a mix of market and affordable housing.*
 - *The appeal decision at Asher Lane, Ruddington establishes the principle of granting planning permission for residential development on a green belt site where there is a minimum target set for a key settlement and where there are no technical constraints.*
 - *The granting of planning permission would potentially enable to contribute towards the Borough Councils 5 year land supply sooner than anticipated.*
101. *Having regards to the above, and subject to other material planning considerations, I consider that there are enough grounds which amount to very special circumstances in respect of this particular planning application. I therefore do not have a planning policy objection to the proposal.”*
102. Rushcliffe Borough Councils Landscape Officer - comments as follows; *“As previously noted the topography of the site means it isn’t particularly prominent from Shelford Road and residential development to the south limit views from the A52.*
103. *The Landscape and Visual Analysis of Potential Development Sites states the following about this site:*
- *The landscape value in the study area is low overall, but the generally well maintained landscape quality, the representativeness of the study area with regards to the LCA and the rural edge contributed by the site within the study area all add value. In terms of susceptibility to change, development of the site would result in the creation of an extension of the settlement, with potential for increased density but overall a low landscape susceptibility. The landscape sensitivity is also low. In visual terms, the site forms part of the rural setting to the settlement but has little other visual value. In terms of visual susceptibility, the site forms the rural setting for both residential and transport receptors and has a medium visibility, resulting in a medium susceptibility. The visual sensitivity is overall low.*
104. *I would agree with this assessment. Where the development will be visible to road users there is already existing dwellings alongside, such as the housing to the north of Shelford Road and at Hudson Way and Harlequin either side of the A52.*

105. *Whilst there will be an extension to the urban edge of the village the site layout allows for buffer planting along the eastern boundary and I note in the Supplementary Planning and Green Belt Statement that the buffer along the eastern boundary will be a minimum of 10m in width which should ensure sufficient space for meaningful planting. The detailed design will need to ensure there is sufficient space for the proposed tree planting along the east/west roads within the site to ensure they can mature and help break up the rooflines of the site. The proposed children's play area and the retention of the hedgerow within the site should help break up the mass of housing and there seems potential for tree planting to be incorporated alongside the main north/south hedgerow within the site.*
106. *The retention of the hedgerows within the site is positive and we will need to condition protection measures in accordance with BS5937. According to the ecological appraisal there are 2 trees which could be affected by the development, a fallen crack willow and a Walnut to the south east of the farm buildings, neither is prominent and given the proposed buffer planting the removal of these trees is acceptable and their loss will be mitigated. Native tree planting should be used for the periphery of the site, but a greater range of trees species is acceptable within the site and alongside existing dwellings.*
107. *The reserved matters application will need to include a detailed landscape scheme and we will need to ensure that provision is made for the maintenance of the open space and the allotments."*
108. Rushcliffe Borough Council's Design, Conservation and Archaeology Officer - questions whether the layout will reflect the local distinctiveness of the area taking into account the streets cut perpendicular to topography. It is appreciated, however, that the layout and design are a reserved matter.
109. He is supportive of the concept of dividing the scheme into different character zones where materials and design form take their precedent from different areas of the existing settlement.
110. He is also supportive of the idea of scattering a number of "feature buildings" at key locations within the site to add interest and act as navigational landmarks within the development.
111. He considers that thought appears to have been given to integrating elements of the scheme so as to provide passive surveillance of public footpaths and play areas. He supports the intention to reflect local streets which have been identified as having avenues of trees.
112. He is unconvinced that the access traffic island will in itself create a 'gateway' to Radcliffe. This will be a significant element of highway infrastructure.
113. Retention of hedgerows will allow for green corridors to exist within the site as well as promoting biodiversity and allowing for the previous field divisions within the site to be appreciated.
114. In relation to Archaeology, a Geophysical survey of the site was undertaken in connection with the 2013 Outline application received for land south of Shelford Road. The survey highlights areas of archaeological activity and was followed by a scheme of archaeological trial excavation across the site to

investigate the identified features.

115. Following this exercise an area of complex archaeology was identified at the western part of the site, appearing to represent overlaying archaeology of at least two distinct periods of occupation. The geophysical survey reflected the results of trial excavation and the results of the trial excavations suggested that further excavation of this part of the site would be necessary to develop a thorough understanding of the archaeology and its significance. There is a limit to how much understanding of a complex area of archaeology can be developed by limited trial trenching and in this case the opening of a large area is considered a necessary step.
116. A written scheme of investigation has been prepared which includes for building recording of the standing farm buildings on the site and also for a strip, map and sample exercise in the area of complex archaeology at the northern part of the eastern region of the site. The methodology involves stripping topsoil down to known archaeological horizons established in the trial excavations over a large area to reveal archaeological features such as pitch, ditches etc. These features are mapped and then sampled to try and develop an understanding of their purpose, ages and any inter-relationships. This is considered the most reasonable way of establishing a good understanding of the complex archaeology in this area of the site and of securing a record of that archaeology.
117. He is satisfied that the works advocated within the Written Statement of Investigation will be sufficient to facilitate a good understanding and robust record of archaeology within the site.
118. Conditions have been agreed to cover the works required. It is noted that works detailed in the Written Scheme of Investigation have already commenced and as such it is likely that this work will be well advanced if not completed, by the time of the committee meeting. It is his understanding that at this stage the area has been stripped and work commenced on mapping features ahead of sampling.
119. Rushcliffe Borough Council Environmental Health – in respect of noise from Road and Rail sources, the submitted report is satisfactory and suggests that the development is suitable subject to additional precautions and measures to mitigate noise to certain dwellings. Conditions are recommended.
120. Contaminated Land – part of the proposed development is on the Councils prioritized list of potentially contaminated land sites specifically the farm buildings and surrounding yards. A condition is therefore required to ensure a detailed investigation report is submitted.
121. Informative suggested regarding demolition and construction work and a condition requiring a method statement detailing techniques for the control of noise, dust and vibration during demolition and construction submitted and approved.
122. In relation to the proposed school and health centre, details will be required of external plant and equipment, security/floodlighting and extract ventilation for kitchen.

123. Rushcliffe Borough Council's community Development Manager – advises that the Rushcliffe Borough Councils Leisure Facilities Strategy 2017-2027 requires 0.25 hectares of equipped children's play area per 1000 population. Therefore, on site provision of 0.23 hectares is required. He considers that the children's play area is well located to be of benefit to the proposed new primary school. There is no other alternative play provision available locally. The facility should be designed primarily to target 0-12yrs as elsewhere within Radcliffe there is a large teenage skate park facility. The Borough Council would expect the facilities to be maintained by a management company to be established by the developer with evidence of an appropriate funding mechanism.
124. The Rushcliffe Borough Council Leisure Facilities Strategy 2017-2027 and associated Strategic Assessments of provision for sports halls and swimming pools identifies the need for modernised facilities which would serve Radcliffe on Trent. The Sport England Facility Calculator run on 27/04/2018 provides the following commuted sums - Sports Halls £134,555 and Swimming Pools £147,564. The sports hall contribution would be directed towards improving the quality of provision in either Radcliffe or potentially Bingham. The swimming pool contribution would go towards a replacement for Bingham Leisure Centre.
125. The plans do not show any on site provision of sports pitches, as such a commuted sum would be requested. The Rushcliffe Playing Pitch Strategy 2017 identifies a current shortfall of pitch provision that this development would worsen. The Sport England Playing Pitch Demand Calculator (with Rushcliffe specific data) provides the following commuted sum for offsite provision - £150,841.
126. The Leisure Facilities Strategy standard for the provision of allotments is 0.4 HA per 1000 population. There are two allotment sites within Radcliffe on Trent providing a total of 1.7HA of land. Both have waiting lists of approximately 50% of the total number of plots available. Based on the 2011 census data of 8205 residents a total of 3.28HA of provision would be expected. This shows a deficit of 1.58 HA with existing provision. The existing supply cannot accommodate the residential growth. Provision of a minimum of 0.37Ha of allotment provision is required. The site will require perimeter fencing and planting, haulage way, water supply and car parking.
127. Rushcliffe Borough Council Recycling Officer – general comments are provided in relation to details of access for refuse vehicles, level of provision for different types of properties and collection points. A request that access roads are designed so a recycling vehicle does not come into contact with likely school traffic for those who wish to drop children by vehicle
128. Rushcliffe Borough Council Environmental Sustainability Officer – confirms that the ecological appraisal dated October 2017 is in date and appears to have been completed according to best practise. Protected and priority species found on the site include Bats and wild birds, including barn owls, badgers are likely to use the site but no setts were identified and swallows have previously made use of the site. The site includes agricultural pasture and arable fields, hedgerows, buildings, running water, dry ditch, ephemeral vegetation and tall ruderals.

129. Recommendations (including recommendations provided by the supplied reports) which should be subject to conditions on any permission:

- Bat and Barn Owl mitigation plans should be developed, agreed and implemented (the consultant ecologist recommends this should include a purposes built barn owl tower with bat loft, this could also be designed to provide opportunities for swallow).
- An update badger survey should be carried out immediately prior to commencement of works and its recommendations implemented.
- An update barn owl survey should be carried out 6-12 months prior to development works and mitigation to be constructed six months prior to demolition of existing roost/nest site, further survey prior to the commencement of development works should also be carried out.
- The semi improved neutral grassland should be retained and brought into appropriate management if possible, alternatively this should be recreated elsewhere on site.
- A landscape and ecological management plan should be agreed with the LPA and the means to implement this in perpetuity.
- Survey work to determine the success of the mitigation features and identify any alterations, should be carried out for a minimum of 5 years. A schedule of such work should be agreed with the LPA and reports submitted to the LPA annually.
- All workers/contractors should be made aware of the potential of protected/priority species being found on site and care should be taken during works to avoid harm (including during any tree works), if protected species are found then all work should cease and an ecologist should be consulted immediately. The walnut tree should be felled in sections and any further tree removal should be preceded by further bat assessments.
- All work impacting on buildings or vegetation used by nesting birds should avoid the active bird nesting season, if this is not possible a search of the impacted areas should be carried out by a suitably competent person for nests immediately prior to the commencement of works. If any nests are found work should not commence until a suitably qualified ecologist has been consulted.
- The use of external lighting (during construction and post construction) should be appropriate to avoid adverse impacts on bat populations, see http://www.bats.org.uk/pages/bats_and_lighting.html for advice and a wildlife sensitive lighting scheme should be developed and implemented. No night work should be carried out.
- 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.

- Existing trees/hedges should be retained and hedgerows gapped up if necessary. If removal of trees is necessary, they should be replaced with new native trees (preferably of local provenance). Where possible new trees/hedges should be planted with native species (preferably of local provenance). Root protection zones should be established around retained trees/hedgerows so that storage of materials and vehicles, the movement of vehicles and works are not carried out within these zones.
 - It is additionally recommended that consideration is given to bird nest boxes/bricks (including swift bricks) and hedgehog boxes and hedgehog pathways being incorporated into the native/wildlife friendly planting within any landscaping work and the provision of ponds/SUDS.
 - Consideration should be given to energy efficiency, water sustainability, management of waste during and post construction and the use of recycled materials and sustainable building methods and sustainable transportation.
130. Rushcliffe Borough Council Strategic Housing Officer – advises that 30% affordable housing is required, therefore, up to 120 units with 70 rent (23 social rent and 47 affordable rent) and 50 intermediate. The breakdown of affordable housing is as follows; Social rent 5 x 1 bed flats; 2 x 2 bed flats; 5 x 2 bed houses; 4 x 3 bed houses; 2 x 4 bed houses; 2 x 1 bed bungalow; and 3 x 2 bed bung. Affordable rent; 9 x 1 bed flats; 4 x 2 bed flats; 10 x 2 bed houses; 10 x 3 bed houses; 3 x 4 bed houses; 5 x 1 bed bungalow; and 6 x 2 bed bung. Intermediate; 4 x 2 bed bung; 23 x 2 bed houses; and 23 x 3 bed houses.
131. The affordable units should be ‘pepper potted’ in small groups across the site. The flats should be no higher than two storeys with each unit having its own entrance. The bungalows (for elderly needs) should also be clustered together. The bungalows should also be located close to main access roads, preferably close to public transport corridors, to ensure that the elderly residents have good access to services and facilities to ensure they do not become isolated.
132. The intermediate dwellings should be sold at 50% or less of the open market value to ensure that they are affordable having regard to local incomes and prices. The dwellings should be provided through a Registered Provider or through another appropriate mechanism which ensures that the dwellings remain affordable.
133. The provision of 30% affordable housing on this site will assist the Borough Council in meeting its strategic aims to address housing need in the Borough whilst reducing the number of households in temporary accommodation by increasing the supply of permanent affordable housing.
134. Radcliffe Community Group – a detailed letter of objection together with notes from a Community group meeting supporting this objection was received when the application was first submitted. The summary of the letter is set out

below.

135. *“In short the Radcliffe Community Group object to this development on a multitude of ground. Namely that the Shelford Road site is an inappropriate location within the village, as a result of its lack of access to the A52, and the resulting need for all of the additional traffic created to travel through the village.*
136. *We object to it on the ground of its designation as greenbelt land and the lack of very special circumstances being demonstrated for its development.*
137. *We object on the grounds of the proposals destruction of local ecology, wildlife and potential archaeological interest.*
138. *We object on the grounds of the existing drainage facilities capacity to cope with the current flow and the lack of provision for its enhancement. Simply adding to the existing overloaded facility is just not feasible.*
139. *We object to the proposal for the lack of additional parking provision within the village to service the additional 600 cars and we object to the additional danger caused to pedestrians down Shelford Road with the increased negative impact of an additional 600 cars.*
140. *We object to its approval on the grounds of lacking transport infrastructure for the surrounding A52 and the negative impact upon the commuting corridor which is already heavily congested.”*

Local Residents and the General Public

141. The application has been widely publicised in the local community by way of letters, site and press notices. 147 letters of representation or comment were received on the submission of the original application which can be summarised into the following comments:-
 - a. General objection to building on Green Belt.
 - b. Loss of village life and community appeal.
 - c. Loss of some grade B agricultural land.
 - d. Concern over cumulative impact with Nottingham Road Scheme.
 - e. Special circumstances do not outweigh the harm to the green belt.
 - f. Prematurity – in advance of the green belt review.
 - g. Other sites are available to meet need.

Transportation and Movement comments

- h. Unacceptable increased traffic on Shelford Road and Main Road.
- i. Require a pedestrian access track across the train track to Bingham Road.

- j. Require a vehicular access across to the A52.
- k. Improvements to Oatfield Road required.
- l. Dualling of the A52 needs to be considered.
- m. Concern over existing capacity of roads.
- n. Concern over impact on Newton – construction traffic and general traffic.
- o. Suggest they need two access points for the development.
- p. Lack of trains stopping at Radcliffe station to support commuting and travel other than by road.
- q. Further congestion on A52 – cost in time and extra fuel of accessing.
- r. Safety of children using local roads and accessing schools.
- s. Use of Shelford Road as rat run, usage has already increased with Newton development.

Social Infrastructure

- t. Pleased to see provision is being made for health centre and primary school.
- u. No mention of shops.
- v. Not enough general facilities.
- w. Parking within the village is impossible at peak times.
- x. School, dentist and doctors surgery are at capacity.
- y. Anxiety over policing and the reduction of police presence in Radcliffe on Trent with the closure of the police station.
- z. Query over future maintenance/responsibility of SUDs.
- aa. Relocating health centre will isolate many people. Not the right location.
- bb. Inclusion of a primary school and health centre is a bribe.

Other matters raised

- cc. Negative impact upon the local environment and ecology.
- dd. Loss of light to properties on Clumber Drive.
- ee. Worry about ponds on the site.

- ff. Devaluation of properties in the area.
 - gg. Other infrastructure .
 - hh. Sewerage treatment plant is already working at full capacity.
 - ii. Drainage problems exist and this will exacerbate.
 - jj. Housing needs to be delivered by a New Town.
142. An on line petition containing 166 signatures was also submitted following the original consultation. The petition was made on the grounds of:
- a. Object to the identification of RoT Green Belt land as a suitable place to build when existing brownfield has not been used.
 - b. The increased pressure of an already heavily congested A52 and the additional impact that the approved plans for 1000 homes in Bingham and 500 homes in Newton would have.
 - c. These homes are not yet built so the impact is not yet known.
 - d. The increased traffic through the village as a rat run as a result of the proposed roundabout at the top end of Shelford Road instead of the suggested link road to the A52.
 - e. Pressure on the village centre with a lack of adequate parking.
 - f. Concerns over the already stretched capacities of RoT Infant and Junior School and the influx of new homes.
 - g. Anxieties over policing and reduction in police presence in RoT.
 - h. Concern over the drastic decrease in property values for those Radcliffe residents who will be immediately impacted by the proposed developments.
 - i. Concern over the need to put traffic calming in place as Shelford Road is the only available route for children walking to and from the schools and parks in the village.
143. A further petition with 25 signatures was submitted opposing the application on the following grounds:
- a. Impact on infrastructure.
 - b. Environmental impact.
 - c. Loss of greenbelt land.
 - d. Impact on amenities.
 - e. Increased traffic, safety concerns, need for increased transport

facilities and parking issues.

144. Two letters have been received stating that they do not object to the application.
145. A letter of support has been submitted from Planning Consultants acting on behalf of the owner of Grooms Cottage, who control land between the application site and existing residential development, who state that the SHLAA confirms the suitability of this land for residential development. They also state that they are committed to working with the Council, local community, developer interest and other stakeholders to achieve optimum solutions. They consider that the current proposals would not prejudice the ability of his client's adjacent land to be developed.
146. Neighbouring properties and those interested parties that made representations on the original submission have been re-consulted on the additional and revised information submitted. 57 letters have been received whose comments can be summarised as follows:
 - a. Loss of views.
 - b. Concern over dust dirt and noise from construction.
 - c. Traffic concerns – village will be in gridlock.
 - d. Reliance on car – increasing congestion and pressure for parking in village.
 - e. Secondary school not big enough.
 - f. Should preserve green space for future generation.
 - g. Concern over only one access – problems for emergency vehicles.
 - h. Concreting over green spaces is not a sustainable way forward.
 - i. Access to the site should be from A52 over railway line.
 - j. Additional medical, dentist and schools required.
 - k. Village needs protection and developer should provide what is promised.
 - l. Infrastructure should be provided before housing commences.
 - m. Concern over location of roundabout.
 - n. Council should negotiate leisure funding, cycle provision, cycle storage, free transport to the village, country park, tree planting, school bus services.
 - o. Query over construction traffic routing.
 - p. Contrary to the neighbourhood plan in both location of health centre

and location strategy. Site of proposed health centre is impractical .

- q. Bus service is under threat – site is inadequately serviced by public transport.
- r. Need commercial development on the site – jobs required and potential for convenience shop.
- s. Query over maintenance of landscaping and buffer area.
- t. Concerns over content of the transport update note.
- u. Improvement needed to Valley Road and Shelford Road junction.
- v. Detrimental impact on business working from home.

PLANNING POLICY

147. The Development Plan for Rushcliffe consists of the 5 saved policies of the Rushcliffe Borough Local Plan (1996) and the adopted Rushcliffe Local Plan Part 1: Core Strategy (December 2014). The Radcliffe-on-Trent Neighbourhood Plan was adopted in October 2017 and now forms part of the development plan for Rushcliffe. The publication version Local Plan Part 2 (LPP2): Land and Planning Policies is also a material consideration, although the policies within this document do not currently carry as much weight as those that are adopted as they are yet to be subject to an examination. Local Plan Part 2 was submitted for examination on 10 August 2018.
148. Other material considerations include the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG) and the Rushcliffe Borough Non-Statutory Replacement Local Plan (2006) and the recent appeal decision at Asher Lane Ruddington ref: 1/03123/OUT for outline planning permission for 175 dwellings which is located within the Green Belt and which was granted permission on 23rd May 2018.

Relevant National Planning Policies and Guidance

149. The National Planning Policy Framework (NPPF) (updated in 2018) 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. There are three dimensions to sustainable development, economic, social and environmental.
150. The presumption in favour of sustainable development is detailed in Paragraph 11. For decision making this means; *'c) approving development proposals that accord with an up-to-date development plan without delay; or d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting planning permission unless; i. the application of policies in this Framework that protect areas or assets of particular importance provides a*

clear reason for refusing the development proposed (and designated as Green Belt); or ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.'

151. Paragraph 67 requires Local Authorities to identify a supply of specific, deliverable housing sites for years one to five of the plan period (with an appropriate buffer) and developable site or broad locations for growth for years 6-10, and where possible, for years 11-15 of the plan.
152. Paragraph 108 states that *"In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that: a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location; b) safe and suitable access to the site can be achieved for all users; and c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.'* Paragraph 109 goes on to state that; *'Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'*
153. Paragraph 133 states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
154. Paragraph 143 states that, *"Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances."*
155. Paragraph 144 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."*
156. Paragraph 145 makes clear that the construction of new buildings in the Green Belt is inappropriate development and lists the exceptions.

Relevant Local Planning Policies and Guidance

157. Saved Rushcliffe Borough Local Plan 1996 Policy ENV15 states that; 'A Green Belt is proposed as defined on the proposals map'. This plan defines the extent of the current Nottinghamshire – Derby Green Belt.
158. 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.
159. The following policies in the Rushcliffe Local Plan Part 1: Core Strategy are relevant:
 - Policy 1 - Presumption in Favour of Sustainable Development;

- Policy 2 - Climate Change;
- Policy 3 - Spatial Strategy;
- Policy 4 - Nottingham – Derby Green Belt;
- Policy 5 - Employment Provision and Economic development;
- Policy 8 - Housing Size Mix and Choice;
- Policy 10 - Design and Enhancing Local Identity;
- Policy 11 - Historic Environment;
- Policy 12 -Local Services and Healthy Lifestyles;
- Policy 13 - Culture Tourism and Sport;
- Policy 14 - Managing Travel Demand;
- Policy 15 - Transport Infrastructure Priorities;
- Policy 16 - Green Infrastructure, Landscape, Parks and Open Space;
- Policy 17 – Biodiversity;
- Policy 18 – Infrastructure; and
- Policy 19 - Developer Contributions

160. Policy 3 outlines the distribution of development in the Borough during the plan period. It ensures the sustainable development of Rushcliffe will be achieved through a strategy that promotes urban concentrations by directing the majority of development towards the built up area of Nottingham and the Key Settlements identified for growth of Bingham, Cotgrave, East Leake, Keyworth, Radcliffe on Trent and Ruddington.

161. Policy 4 (Nottingham – Derby Green Belt) establishes the principles of the Green Belt in the Borough. It states that the principle of the Nottingham Derby Green Belt within Rushcliffe will be retained and it will only be altered where it is demonstrated that exceptional circumstances exist. The settlement of Radcliffe on Trent shall remain inset from the Green Belt. Policy 3 acknowledges that exceptional circumstances exist to review the boundaries of the Green Belt in Rushcliffe to enable the level of development that needs to be delivered.

162. Other than Rushcliffe Borough Local Plan 1996 Policy ENV15, which establishes the Nottingham and Derby Green Belt, none of the saved policies of the Rushcliffe Local Plan are relevant to this application.

163. The Radcliffe-on-Trent Neighbourhood Plan was adopted in October 2017 and now forms part of the development plan for Rushcliffe. Many of the policies within the document have implications in the consideration of this application to ensure that the development satisfies the vision for the future of the village but of particular reference are:

- Policy 1 Village Centre First;
- Policy 5 (local Leisure provision);
- Policy 7 (Pedestrian Focused Development);
- Policy 8 (Public Transport);
- Policy 9 (Radcliffe on Trent Railway Station);
- Policy 10 (New residential development – locational strategy);
- Policy 12 (Housing Mix and Density);
- Policy 14 (Design and Layout); and
- Policy 15 (Local Architectural Styles).

164. The Rushcliffe Borough Non-Statutory Replacement Local Plan (RBNSRLP) is a material consideration. Whilst not part of the Development Plan, the Borough Council has adopted the RBNSRLP for development management purposes in the determination of planning applications and Policy GP2 (Design and Amenity) is used frequently. Bearing in mind the nature of the application and the presence of detailed design and amenity policies, it is not considered necessary to consider these policies within this application.
165. The emerging Local Plan Part 2 has undergone its necessary preparation including the identification of preferred housing sites and extensive consultation and is supported by various evidence based documents including a Green Belt review which is of particular relevance to Radcliffe on Trent bearing in mind this is an inset village. This has now been submitted for examination. Some weight should therefore be given to this emerging policy document in particular site specific policy 5.3 which relates a proposed housing allocation – Land off Shelford Road Radcliffe on Trent.
166. Consideration should also be given to other Borough Council Strategies including the Sustainable Community Strategy, Leisure Strategy, Nature Conservation Strategy and the Borough Councils Corporate Priorities.
167. Planning (Listed Buildings and Conservation Areas Act) 1990 - Local planning authorities shall have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. Special attention should be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas. Considerable importance and weight should be attached to any harm to these heritage assets or their setting. The courts have held that this creates a negative presumption (capable of being rebutted) against the grant of planning permission where harm will be caused and that the balancing exercise must begin with this negative weight/presumption even where the presumption in favour of sustainable development is engaged under the Framework. Section 66 of the Act, requires that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority 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.
168. Conservation of Habitat and Species Regulations 2017, and the Wildlife and Countryside Act (as amended) 1981 - These regulations/legislation contain certain prohibitions against activities affecting European Protected Species, such as bats. These include prohibitions against the deliberate capturing, killing or disturbance and against the damage or destruction of a breeding site or resting place of such an animal. The Habitats Directive and Regulations provides for the derogation from these prohibitions in certain circumstances. Natural England is the body primarily responsible for enforcing these prohibitions and is responsible for a separate licensing regime that allows what would otherwise be an unlawful act to be carried out lawfully.
169. 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.

170. 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. The fact that Natural England is not objecting to the application is not determinative of this issue as Natural England has referred to its generic Standing Advice for protected species.

171. Natural Environment and Rural Communities Act 2006 at Section 40 states that ‘every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity’. Section 40(3) of the same Act also states that ‘conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat.’

172. Planning for Growth (Ministerial Statement 2011) emphasises the priority for planning to support sustainable economic growth except where this compromises key sustainable development principles. The range of benefits of proposals to provide more robust and viable communities should be considered and appropriate weight should be given to economic recovery.

173. The Community Infrastructure Levy Regulations 2010 (As amended) - places the Government’s policy tests on the use of planning obligations into law. It is unlawful for a planning obligation to be a reason for granting planning permission when determining a planning application for a development, or part of a development, that is capable of being charged CIL, whether or not there is a local CIL in operation, if the obligation does not meet all of the following tests:

- a. necessary to make the development acceptable in planning terms;
- b. directly related to the development; and
- c. fairly and reasonably related in scale and kind to the development.

174. Since April 2015 Regulation 123 has also come into effect, this states:

1. This regulation applies where a relevant determination is made which results in planning permission being granted for development.

2. A planning obligation may not constitute a reason for granting planning permission for the development to the extent that the obligation provides for the funding or provision of relevant infrastructure (as defined).
 3. A planning obligation (“obligation A”) may not constitute a reason for granting planning permission to the extent that:
 - a. obligation A provides for the funding or provision of an infrastructure project or type of infrastructure; and
 - b. five or more separate planning obligations that:
 - i. relate to planning permissions granted for development within the area of the charging authority; and
 - ii. which provide for the funding or provision of that project, or type of infrastructure, have been entered into before the date that obligation A was entered into.
175. Equality Act 2010 - Under S149 of the Act all public bodies are required in exercising their functions to eliminate discrimination, advance equality of opportunity and foster good relation.
176. Design Council Building for Life 12 - This assessment sets 12 criteria to measure the suitability of schemes and their locations in relation to design, layout, sustainability criteria, adaptability and effect of existing local character and reduction of crime, amongst other things.
177. Environmental Impact Assessment Regulations - The proposed development was screened under the Environmental Impact Assessment Regulations 2011 prior to the application being submitted and it was determined that any effects of the proposal would be of a local nature which would be dealt with under the normal development control process and a formal Environmental Impact Assessment was not required in this instance.

APPRAISAL

178. 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.
179. It is considered that the main planning considerations in the determination of this application relate to the principle of development in this location and then whether the application accords with Neighbourhood Plan Policies, together with the specific site requirements as set out in the emerging site specific policy 5.3 (Housing allocation land off Shelford Road) together with any other material planning considerations.

180. 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

181. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 11 of the NPPF advises that there is a presumption in favour of sustainable development and for decision-making this means approving development proposals that accord with the development plan without delay. The NPPF is a material consideration in planning decisions.
182. In paragraph 15 the NPPF states that the planning system should be genuinely plan-led. Succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for addressing housing needs and other economic, social and environmental priorities; and a platform for local people to shape their surroundings.
183. Section 5 - 'Delivering a sufficient supply of homes' states that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old.
184. However, in considering this application, it has to be borne in mind that the Council does not have a 5 year housing land supply. Consequently, in accordance with footnote 7 of the NPPF, Policy 3 of the Core Strategy, which is a policy for the supply of housing, is not up to date. In such circumstances, paragraph 11 of the NPPF and the so-called 'tilted' balance is engaged.
185. Paragraph 11 explains that the presumption in favour of sustainable development requires that, where the development plan is out of date, permission is granted unless:
- The application of policies in the framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed; or
 - Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
186. As the site is presently in the Green Belt, this is a specific policy identified in the NPPF that indicates development should be restricted. Residential development of this nature constitutes inappropriate development which is,

as set out in para 143 of the NPPF, by definition, harmful to the Green Belt and should not be approved except in 'very special circumstances'. 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. Very special circumstances must therefore be able to be clearly demonstrated to justify a support of planning permission on this site.

187. The applicant acknowledges that the proposal scheme would be inappropriate development in the Nottingham-Derby Green Belt and should not be approved except in VSCs, as per NPPF paragraph 143. The applicant has set out what he considers are the very special circumstances which are outlined above (under Details of the Proposal).
188. As set out above, at the present time the Borough Council is unable to demonstrate a five year supply of housing and as with the Asher Lane Inspector the shortfall is identified as significant and justifies considerable weight to the proposed development. Whilst this on its own is not a very special circumstance, in itself consideration needs to be given to the following matters.
189. The Rushcliffe Core Strategy identifies the need for a minimum of 13,150 new homes between 2011 and 2028 with approximately 7, 650 homes in or adjoining the main built up area of Nottingham. The adopted Core Strategy allocates strategic sites and the emerging Local Planning Part 2 Document will be used to allocate non-strategic sites. CS Policy 4 (Nottingham-Derby Green Belt) subsections 3 and 5 confirm that inset boundaries will be reviewed through the LPP2. Subsection 7 of Policy 4 states that when reviewing GB boundaries consideration will be given to a number of factors including the statutory purposes of the GB, in particular the need to maintain openness and prevent coalescence of settlements; establishing a permanent boundary which allows for development in line with the settlement hierarchy and/or to meet local needs; and retaining or creating defensible boundaries.
190. The Core Strategy identifies Radcliffe on Trent as a key settlement where housing growth is required and anticipated and sets a target of a minimum of 400 new homes that need to be built on greenfield sites within the existing Green Belt surrounding Radcliffe on Trent up to 2028. The Local Plan Part 2 is proposing site allocations in Radcliffe on Trent for around 920 dwellings (including the current application site). This application is, therefore, considered to accord with the spatial strategy as set out in the development plan. The Radcliffe on Trent Neighbourhood Plan acknowledges that the village will need to accommodate new housing growth and that it is necessary to release areas of green belt to provide for this. A broad strategy for the distribution of new dwellings across the Parish is set out in the Plan which shows the focus of new development to the east and west of the Village. The diagram produced shows this site as one of the broad locations for development. It is, therefore, considered that this proposal accords with the broad direction of growth identified within the Neighbourhood Plan. Whilst further consideration of the Neighbourhood Plan is given later in this report, the fact that the proposal is in accordance with the agreed spatial strategy of the adopted Core Strategy, allocations in the emerging Local Plan Part 2, and the broad direction of growth identified in the Neighbourhood Plan weighs in favour of the proposal.

191. One of the key issues that the Local Plan Part 2 is required to do is to identify enough land as suitable for housing development in order to help meet Rushcliffe's housing target of a minimum of 13,150 new homes between 2011 and 2028. The evidence supporting this work suggests that it is necessary to deliver new housing above these minimum targets in order to ensure that enough housing is available to meet both the Boroughs short and longer term housing targets. Consideration has, therefore, been given to increase the number of houses within the key settlements and identifying other settlements which could accommodate some level of housing growth above that expected by infill development. Radcliffe on Trent is a key settlement where increased housing provision is considered appropriate and justified and supported by substantial evidence.
192. With regard to Radcliffe on Trent a critical issue influencing new housing numbers in this settlement relates to primary school capacity constraints identified by the Local Education Authority with an apparent lack of scope to expand existing school premises. It would appear at the present time that to accommodate housing growth at Radcliffe on Trent, a new primary school will need to be provided alongside any new housing development. To generate the pupil numbers required to sustain a new primary school and to also generate sufficient developer contributions to cover the costs of a new school will require the delivery of upwards of 1,000 new homes. However, in balancing sustainability, Green Belt, settlement capacity, flood risk, the availability of suitable sites for development and other relevant planning considerations, six sites are proposed to be allocated for housing development which would deliver around 920 new homes. The site, subject to this application, is one of the sites identified as a preferred housing site in the emerging Local Plan Part 2 (LPP2) document. This weighs in favour of the proposal.
193. Whilst Part 2 of the Plan has not yet been adopted, and as such full weight is unable to be given to this plan, it has gone through extensive examination and scrutiny as part of the identification of preferred sites documents and this site scores low in the green belt review that has been undertaken. To address the Core Strategy Spatial Strategy, green belt release at Radcliffe on Trent is inevitable and the Neighbourhood Plan also identifies development in this broad location. These are both adopted Development Plan documents. The Council's assessment of the site is that it has one of the lowest GB values of all the GB land assessed on the edge Radcliffe on Trent. The Inspector at the Asher Land Inquiry acknowledged that the latest Rushcliffe Green Belt Review is a comprehensive document that scores each possible GB site against the five purposes of the GB contained in NPPF paragraph 80. It does not itself determine whether or not land should remain within the GB but is a technical document that will be used to aid decisions on where the GB may be amended to accommodate future development requirements. The Inspector used this document in the consideration of that appeal and, therefore, it is considered appropriate that weight can be attached to this document in the consideration of this application. The conclusions of this review document weigh in favour of this development.
194. CS Policy 4 (Nottingham-Derby Green Belt) subsections 3 and 5 confirm that inset boundaries will be reviewed through the LPP2. Subsection 7 of the Policy states that when reviewing GB boundaries consideration will be given

to a number of considerations including the statutory purposes of the GB, in particular the need to maintain openness and prevent coalescence of settlements; establishing a permanent boundary which allows for development in line with the settlement hierarchy and/or to meet local needs; and retaining or creating defensible boundaries.

195. Whilst it is considered that significant weight cannot be attached to the LPP2 because it has not yet been examined, as set out above the Core Strategy Spatial Strategy acknowledges Green Belt release at Radcliffe on Trent is inevitable and the evidence base supporting the Core Strategy and LPP2 and the Councils reasons for its preferred allocation sites at Radcliffe on Trent are issues that are relevant to this application and to which considerable weight can be attached. This approach was a view expressed again by the Inspector for Asher Lane. The Core Strategy Policy 3 and 4 and the evidence base supporting the proposed green belt review and proposed allocation of the site in Local Plan Part 2, together with the Neighbourhood Plan proposing this as site as a direction of growth, again weigh in favour of the development.

Emerging Local Plan Part 2 policy 5.3

196. As set out above, whilst the LP Part 2 document has not yet been examined by an Inspector, it does carry some weight in the determination of this application and, therefore, consideration is given to the policy within this report that sets out the specific site requirements for this site under policy 5.3, which proposes this site as an allocation for around 400 homes. The policy sets out that any development will be subject to the following requirements:
- a. A serviced site(s) within the north of the allocation should be provided for a new one form entry primary school and medical centre;
 - b. Appropriate financial contributions towards education and health capacity improvements to support development;
 - c. Land within the south of the site should be safeguarded for a future pedestrian and cycling bridge across the railway line;
 - d. Development should complement and not prejudice the delivery of the neighbouring site which is allocated within Policy 5.2(Grooms Cottage);
 - e. Sensitive boundary treatments should protect the amenity of existing neighbouring properties; and
 - f. It should be consistent with other relevant policies in the Local Plan.
197. Policy 5.3(a and b) - Significant consideration of community facilities and the potential interrelationship with existing provision both within the existing local village has taken place including extensive discussion with consultees to understand existing capacity of facilities and their capability or otherwise to accommodate the new development.
198. Emerging LPP2 policy 5.3 (a) *requires a serviced site(s) within the north of the allocation should be provided for a new one form entry primary school and medical centre.*

199. In relation to school provision it is acknowledged that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Accordingly, paragraph 94 of the NPPF states that *'local Planning Authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education'*, giving great weight to the need to create and expand or alter schools. The County Council as the Education Authority has been involved in the application and the work being undertaken on the LPP2 and it has been established that there is insufficient capacity to accommodate the increase in pupils likely to be generated by the growth expected in the village. Whilst work is still being undertaken by the County Council in relation to long term primary school provision within Radcliffe, at the present time it is considered necessary to require a site to be reserved for a potential one form entry primary school.
200. The applicant has suggested that the site remains available for five years to allow the County Council as the Education Authority to finalise their future plans for primary education within Radcliffe on Trent. Funding is also proposed to allow for this site to provide an appropriate proportion of contribution towards new or expanded educational facilities. The figures will be different depending on the nature of the final requirements for provision and are set out in the accompanying S106 Heads of Terms table.
201. Secondary pupils generated by the development would be accommodated by South Nottinghamshire Academy which is located within the village and evidence provided by the County Council suggests that there is no capacity to accept more children without expansion. A financial contribution is sought to allow this expansion and discussions have taken place in relation to the phasing of contributions. It is considered that this provision is compliant with CIL Regulation 122 in order to mitigate the impact of the proposed development in terms of education provision.
202. With regard to health provision, the development falls within the Rushcliffe Clinical Commissioning Group (CCG) area, who calculate that the new development would result in an increased patient population of around 920 people. Discussions have been undertaken with the CCG team and it has been concluded that no capacity exists for patients to be accommodated within the existing doctor surgery in Radcliffe on Trent. Whilst ongoing, work is being undertaken to review the potential for a surgery to remain within the village centre, this is somewhat complicated by the land constraints that affect the current site. It is, therefore, necessary for the site to allow for the potential delivery of a doctors surgery on site. Discussions with the CCG have taken place to establish the size of the site required to be safeguarded.
203. The applicant has facilitated the opportunity of a site within this development and discussions have taken place to achieve a potential site in the most appropriate location. Revised plans now show this located to front onto Shelford Road to assist with accessibility to the existing community and bus services. Access to this site and its associated car parking would be by way of the internal roads serving the housing development. The applicant has also agreed to pay a financial contribution appropriate to the size of the development towards the provision of a new surgery should it be considered necessary. Other contributions will be sought from other sites proposed to

come forward in Part 2 to assist in the provision of a new facility or improvements to existing facilities. It is proposed that this is secured by way of planning conditions and a financial contribution towards the facility by way of a S106 contribution. It is considered that this provision is compliant with CIL Regulation 122 in order to mitigate the impact of the proposed development in terms of health care provision.

204. To conclude, the applicant has agreed to the S106 Heads of Terms which includes gifting of the sites if they are needed and appropriate financial contributions. Furthermore, that the provision of those facilities on the site (if they can't be provided in the village centre) will facilitate the delivery of the other development around the village which in itself is considered to be a key benefit.
205. Emerging LPP2 acknowledges that if increased demand generated by this site or the wider housing expansion proposed in Radcliffe on Trent can be met without requiring a new school or medical centre, the land required under policy 5.3(a) can be developed (subject to planning permission) for other uses. Financial contributions would still be sought to enable expansion or new facilities on alternative sites. The proposed S106 allows for such alternative provision. No other sites are presently identified by the LEA or the CCG to accommodate the proposed increase in residents in Radcliffe on Trent and, therefore, safeguarding of land to enable the provision of essential community services to come forward in a timely fashion weighs in favour of the scheme.
206. Emerging LPPS policy 5.3 (c) - requires *that land within the south of the site should be safeguarded for a future pedestrian and cycling bridge across the railway line.* The emerging LPP2 suggests that the development of this site offers an opportunity to link this area of Radcliffe on Trent with areas of the village on the opposite side of the railway line which are only accessible via a detour through the centre of the village. Whilst a development of this size is unable to financially provide for the construction of such a cycle/pedestrian bridge, and such a piece of infrastructure is not considered to be necessary or justified to make this application acceptable, a revised development framework plan has been submitted which shows an area in the south eastern corner of the site safeguarded for such a potential future connection with land proposed to be allocated in LPP2 known as 'Land north of Grantham Road' allocation site Policy 5.4. This land is able to be safeguarded through a Section 106 agreement. Policy 7 of the Neighbourhood Plan identifies the need for opportunities to improve or enhance the network of pedestrian links including the potential for routes to the east of the village linking across the railway line. The provision of this area for a potential future link weighs in favour of the scheme.
207. Emerging LPP2 policy 5.3 (d) requires - *The development should complement and not prejudice the delivery of the neighbouring site which is allocated within Policy 5.2.* The site identified in the emerging LPP2 under policy 5.2, which is known as Grooms Cottage, has recently undertaken public consultation and a planning application is expected to be submitted shortly. The application scheme proposals have been designed to take account of the future development of the adjacent potential allocation site to ensure that the two developments would be complementary. Indeed, it is considered that development on that site would be facilitated by the early

delivery of the application site allowing the provision of the supporting community infrastructure. Cycle and pedestrian connections have been identified on the Development Framework Plan to highlight where potential access points through the developments could be provided to facilitate easy access to facilities. It is not considered necessary to require this site to provide vehicular connections through to the neighbouring site as adequate access is available to Shelford Road from the Grooms Cottage site itself. Drainage considerations will need to be considered by both developers to ensure a scheme which satisfies Severn Trent's requirements and this can be secured by way of planning conditions.

208. Emerging LPP2 policy 5.3 (e) requires - *that sensitive boundary treatments should protect the amenity of existing neighbouring properties.* At an outline stage it is impossible to fully assess the impact this development will have on specific properties, until individual dwellings locations and the associated separation distances and window locations are known. Nevertheless, and notwithstanding the commentary above, it is considered that this site can accommodate the quantum of development suggested without significantly adversely impacting the amenity of neighbouring properties. The illustrative framework plan shows a landscape buffer to the properties to Clumber Drive to the western boundary and consideration will be given at reserved matters stage to the boundary treatments to existing neighbouring properties.
209. It is therefore considered that, in relation to the specific site requirements set out in the Emerging Local Plan policy 5.3, this application accords with this policy and therefore this weighs in favour of the proposal.

Radcliffe on Trent Neighbourhood Plan.

210. The neighbourhood plan forms part of the development plan and, therefore, careful consideration is given to the policies within it. Reference has been made above to the policies considered most relevant to the consideration of this outline application. The vision of the Neighbourhood Plan is that; *'Radcliffe on Trent aspires to be a vibrant and sustainable village with a pedestrian – focused approach to land use planning whilst continually endeavouring to protect its strong sense of rural identity and community cohesion and enhance its rich and distinctive architectural, social and historical assets.'*
211. Eight key objectives have been developed to assist with the delivery of the policies and strategies that form the plan and are summarised as follows:
- a. Village centre - promoting the village centre.
 - b. Public Realm - delivering a more pedestrian friendly village centre and improving pedestrian and cycle routes and high quality safe and well designed streets and spaces as part of new developments.
 - c. Transport and Services – prioritising sustainable modes of transport with particular focus on improving bus and rail provision and promoting good access for all to public services and facilities.
 - d. Leisure – to significantly improve the sports and leisure facilities for all residents.
 - e. Housing – to ensure that a balanced supply of housing is achieved focussing on improving choices for different age groups whilst

- promoting sustainable location of new houses and setting high standards of eco design and energy efficiency.
- f. Employment – to ensure that the existing businesses within the parish are supported.
 - g. Design and Heritage – to protect and enhance heritage and architecture assets whilst promoting high quality design in all new development contributing to the village sense of place and identity
 - h. Environment – to protect and enhance the rural setting and local biodiversity of the village and promote a network of green spaces and wildlife corridors connecting the village, the River Trent and the countryside.
212. The Neighbourhood Plan includes a spatial framework which whilst not allocating specific housing sites indicates the broad locations where housing may be considered acceptable in meeting the need identified in the Part 1. A key consideration is to ensure walkability of the village is maintained and it proposes the majority of the release to the east and west allowing gaps in the settlement boundary to be ‘infilled’, preserving the separation between settlements to the east and west. As set out above it is considered that the site accords with the broad strategic direction of growth to the east of the village.
213. The village framework and Policy 1 (Village Centre First) is based around the centre of the village and the neighbourhood plan seeks to maintain this as the focus of community, commercial and retail uses. Concern has been raised that this application proposes the relocation of the health facilities and provision of a primary school, however, the proposal purely safeguards a site for the provision of such facilities if all other attempts to identify suitable alternative sites/methods to address the need are not successful. No retail or commercial uses are proposed on the site directing new occupiers to the village centre for shopping and other services. It is considered that the site will assist in the continued vitality and viability of the village centre.
214. Policy 5 relates to local leisure provision with the Neighbourhood Plan identifying a priority for the improvement of the village’s formal sports facilities for all ages. The policy acknowledges that it may be appropriate to secure financial contributions in lieu of provision on site. The neighbourhood plan within this policy supports the provision of small scale children’s play and ancillary open space as an integral part of the new developments.
215. In relation to this proposed development the total quantity of open space provided by the proposal satisfies that identified to be required by the Community Services Manager. The development framework plan shows the provision of a Local Equipped area for play located in a logical and efficient matter which will allow for a variety of play equipment for children. An area of open space is provided to the south of the site. The Neighbourhood Plan supports in Policy 5 the provision of small scale play and ancillary open space as an integral part of new developments. Maintenance of these areas will be secured through a S106 Agreement and provided by way of a management company or other nominated body.
216. The site is not of sufficient size to enable the provision of sports pitches on the site and financial contributions are sought to mitigate impact of the development on sports pitches, sports hall and swimming pool provision. This

requirement is compliant with CIL Regulation 122 in order to mitigate the impact of the proposed development in relation to sport provision. It provides accessible opportunities for outdoor play, sport and leisure and this is a benefit of the scheme. Allotment provision is also allowed for and is proposed to be located within the south eastern corner of the site.

217. It is acknowledged that the Radcliffe on Trent Neighbourhood Plan identifies the priority for the improvements of the Villages formal sports facilities for all ages and where appropriate financial contributions may be sought from developers in lieu of on-site provision. Discussion will take place with the Parish Council with regard to the allocation of any S106 contributions sought in relation indoor sports provision. It is, therefore, considered that this application accords with the general principles of this Neighbourhood Plan policy.
218. Policy 7 relates to Pedestrian Focused Development and requires that all residential schemes should provide a clear hierarchy of new streets and spaces promoting a pedestrian first approach to design. Schemes should also be designed to enable provision or improvement of off road routes between the site and surrounding open spaces, encouraging in particular routes to the east of the village linking across the railway. Certain keys routes are identified including the Trent Valley Way for potential protection and enhancement which may benefit from developer or other contributions.
219. In relation to this development, the illustrative framework provides for a hierarchy of road structure and includes the provision of cycle and pedestrian routes which will be considered further at reserved matters stage. The proposal also allows for traffic calming/management measures on Shelford Road and pedestrian crossing on Bingham Road to encourage and aid pedestrian movements. As set out above, the proposal allows for the safeguarding of an area of land in the south eastern corner to potentially facilitate a future pedestrian/cycle link across the railway line. A financial contribution is also being provided to enable improvements to the Trent Valley Way. It is, therefore, considered that the proposal accords with the main aims of Policy 7.
220. The Neighbourhood Plan, through Policy 8 (Public Transport), seeks to encourage improvements to the Parish transport network making key services and facilities more accessible without the use of a car. It states that all new housing developments should be located wherever appropriate to take maximum benefit of public transport and existing services and facilities. The proposed development makes provision which is considered appropriate for a potential bus route within the site. Financial contributions have also been sought and agreed for improvements to the existing bus services and bus stops in the vicinity of the site. The development framework now proposed includes the potential site for the medical centre to be located adjacent to Shelford Road to improve accessibility for the bus and walking network. The site would potentially incorporate a primary school thus making easy access for primary school children to access these facilities. A Travel Plan has also been submitted which includes initiatives to promote public transport.
221. Policy 9 (Radcliffe on Trent Railway Station) - The village benefits from a railway station and its improvement and enhancement is seen as a key

priority for the village to help promote the village's role within the growth corridor identified by the Borough Council. Identified areas for improvement include car parking, waiting and information facilities. Such improvements are also encouraged by Network Rail. Bearing in mind the level of housing being proposed and the potential increase in use from new residents of this development, if planning permission is granted negotiations have been undertaken to secure a financial contribution to help deliver improvements to the station. The applicant has agreed to the provision of £10,000 to help improve cycle facilities including a new cycle shelter with cycle parking stands and installation costs. A contribution towards improved car parking facilities could not be justified from this development as they could not be considered to be directly related to the proposal. For example the development should encourage the use of sustainable modes of transport not encourage new residents to drive to the station to use the railway network. The additional residents generated by development on this site will help maintain and enhance the viability of the railway network.

222. Policy 10 (New residential development - locational strategy) - sets out a criteria based approach to the delivery of a minimum of 400 dwellings on greenfield sites outside the existing built up area of the village. 10 criteria are presented including sites should be located directly adjacent to the existing settlement edge, be located where the centre of the site is accessible by walking cycling and public transport, avoiding areas at risk of flooding, provision of logical and defensible settlement boundary, provision of appropriate open space, housing mix and density, design, access requirements. This policy also requires that development is designed to deliver mix and density as set out in Policy 12.
223. Careful consideration has been given to the various criteria within this policy. In relation to neighbourhood plan policies it is considered that this outline application is in general accordance with the overall vision, objectives and policies and that subsequent reserved matters applications will be able to be determined having reference to these policies. It is acknowledged that, at the time of preparation of the Neighbourhood Plan, the numbers of residential dwellings envisaged by the Parish Council was lower (although the number identified was as a minimum of 400) and the plan sought to avoid a single site of 400 dwellings requiring the development to be on a number of sites so that the direct impacts of development are spread across the village. The emerging Part 2 has determined that the amount of land proposed to be allocated in this key sustainable settlement will result in the delivery of new housing above these minimum targets and the sites that have been identified are across the village. Should the LPP2 be adopted this will take precedence over the Neighbourhood Plan. The spatial strategy indicates that housing to the east and west of the village being preferred and, therefore, as set out above the development is considered to be in general accordance with the locational strategy.
224. Policy 12 (housing mix and density) - should be applied to residential schemes in excess of 10 dwellings. This seeks (subject to viability, deliverability and location of development) 25% 1 and 2 bed properties for older persons either as retirement apartments or as bungalows, 30% 2 bedroom homes, 25% 3 bedroom homes and 20% 4 bedroom homes. The policy recognises that the eventual mix will be defined by its proximity to public transport routes, local shops and facilities and the location within the

settlement. The policy states that the design and layout of schemes should ensure that, where possible, the above mix is achieved. A planning condition is suggested to ensure that any reserved matters scheme satisfies this policy. This policy also requires 30% affordable housing to be achieved on the site and the applicant has confirmed his intention to provide this level of provision.

225. Policy 14 and 15 relates to issues of design, layout and architectural styles and require planning applications to demonstrate how the design of the new development will make a positive contribution towards the identity and character of the village and sets out criteria for consideration. As set out elsewhere in the report, the information supporting the application in the Development Framework Plan and Design and Access Statement will ensure later subsequent reserved matters application satisfy this general design and layout criteria. Conditions are proposed to secure consideration to Building for Life 12 guidance is given at Reserved matters stage.
226. Whilst it is accepted that the Plans desire is to ensure that the village centre remains the focus of main community, commercial and retail uses and the potential location/relocation of the medical centre and the provision of a new primary school to an alternative out of centre site is somewhat at odds to this desire, it should be noted that the site 'offers' the potential for a new medical site and primary school to be provided and reserves sites of sufficient size to accommodate this. Ongoing work by the relevant organisations and providers will need to be finalised and this development allows flexibility in the approach to the delivery of such critical infrastructure to allow for the anticipated future growth and prosperity of the village. Regardless of the outcome of this issue, it is considered that the impacts of the development would be addressed through appropriate financial contributions, whether the facilities are provided on or off site.
227. It is, therefore, considered that the proposal is in general accordance with the various policies in the Neighbourhood Plan and reserved matters applications can ensure the provision of appropriate details to secure compliance with the more detailed aspects of the Plan. This weighs in favour of the development.

Other Material Planning Considerations

Highway Implications

228. In considering applications, Policy 1 (Development Requirements) of the Core Strategy requires that a suitable means of access can be provided to the development without detriment to the amenity of adjacent properties or highway safety and the provision of parking is in accordance with advice provided by the Highways Authority. Means of access to the site is a matter that is not reserved for subsequent approval and needs to be considered at this stage.
229. The application is supported by a Transport Assessment (TA), supplementary reports to address consultee requirements, a Travel Plan and the details of the roundabout proposed to provide access to the site. The application has been assessed by the relevant technical consultees in relation to its potential impact on both the local and strategic road network and the design of the roundabout is presently going through the final stages of its technical approval. In addition, the proposal has looked at walking, cycling and bus

proposals and Travel Plan measures to encourage alternative modes of transport to the private car. Whilst concerns have been raised by Parish Councils and other interested parties in relation to highway safety issues, it is considered that, with the submission of the additional technical and other supporting information, a robust assessment of the application on highway grounds has been undertaken, and with the imposition of suitable conditions and S278 agreements to both secure financial contributions to assist in the proposed upgrading of the strategic road network and the provision of localised highway improvements, there are no highway safety reasons to refuse the planning application. In particular, the NPPF makes it clear in para 109 that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

230. Comments have been raised by interested parties with regard to concern that the development only has one entry and exit which is the via the proposed roundabout. The County Council has confirmed that this is an acceptable access arrangement for this development and do not require an additional means of access. The access road into the development is of such a width to assist access and egress into the site in the unlikely event of an accident. Whilst it is acknowledged that there is a local desire for a new road to be facilitated over the railway line to provide direct access to the A52, there is no highway safety or policy requirement for this to be achieved and a development of this scale would not be able to support financially such a proposal. The impact of housing growth in the area on the wider highway network, including river crossings, has been considered as part of the background studies which support the emerging Part 2 local Plan.
231. Consideration has also been given to the impact of the access arrangements on the amenity of nearby residents and the visual amenity of the area. Whilst it is acknowledged that the current access arrangements onto Shelford Road from some of the existing properties would change, as would the existing entrance to the village from a visual perspective, the provision of a roundabout will assist in reducing vehicle speeds in the area and no highway concerns are raised by the County Council. The roundabout would act as a gateway feature to the village.

Design and Amenity

232. It should be acknowledged that this application is for outline planning permission with appearance, landscaping, layout and scale reserved for subsequent approval. It is considered the application has demonstrated that the proposed development can achieve high quality design and, therefore, is in accordance with the Framework and the vision of Radcliffe on Trent Neighbourhood Plan. Careful consideration of layout and design will be given at the Reserved Matters application stage. It is considered that the proposed development can be designed to ensure that it would 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. It is, therefore, considered that the indicative development framework details and the information within the Design and Access Statement (at pages 20,21 and 28) relating to development and design principles would ensure that the amenity of neighbouring properties is not unduly and unacceptably affected. Thus it is considered that the

applications accord with Policy 10 of the Core Strategy, Neighbourhood Plan policies and emerging Policy 5.3, and the updated NPPF which acknowledges at Section 12 (Achieving well designed places) that good design is a key aspect of sustainable development, and that acceptable standards of amenity will be maintained and achieved.

Air Quality

233. The NPPF (Section 15) confirms that planning decisions should sustain compliance with and contribute towards EU limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and the cumulative impacts on air quality from individual Sites in local areas. The site is not located within an Air Quality Management Area but to assist in meeting national and local objectives it is recommended that provision of electric charging points is secured by way of condition.
234. The National Planning Practice Guidance (NPPG) contains guidance on air quality. It requires local planning authorities to consider whether development would expose people to existing sources of air pollutants, and/or give rise to potentially significant impact (such as dust) during construction for nearby sensitive locations. A construction management plan is proposed to be required by condition to help minimise construction nuisance from dust.

Noise

235. The NPPF (Section 15) advises that planning decisions should also ensure that new development is appropriate for its location, taking into account the likely effects of pollution on health, living conditions and the natural environment. In doing so they should; *“Mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and the quality of life.”*
236. The principal noise sources associated with the development post construction are anticipated to be related to road traffic and the proximity of the railway line. Some noise could also be generated by the recreational uses on the site. The illustrative masterplan proposes the residential development to be set apart from the railway line by a wide buffer of public open space, which could effectively provide a noise mitigation barrier to the intermittent noise generated by trains.
237. A noise impact assessment established the noise environment at the development site and considered the potential noise impacts associated with the proposed development on the surrounding area. No objections are raised from the Borough Council or City Council Environmental Health Officers. It is considered that noise matters at construction stage can be adequately considered by way of the Construction Management Plan. However, in the absence of a detailed layout, noise will need to be considered at the reserved matters stage in order to inform the detailed design of these proposals and a mitigation strategy if required. Reserved matters applications will also enable adequate assessment of set back and layout including plot orientation, internal room layouts, bunding/buffer requirements and building methods to minimise noise impact.

Contamination

238. The NPPF (Section 15) requires that decisions should ensure that a site is suitable for its proposed use taking into account ground conditions and any risks arising from natural hazards or former activities. Part of the site is included on the Councils prioritized list of potentially contaminated land sites, specifically the farm buildings and surrounding yards. No objections have been received from our Environmental Health Officers to the principle of residential development on the site and they are satisfied that any potential contamination can be dealt with appropriately by way of a planning condition and it is not necessary for this to be undertaken prior to the application being determined. A condition is, therefore, recommended to ensure a detailed investigation report is submitted. The condition would ensure that any contamination is identified and if necessary mitigation measures identified and undertaken to ensure that the site is suitable for its proposed use. This is not an unusual circumstance and it is not considered that this prevents residential development on the site, and will ensure compliance with the requirements of emerging Policy 14 (Environmental Protection) of the Local Plan Part 2 Land and Planning Policies and with para 178 of the NPPF.

Landscaping

239. The application is supported by a Landscape and Visual Impact Assessment and a comprehensive tree survey has been undertaken to assess the trees present on the site and this has informed the parameters plan and emerging masterplan. A landscape led approach to place making has been taken with multi-functional green spaces which have been designed to ensure the retention and enhancement of key landscape features. The proposal incorporates the provision of 5.12 ha of public open space including a central area of open space. Hedgerows around and within the site are proposed to be retained and reinforced wherever possible to provide structure for the development and help integrate into the landscape. The development would require the removal of a hedgerow along Shelford Road to facilitate the site access but new hedgerow provision is proposed.

240. The development proposals provide an opportunity for a significant increase in tree cover across the site, in particular to the north, south and eastern extents in the form of a substantial woodland belt. Trees are an integral part of the wider redevelopment of this site, and as outlined above are important elements within the larger landscaping plans. Generally the majority of trees being removed are of lower grade quality trees. Once all the proposed landscaping works and tree planting has been carried out the quality of tree cover across the site would be enhanced.

Ecology

241. In relation to Ecological considerations an ecological appraisal of the site has taken place and this has been updated by additional reports in 2017 which assess the likely significant effects of the project on the ecology and nature conservation of the site and its surroundings. It describes the methods used to assess the likely effects, and presents the baseline conditions currently existing at the site and the value of the component features. Detailed surveys have been undertaken to confirm the presence of species protected under the Wildlife and Countryside Act 1981(as amended), The protection of

Badgers Act 1992 and the Conservation of Habitats and Species Regulations 2010(as amended), together with faunal surveys. The reports have been considered by Natural England, Nottinghamshire Wildlife Trust, Environment Agency and the Borough Councils Sustainability Officer. No objection has been raised with the information submitted and it is considered to be robust in its methodology and outcomes.

242. The Ecological report has concluded that, over the period of survey, the majority of the habitats identified within the survey area were considered to be of low ecological value. No significant populations of protected species were confirmed within the site although bat roosts have been identified.
243. Green infrastructure has been designed from the outset to surround and subdivide the proposed development area with existing hedgerows maintained and enhanced wherever possible. Recommendations in the ecological report include the provision of improved neutral grassland and a purpose built barn owl tower with bat loft.
244. Core Strategy policy EN1 requires development to contribute towards the conservation, enhancement or restoration of biodiversity and ecological networks throughout the landscape. The NPPF (Section 15) advises that the planning system should contribute to and enhance the natural and local environment by: minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. 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. Whilst the application is in outline only the Ecological Mitigation recommendations within the ecological reports provide for ecological enhancement on the site, particularly around the open space area to the south of the site and its ongoing management are considered to be able to be achieved by way of the reserved matters applications and secured by planning condition.
245. The applicant has undertaken a comprehensive range of ecological surveys and proposed mitigation measures, which after careful consideration and review are considered appropriate in the context of the Framework and CS Policy 17 (Biodiversity). As set out above, ecological information has been carefully assessed by the Ecologists in various organisations and no objections to the proposals are raised. It will be important that the mitigation measures are fully implemented and these will be secured by attaching appropriate planning conditions, should planning permission be granted.
246. To ensure that the proposed development is undertaken in a way that will minimise adverse impacts on biodiversity and secure future long-term management to retain biodiversity and deliver biodiversity gain, a range of mitigation measures would be required and secured by the imposition of suitable planning conditions. The proposal would, therefore, accord with the aims of Paragraph 174 of the Framework and the provisions of Policy 17 of the Core Strategy.

247. As there will potentially be a need for a license (with regards to bats and barn owls) from Natural England under the Conservation of Habitat and Species Regulations 2010, Rushcliffe Borough Council are obliged under the Habitat Regulations, to consider whether a license is likely to be issued and the 3 tests under the Regulations (set out earlier in this Report) are satisfied. Information has been submitted to allow the tests to be undertaken. With regard to the first two tests it is considered that the provision of market and affordable housing are an overriding public interest and that Radcliffe on Trent is identified as a key settlement to take a substantial level of growth. The site has been identified as a preferred option in the emerging local plan where ecological issues were considered and this site, along with other sites, are required to come forward to provide the level of housing needed for the Borough. This information was also considered by the County Council's Ecologist who has confirmed that the proposed mitigation process is expected to result in these licenses being issued.

Waste

248. The National Planning Policy for Waste advises that, when determining planning applications for non-waste development, local planning authorities should to the extent appropriate to their responsibilities, ensure that:

- The likely impact of proposed, non-waste related developments on existing waste management facilities, and on sites and areas allocated for waste management, is acceptable and does not prejudice the implementation of the waste hierarchy (prevention - preparing for reuse - recycling, other recovery – disposal) and/or the efficient operation of such facilities.
- New non waste development makes sufficient provision for waste management and promotes good design to secure the integration of waste management facilities with the rest of the development and in less developed areas with the local landscape. This includes providing adequate storage facilities at residential premises for example by ensuring that there is sufficient and discrete provision for bins, to facilitate a high quality, comprehensive and frequent household collection service. The handling of waste arising from the construction and operation of development maximises reuse/ recovery opportunities and minimises off-site disposal.

249. The National Planning Guidance follows this advice and suggests that proposals that are likely to generate significant volumes of waste through the development or operational phases it will be useful to include a waste audit as part of the application. This audit should demonstrate that, in both construction and operational phases of a proposed development, waste will be minimised as far as possible and that such waste as is generated will be managed in an appropriate manner in accordance with the Waste Hierarchy. Bearing in mind the relatively small number of properties proposed to be delivered on this site, it is not considered that a waste audit is essential on this site to ensure consideration of the waste hierarchy is achieved. It is considered that waste matters can be adequately considered by way of planning conditions as set out below.

250. Consideration has been given to waste matters in the application and it would be normal practice for the construction management plan to include a requirement for a scheme for recycling/disposal of waste resulting from site clearance and construction works. On a development on this size it is not considered necessary for the site to achieve appropriate provision to allow for the recycling of waste for items which are not covered by our kerbside collection service, e.g. glass and textiles. Reserved matters applications would ensure that adequate provision for storage facilities at residential premises are achieved by ensuring that there is sufficient and discrete provision for bins. The road layout would ensure that adequate provision for servicing of the development is achieved.
251. Before granting planning permission the local planning authority will need to be satisfied that the impacts of non-waste development on existing waste management facilities are acceptable and do not prejudice the implementation of the Waste Hierarchy. It is noted that the County Council as the Waste Authority are satisfied that there are no existing waste sites within the vicinity of the site whereby the proposed development could cause an issue in terms of safeguarding existing waste management facilities.
252. Taking into account the above comments and suggested conditions, it is considered that waste management is adequately considered alongside other spatial planning concerns, and reserved matters application will be able to ensure the design and layout of new residential properties complements sustainable waste management, including the provision of appropriate storage and segregation facilities to facilitate collection of waste.

Economic Impact

253. The application provides information on the potential economic benefits of the scheme and it is suggested that a development provides direct and indirect employment benefits supporting new jobs and creating economic growth resulting in expenditure to the significant benefit of the settlement and local area, supporting local retail and leisure services. In line with policy 5 (7) of the Core Strategy, during the construction phase of the development the Council will work with the developer to implement and deliver employment and training opportunities for local residents and a planning condition is recommended to achieve this. Taking into account the above it is, therefore, considered that the application satisfies the requirements of Policy 5 of the Core Strategy and satisfies the aims of the NPPF in relation to the economic role of planning, and the corporate priority of supporting economic growth to ensure a sustainable, prosperous and thriving local economy. Such matters are given significant weight in the determination of applications and appeals by the Secretary of State.

Health and Well Being

254. The NPPF, Policy 12 of the Core Strategy (Local Services and Healthy Lifestyles), Rushcliffe's Sustainable Community Strategy and Nottinghamshire Health and Wellbeing Strategy both 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 lack of these can lead

to people being isolated and suffering from mental health conditions therefore adversely affecting their health and wellbeing.

255. The provision of open and green space including an equipped area of play is proposed as part of the development which would support these policy ambitions, as well the development's proximity to existing countryside and links to the Trent Valley Way and National Cycle Routes. Additionally, the inclusion of pedestrian and cycle ways throughout the development would support access to the health care and community facilities, whether on or off site. Improvements to existing bus services will also support the ability of less mobile members of the population to visit community facilities as required and to access the facilities within Radcliffe Village Centre. A contribution towards improving cycle facilities within the station is also proposed to encourage cycle trips to access sustainable modes of transport.
256. In accordance with the Planning & Health and Engagement Protocol between local planning authorities & health partners in Nottinghamshire 2017, the application has been assessed using the Rapid Health Impact Assessment Matrix and it is considered that this development is likely to have a largely positive health impact and no specific issues have been raised that need addressing at this stage. Any reserved matters applications will be assessed against this matrix and Building for Life Criteria.

Equality considerations

257. Concern has been raised by the local branch of the National Federation of the Blind in relation to the potential impact of the development on people living in the vicinity of the site who have such severe visual impairment to benefit from the use of a guide dog and other people including the elderly and people with disabilities that could be affected by in particular the increased use of Shelford Road. Under S149 of the Equality Act 2010 a duty exists which require decision makers to give specific, careful consideration as to the potential implications of any equalities impact on those with protected characteristics. The protected characteristics to which the act applies include age, race, religion, sexual orientation, disability and pregnancy. Particular reference is made by the Blind Federation in relation to the need for improvements to public transport provision, road safety and traffic calming measures. Consideration has been given to the safety of all users of the highway network and no objections have been received by the County Council as the Highways Authority.
258. Should members be minded to support the grant of planning permission, S106 contributions would be sought to improve bus services and provide funding for the design and delivery of a traffic calming scheme for Shelford Road. The County Council have confirmed that the traffic calming scheme would need to be submitted for technical approval following any planning permission. The assessment would ensure that the traffic calming scheme would be designed so as not to have any negative implications on the safety of pedestrians, cyclists and vehicles, including the elderly and those who are visually impaired. The design would be subject to a safety audit prior to, and following construction to ensure that it would be providing a positive contribution to the safety of all road users.

Loss of Agricultural Land

259. The development comprises approximately 18 Hectares of agricultural land, including 12 HA of grade 2 land and approximately 6HA of subgrade 3a in the Agricultural Land Classification. This pattern is typical around Radcliffe on Trent. Soil profiles would be restored within those areas of the site that are covered by open spaces and gardens but the land use itself would no longer be classed as agricultural.
260. Paragraph 170 of the NPPF identifies that the economic and other benefits of the best and most versatile agricultural land (BMVAL) should be taken into account. Significantly, development of agricultural land, where demonstrated to be necessary, should utilise areas of poorer quality land in preference to that of higher quality. The land is BMVAL and the resultant loss of BMVAL is a matter that weighs against the scheme. BMVAL is a finite resource and the NPPF makes it clear that the economic and other benefits of such land must be weighed in the balance. The economic and social benefits of development at Radcliffe on Trent are clearly set out in the Core Strategy. The loss of BMVAL would, at worst, be modest, taking into account the general quality of agricultural land across the country, the NPPF does not prohibit its loss and that a loss of less than 20 Ha does not trigger consultation on this basis with Natural England. Nonetheless, it would be a dis-benefit of the proposal that must be weighed into the overall balance of the decision although, in these circumstances as growth is envisaged in the Core Strategy at Radcliffe on Trent to deliver the required housing provision which would necessitate the loss of agricultural land, it should only be afforded limited weight. A requirement in relation to topsoil handling, stripping, stockpiling and reuse is proposed to be included in the suggested condition relating to the Construction Method Statement.

Archaeology and other non designated historic assets

261. In relation to undesignated heritage assets, buried archaeological assets will potentially be permanently damaged or destroyed during the construction phase. Initial investigation has been undertaken and a Written Statement of Investigation has been submitted. Planning conditions are recommended to require further evaluation by geophysical investigation, analysis and publication to determine the presence, extent, character and condition of potential or known buried remains to be carried out prior to the commencement of development in the identified area of interest. There will be moderate beneficial effect arising from the archaeological investigation and interpretation works that will be carried out for below ground remains on site. Historic England was satisfied that the impacts could be adequately assessed by the Borough Council's Archaeological advisor and accordingly no objections have been raised by the Statutory bodies.
262. Some of the existing farm buildings on the site, which are proposed to be demolished, are of some historic interest dating back to 1832, with some original features remaining and, therefore, could be considered as non-statutory designated assets. In accordance with Para 197 of the NPPF the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly affect non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and

the significance of the heritage asset. Whilst the demolition of the buildings are proposed, this needs to be balanced against the public benefits of the provision of much needed market and affordable housing. It should be noted that the buildings do not benefit from any formal designated listed status and, therefore, demolition could be undertaken through the prior approval process where only the method of demolition could be considered, not the desire or otherwise to retain them. The Written Statement of Investigation submitted allows for the undertaking and submission of a historic building survey to record all surviving evidence for the original use and subsequent historical form and function of the group of buildings.

Drainage

263. Section 14 of the NPPF relates to 'Meeting the challenge of climate change, flooding and coastal change' and advises that Major development should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems should:
- a. Take account of advice from the lead local flood authority;
 - b. Have appropriate proposed minimum operational standards;
 - c. Have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
 - d. Where possible, provide multifunctional benefits.
264. A site specific Flood Risk Assessment and Drainage Strategy has been submitted with the application. Whilst the site is within Flood Zone 1 (lowest risk of flooding) on the Environment Agency Flood Zone Maps, their surface water flooding maps indicates flood risk associated with the stream course at the south of the site and a localised flood risk at the location of the existing farm buildings. It is proposed that surface water runoff from the proposed development will be drained from the proposed impermeable areas utilising, where possible, SuDS techniques. These features will be employed to slow the speed of runoff and improve water quality. The Drainage strategy proposes features such as permeable paved private drives/parking courts and filter strips/drains. The preliminary attenuation strategy indicates two linked attenuation ponds to balance all surface water from the impermeable development areas back to green field runoff rates. The watercourse is an asset to the site in its present form and it is intended that the development proposals will enhance the ecological value of this watercourse by developing the woodland buffer and landscaping.
265. It is acknowledged that local authorities and developers should seek opportunities to reduce the overall level of flood risk in the area and beyond. This can be achieved, for instance, through the layout and form of development, including green infrastructure and the appropriate use of sustainable drainage system. Effectively managing run off also has a role to play in preventing pollutants entering waterbodies and in doing so supporting the aims of the Water Framework directive. The proposed surface water discharge rate will be limited to reduce fluvial flooding problems adjacent to or downstream of the site for the proposed lifetime of the development. The investigations carried out as part of this flood risk assessment and flood risk

management measures proposed have demonstrated that the development will be safe, without increasing flood risk elsewhere and will where possible reduce risk of flooding to others. The information submitted with this application has been carefully considered by the appropriate statutory bodies who are satisfied that the principles set out in the drainage strategy can be implemented by way of a detailed design scheme to be achieved by planning condition.

266. With regard to foul water, as the site is green field in its predevelopment state there is no current discharge of foul water from the site. It is, therefore, proposed that the development will be drained under gravity to an adoptable pumping station at the south of the site. From here it is proposed to be pumped to the existing foul sewerage system in Shelford Road. No objections have been raised by Severn Trent in relation to this proposal. It is acknowledged that Section 94 of the Water Industry Act 1991 imposes a continuing duty on all sewerage undertakers to provide, maintain and where necessary improve its systems for collecting and treating foul and wastewater drainage so as to effectually drain its areas and effectually deal with the contents of its sewers. The planning authority must also take into account that the developer has the absolute right to connect to the public sewerage system under section 106 of the Water Industry Act. Any improvements considered necessary to improve existing capacity at the pumping station or Sewage Treatment Works will be undertaken by Severn Trent under their separate legal obligations.

S106 Planning obligations

267. Planning obligations assist in mitigating the impact of unacceptable development to make it acceptable in planning terms. Planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind. These tests are set out as statutory tests in the Community Infrastructure Levy Regulations 2010 and as policy tests in the National Planning Policy Framework. This report has a S106 table attached which sets out the contributions being sought by infrastructure providers or equivalent and the Borough Council's considered position on this. Where possible the triggers and potential phasing for the contribution are also set out within the table. The applicants have agreed the Heads of Terms that have been put to them and a draft S106 Agreement has been received by the Borough Council.
268. 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 Heads of Terms Table. Where possible the triggers for the provision of the contribution or the community facility have been set out but this is likely to be subject to further consideration. In relation to the S106 contributions sought, consideration has been given to the potential pooling of contributions.

Conclusion

269. The site is located within Radcliffe on Trent, one of the Borough Council's identified key rural sustainable settlements identified for growth, where a minimum of 400 houses is proposed in the Core Strategy. The Core Strategy has been designed and found to be sound on the basis that it would achieve a sustainable distribution of development across Rushcliffe. As Radcliffe on Trent is an inset Green Belt village, it was always envisaged that such development would necessitate development in the current Green Belt with the identification of sites to be formulated through Part 2 of the Local Plan. As set out above, Part 2 is well advanced with all the necessary supporting studies, consultation and preferred options explored and has been submitted for examination. To ensure the Borough Council is able to meet its housing delivery requirements the number of homes that Radcliffe on Trent is now proposed to deliver has been increased to around 920 new homes. This site is identified as a preferred site and is recommended to be allocated in Part 2. The delivery of this site would result in socio – economic benefits from the delivery of market and affordable housing in accordance with the Core Strategy, Neighbourhood plan and emerging Part 2 Local Plan Policy. This as set out above, weighs in favour of the development.
270. It is, therefore, considered that the proposed development on the application site would entirely accord with the spatial strategy and housing objectives in the extant and emerging Development Plan, including Neighbourhood Plan. Furthermore, the evidence base that underpins the Development Plan also highlights the sustainability of the settlement, its suitability for growth, and indeed, the need for more substantive development there as demonstrated by the suggested increase in housing numbers in the emerging Local Plan Part 2. This, as set out above, weighs in favour of the development.
271. For the reasons set out above the proposed development would comply with relevant policies in the development plan including the Neighbourhood Plan, and the emerging Local Plan Part 2 and the NPPF. There is harm to the Green Belt by reason of inappropriateness, loss of openness and incursion into the countryside and such harm must be given substantial weight as per NPPF paragraph 143. However, other considerations as identified in the report above and summarised below comprise the very special circumstances necessary to outweigh such harm. In undertaking the balancing to determine whether Very Special Circumstances exist, the benefits must clearly outweigh the policy harm by way of inappropriateness and any other actual harm. For the reasons set out in this report it is concluded that this requirement is satisfied.
272. The proposed development would deliver a substantial amount of new housing including affordable housing in an area which has a significant under supply of deliverable housing sites and a severe need for additional affordable housing as confirmed by the recent appeal decision at Asher Lane, Ruddington, which is located in the Green Belt and further appeal decision at East Leake at Lantern Lane. The delivery of this site would help the Borough Council to defend other parts of the Borough in less sustainable locations from predatory applications for housing development. This weighs in favour of the development.

273. The site also has the benefit of it being able to potentially provide sites for a new primary school and a medical centre to enable the continued growth of one of the Borough Councils key settlements as envisaged by the Core Strategy and emerging Local Plan Part 2. The site is considered to be deliverable with a developer owning the site and keen to accelerate housing delivery on the site assisting in improving our five year housing supply. The early delivery of this site and the availability of the primary and medical centre site for new community facilities would also help to encourage other sites within Radcliffe on Trent to come forward. An area of land is proposed to be safeguarded where a potential cycle and pedestrian connection across the railway line could potentially be achieved in the future, improving access and connectivity within the village. The proposal is also considered to accord with the Neighbourhood Plan policies on the direction of growth and reserved matters applications can ensure that design, mix and density within this Neighbourhood Plan can be satisfied along with general material planning considerations in relation to amenity of neighbouring properties, ecology and highway safety. This weighs in favour of the development.
274. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. For these reasons, not only would the scheme accord with the development plan as a whole, but the balance of material considerations also weighs in its favour. Consequently it is recommended that the Planning Committee support the resolution to grant planning permission, subject to the signing of a S106 agreement. As the proposed development is a major application located within the Green Belt and it constitutes inappropriate development under the Town and Country Planning (Consultation) England Direction 2009 it is necessary to refer the application to the National Planning Casework Unit to allow the opportunity to consider whether to call in the application under Section 77 of the Town and Country Planning Act.
275. This application has been subject to a Planning Performance Agreement and had the benefit of pre-application advice. 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 S106 contributions to mitigate impacts of the proposal. This has ultimately resulted in a favourable recommendation to the Planning Committee.

RECOMMENDATION

It is **RECOMMENDED** that in accordance with the Town and Country Planning (Consultation) Direction 2009, the application be referred to the National Planning Casework Unit and that, subject to the application not being called in for determination by the Secretary of State for Communities and Local Government, the Executive Manager for Communities be authorised to grant planning permission subject to:

- a) the prior signing of a section 106 agreement as set out in the Heads of Terms table attached to this report; and
- b) the following conditions:

1. Application of the approval of Reserved Matters for Phase 1 (which will include a minimum of 100 dwellings) shall be made to the Borough Council before the expiration of 9 months from the date of this outline permission. The development hereby approved shall be begun before the expiration of two years from the date of approval of the first reserved matters

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

2. No development shall take place within any phase of the development (other than for the access to Shelford Road approved under condition 6) without the details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") for that phase being submitted to and approved in writing by the local planning authority and the development shall be carried out as approved.

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

3. Application for approval of reserved matters shall be generally in accordance with the parameters set in the Radcliffe Development Framework Plan DE_085_003 REV E and design principles and scale and density as set out in Para 5.3 - 5.7 of the Design and Access Statement.

[In order to establish the parameters and design principles of the development in the interests of amenity and to accord Policy 10 (Design and Enhancing Local Identity of the Local Plan Part 1 Rushcliffe Core Strategy and with emerging Local Plan Part 2 policy 5.3.)

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

- the timing of the provision of infrastructure to serve the proposed development (including road improvements and drainage facilities) in relation to the provision of any new residential units;
- the timing of biodiversity, SUDS and landscaping features; and
- the timing of the provision of on-site recreation/open play space provision in relation to the provision of any new residential units.

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

[To ensure the proposed development is constructed in such a way to ensure that any new units provided are adequately served by infrastructure and recreation facilities and to promote biodiversity on the site. This is a pre-commencement condition to enable consideration to be given in a coordinated manner to all the key components of the scheme]

5. Prior to works commencing on the approved access arrangement as shown on drawing no. 12568/100/S100 there shall be submitted to and approved by the Borough:
 - a) Details of the means of protection of existing hedgerows and trees whilst construction works are being undertaken;
 - b) A construction method statement as required by Condition 16 for the access phase of the development.

The approved means of protection shall be implemented prior to works commencing and retained whilst construction work in relation to the roundabout is taking place and the approved construction method statement shall be adhered to whilst works are taking place.

[In the interests of visual and residential amenity, biodiversity and highway safety]

6. No development shall commence on any part of the application site unless or until a suitable access arrangement as shown on the drawing entitled 'Section 278 Roundabout, Series 100 - General Arrangement', drawing no. 12568/100/S100, revision F (or amended by revised drawings approved in connection with the S278 Agreement and agreed by the Borough Council) has been provided to the satisfaction of the Local Planning Authority.

[To ensure an adequate form of development in the interests of highway safety]

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

[To ensure that the A52 trunk road continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980, in the interests of road safety.]

8. No dwelling shall be occupied until an appropriate agreement under Section 278 of the Highways Act 1980 has been entered into with Nottinghamshire County Council to facilitate the provision of a new pedestrian crossing facility (zebra or pelican) to be provided on Bingham Road in the vicinity of the Bingham Road/ New Road junction.

[To ensure improvements to the local road network in the interests of road safety]

9. No development shall take place within each phase of the development (other than for the access to Shelford Road approved under condition 6) until the an appropriate agreement under S278 has been entered into with Nottinghamshire County Council for the construction of the roads and associated works within that phase of the site. No dwelling in that phase shall be occupied until the roads necessary to serve that property have been constructed to base level.

[To ensure a satisfactory development and in the interests of road safety]

10. No dwelling shall be occupied until the driveway and parking areas associated with that plot have been surfaced in a bound material as approved under condition 12. The surfaced drives and parking areas shall then be maintained in such bound material for the life of the development.

[To reduce the possibility of deleterious material being deposited on the public highways in the interest of highway safety]

11. The residential part of the development shall comprise no more than 400 dwellings.

[To clarify the extent of the development and in the interests of highway safety.]

12. No development shall take place within any phase of the development (other than for the access to Shelford Road approved under condition 6) until details of the following have been submitted and approved for that phase of the development:

- i. A detailed layout plan of the phase in context with the whole site;
- ii. The siting, design and external appearance of the proposed buildings;
- iii. details of finished ground and floor levels in relation to an existing datum point, existing site levels and adjoining land
- iv. Cycle and bin storage facilities;
- v. Sections and cross sections of the site showing the relationship of the proposed development to adjoining land and premises;
- vi. The means of enclosure to be erected on the site;
- vii. The finishes for the hard-surfaced areas of the site;
- viii. The layout and marking of car parking, servicing and maneuvering areas;
- ix. Plans, sections and cross sections of any roads or access/service roads or pedestrian routes within the application site, and this shall include details of drainage, surfacing and lighting; and
- x. The means of access within the site.
- xi. Details of the means of foul and surface water drainage.
- xii. The number and location of the affordable dwellings to be provided together with the mix of dwellings in terms of number of bedrooms and proportion of houses and flats and tenure.
- xiii. Details of how renewable/ energy efficiency, climate change proofing has been incorporated into the phased to include for the provision of electric charging points and measures to conserve and recycle water..
- xiv. A statement providing an explanation as to how the design of the development has had regard to the Design and Access Statement submitted with the application together with Policy 14 (Design and Layout) and Policy 15 (Local Architectural Styles) of the Radcliffe on Trent Neighbourhood Plan and include an assessment the development against the Building for Life Standards and will allow the .
- xv. Details of on site play and recreation space/facilities to serve the proposed development. Details to be submitted shall include landscaping, planting and equipment to be provided on the proposed amenity spaces.
- xvi. In relation to the school / health centre noise levels from any externally

mounted plant or equipment together with any internally mounted equipment which vents externally, details of any security lighting/floodlighting and extraction ventilation systems for kitchen areas.

The development shall thereafter be implemented in accordance with the approved details.

[To ensure a satisfactory development in accordance with the aims of Policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy, and Policy 14 and 15 of the Radcliffe on Trent Neighbourhood Plan.]

13. Prior to construction of the buildings hereby permitted reaching damp proof course level in each phase, details of the facing and roofing materials to be used on all external elevations within that phase shall be submitted to and approved in writing by the Local Planning Authority, and the development shall only be undertaken in accordance with the materials so approved.

[To ensure a satisfactory development in accordance with the aims of Policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy, and Policy 14 and 15 of the Radcliffe on Trent Neighbourhood Plan.]

14. No development shall take place within any phase of the development (other than for the access to Shelford Road approved under condition 6) without the details of the landscaping scheme for that phase, to include those details specified below, have been submitted to and agreed in writing by the Borough Council:

- (a) the treatment proposed for all ground surfaces, including hard areas;
- (b) full details of tree planting;
- (c) planting schedules, noting the species, sizes, numbers and densities of plants. Measure to provide habitat enhancements should be adopted including the use of native fruiting species within landscaping and retention and gapping up hedgerows, new hedgerows, retention of mature trees and the use of bat and bird boxes / tubes.
- (d) finished levels or contours;
- (e) all existing trees, hedges and other landscape features, indicating clearly those to be removed; and,
- (f) details of all boundary treatments including height, design, location, materials and finish.
- (g) details of the means of protection of existing hedgerows and trees whilst construction works are being undertaken.

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

[To ensure satisfactory landscape treatment of the site which will enhance the character and appearance of the site and the area in accordance with the aims of Policy 16 (Green Infrastructure, landscape, Parks and Open Space)

of the Local Plan Part 1 Rushcliffe Core Strategy.]

15. No development shall take place within any phase of the development (other than for the access to Shelford Road approved under condition 6) until the existing trees and/or hedges which are to be retained have been protected in accordance with the measures approved under condition 14, and that protection shall be retained for the duration of the construction period. No materials, machinery or vehicles shall be stored or temporary buildings erected within the perimeter of the fence, nor shall any excavation work be undertaken within the confines of the fence without the written approval of the Local Planning Authority. No changes of ground level shall be made within the protected area without the written approval of the Local Planning Authority

[To ensure protection during construction works of trees, hedges and hedgerows which are to be retained on or near the site in order to ensure that the character and amenity of the area are not impaired.]

16. No development shall take place within any phase of the development (other than for the access to Shelford Road approved under condition 6) until the details of a Construction Method Statement for that phase being submitted to, and approved in writing by the Local Planning Authority. The Statement shall provide for:

- i. Access and parking of vehicles of site operatives and visitors
- ii. Loading and unloading of plant and materials
- iii. Storage of plant and materials used on constructing the development
- iv. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- v. Wheel washing facilities
- vi. Measures to control the emission of noise, dust and dirt during construction
- vii. A scheme for recycling/disposing of waste resulting from construction works
- viii. Hours of operation
- ix. A scheme to treat and remove suspended solids from surface water run-off during construction.
- x. Statement of Risk in relation to the railway line
- xi. An earthworks strategy to provide for the management and protection of soils.

The approved Statement shall be adhered to throughout the construction period.

[In order to minimise the amount of mud, soil and other materials originating from the site being deposited on the highway; to prevent inadequate parking, turning and maneuvering for vehicles; inadequate materials storage and to ensure adequate recycling of materials in the interests of highway safety, visual amenity and environmental management and railway protection.]

17. No development shall take place within any phase of the development (other than for the access to Shelford Road approved under condition 6) until a detailed surface water design and strategy for the whole of the site is

submitted to and approved by the LPA. This should include the following considerations:-

- a. Drainage from the site should be via a sustainable drainage system. The hierarchy of drainage options should be infiltration, discharge to watercourse and finally discharge to sewer subject to the approval of the statutory utility. If infiltration is not to be used on the site, justification should be provided including the results of infiltration tests. For greenfield areas, the maximum discharge should be the greenfield run-off rate (Qbar) from the area or be in accordance with the approved Flood Risk Assessment (ref BSP 12568/FRA/DS/REV A.)
- b. The site drainage system should cater for all rainfall events upto a 100year + 30% climate change allowance level of severity. The underground drainage system should be designed not to surcharge in a 1 year storm, not to flood in a 30 year storm and for all flooding to remain within the site boundary without flooding new buildings for the 100year + 30% cc event. The drainage system should be modelled for all event durations from 15 minutes to 24 hours to determine where flooding might occur on the site. The site levels should be designed to direct this to the attenuation system and away from the site boundaries.
- c. Consideration must be given to exceedance flows and flow paths to ensure both new properties and areas adjacent to and downstream of the development are neither put at risk or at an increased risk of flooding.
- d. Any proposals to use SUDS must include details showing how these will be maintained to ensure their effectiveness for the lifetime of the development and how their design complies with all relevant CIRIA standards and guidelines.
- e. Provision to prevent the unregulated discharge of surface water from the driveways and parking areas to the public highway. The provision to prevent the unregulated discharge of surface water shall then be retained for the lifetime of the development.

The approved drainage strategy shall therefore be implemented in accordance with these details and those approved under condition 12 part xi for each phase of the development.

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

18. Finished floor levels are set no lower than 60mm above the climate change flood level at the adjacent modelled watercourse level or set no lower than 34m above Ordnance Datum (AOD) whichever level is higher.

[To reduce the risk of flooding to the proposed development and future users to accord with the aims of Polic2 (Climate Change) of the Local Plan Part 1 Rushcliffe Core Strategy.]

19. The residential development shall not be occupied or be brought into use until

the owner has appointed and thereafter continue to employ or engage a travel plan coordinator who shall be responsible for the implementation delivery monitoring and promotion of the sustainable transport initiatives set out in the Travel Plan (TP) (WYG - RT79137- 05 dated 11.4.14) and whose details shall be provided and continue to be provided thereafter to the Local Planning Authority (LPA).

[To promote sustainable travel in accordance with the aims of Policy 14 of Local Plan Part 1 Rushcliffe Core Strategy]

20. The TP Coordinator associated with the residential development shall submit reports to and update the TRICS database in accordance with the Standard Assessment Methodology (SAM) or similar to be approved and to the LPA in accordance with the TP monitoring periods to be agreed. The monitoring reports submitted to the LPA 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 in accordance with the aims of Policy 14 of Local Plan Part 1 Rushcliffe Core Strategy]

21. The TP for the residential development 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 in accordance with the aims of Policy 14 of Local Plan Part 1 Rushcliffe Core Strategy]

22. The school and medical centre shall not be occupied until the respective owner or occupiers TP Coordinator has produced or procured a full 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 to be approved by the LPA. The TP 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 in accordance with the aims of Policy 14 of Local Plan Part 1 Rushcliffe Core Strategy]

23. No development shall take place within any phase of the development (other than for the access to Shelford Road approved under condition 6 until a Employment and Skills Strategy for the construction phase of the approved development shall be produced in consultation with the Economic Growth team and submitted to and approved in writing by the Borough Council. This strategy will be based on the relevant Citb framework and will provide opportunities for people in the locality to include employment, apprenticeships and training, and curriculum support in schools and colleges. The strategy will be implemented by the developer throughout the duration of the construction in accordance with the approved details and in partnership with relevant stakeholders.

[In order to promote local employment opportunities in accordance with Policies 1 and 5 and 24 of the Rushcliffe Local Plan Part 1: Core Strategy]

24. No demolition of buildings at Shelford Road Farm, as highlighted in orange on the plan provided as Figure 2 of the Written Scheme of Investigation produced by Lanpro Services and dated April 2018, shall be undertaken until such time as the recording has been undertaken in accordance with the details provided at paragraphs 7.3-7.11 of the Written Scheme of Investigation and a copy of the report as detailed in paragraph 7.12 has been formally submitted to, and agreed in writing by, the Borough Council to demonstrate that the recording exercise has been completed as specified.

[To ensure that items of a non-designated historic interest in accordance with para 199 of the NPPF].

25. No development shall take place within 10 metres of the area shown in yellow on the plan provided as Figure 2 of the Written Scheme of Investigation produced by Lanpro Services and dated April 2018 until such time as the strip map and sample archaeological investigation exercise detailed within the Written Scheme of Investigation has been undertaken in accordance with the details and methodology set out within therein

[To ensure that items of archaeological interest are recorded in accordance with para 199 of the NPPF].

26. No dwellings shall be occupied within the area shown in yellow on the plan provided as Figure 2 of the Written Scheme of Investigation produced by Lanpro Services and dated April 2018 until the Updated Project Design (UPD) has been completed and agreed by the Borough Council, as detailed at paragraph 9.4 of the Written Scheme of Investigation, and provision has been made for analysis, publication and dissemination of results and archive deposition has been secured.

[To ensure that items of archaeological interest are recorded in accordance with para 199 of the NPPF].

27. The development shall be carried out in accordance with the precautionary recommendations detailed in the Ecological Appraisal (WYG) dated September 2017 section 6 including the following:

- The submission of bat and barn owl mitigation plans should be developed, submitted to and agreed by the Borough Council prior to works commencing on site including site clearance or demolition (this may include an updated barn owl survey if considered necessary and the provision of a purpose built barn owl tower with bat loft prior to the demolition of the buildings on site) and these plans should be implemented in accordance with the agreed programme of mitigation.
- An updated badger survey should be carried out immediately prior to commencement of works in each phase (including construction of the access into the site) and its recommendations implemented prior to works commencing.

[To ensure that the proposed development contributes to the conservation

and enhancement of biodiversity within the site and for the wider area in accordance with paragraphs 174-175 of the NPPF and Policy 17 of the Local Plan Part 1: Rushcliffe Core Strategy.]

28. In the event that the planning permission is not implemented within 2 years of the date of the planning permission being granted a further protected species survey shall be carried out and submitted to the Local Planning Authority. Any mitigation measures required shall be implemented in accordance with the approved details to the satisfaction of the Local Planning Authority

[To ensure that the proposed development contributes to the conservation and enhancement of biodiversity within the site and for the wider area in accordance with paragraphs 174-175 of the NPPF and Policy 17 of the Local Plan Part 1: Rushcliffe Core Strategy.]

29. Before any work is carried out to any of the trees on the Site, a survey shall be carried out and submitted to the Local Planning Authority to establish the existence of nesting birds. In the event of evidence of nesting birds being found, no works to the trees shall be carried out between the beginning of March and the end of September.

[To ensure that the proposed development contributes to the conservation and enhancement of biodiversity within the site and for the wider area in accordance with paragraphs 174-175 of the NPPF and Policy 17 of the Local Plan Part 1: Rushcliffe Core Strategy.]

30. No development shall take place within any phase of the development (other than for the access to Shelford Road approved under condition 6) until a biodiversity management plan shall be submitted to and approved in writing by the local Planning Authority and should take into account the recommendations of the Ecological Appraisal (Oct 2017) . The plan will detail the formal management agreement, aftercare and monitoring of the retained and newly created habitats on the site and shall their ongoing maintenance cover a 25 year period. The plan shall be carried out as approved unless otherwise agreed in writing by the Local Planning Authority

[To ensure that the proposed development contributes to the conservation and enhancement of biodiversity within the site and for the wider area in accordance with paragraphs 174-175 of the NPPF and Policy 17 of the Local Plan Part 1: Rushcliffe Core Strategy]

31. The mix of market housing within the site shall comply with the housing mix set out in Radcliffe on Trent Neighbourhood Plan Policy 12 'Housing Mix and Density' unless otherwise agreed.

[In the interest of providing a diversity of house types within the Radcliffe Housing market and to ensure the application accords with the Radcliffe on Trent Neighbourhood Plan.]

32. Prior to the occupation of each dwelling submitted as part of the planning application each dwelling shall be provided with ducting to enable the connection to high speed fibre optic Broadband.

[To assist in reducing travel demand by enabling working from home

initiatives in accordance with the aims of Policy 24 of the Rushcliffe Local Part 1 - Core Strategy].

33. No development shall take place within any phase of the development (other than for the access to Shelford Road approved under condition 6) until a scheme to demonstrate that the internal noise levels within the residential units will conform to the guideline values for indoor ambient noise levels identified by BS 8233 2014 - Guidance on Sound Insulation and Noise Reduction for Buildings, shall be submitted to and approved in writing by the Local Planning Authority. The work specified in the approved scheme shall then be carried out in accordance with the approved details and be retained thereafter.

[To ensure that acceptable noise levels within the development and its curtilage are not exceeded]

34. No development shall take place within any phase of the development (other than for the access to Shelford Road approved under condition 6) until a Detailed Ground Investigation Report is submitted to and agreed by the Borough Council. In those cases where the Detailed Investigation report confirms contamination exists a remediation report and validation statement will also be required and the development shall be carried out in accordance with the approved details. The detailed assessment should also include ground gas monitoring because of the possible presence of made ground and also possible migration from off site sources.

[Part of the proposed development is on the Councils prioritized list of potentially contaminated land sites, specifically the farm buildings and surrounding yards therefore this condition will ensure that the site is suitable for its proposed use taking into account of ground conditions and any risks arising from potential contamination in accordance Policy 14 (Environmental Protection) of the Local Plan Part 2 Land and Planning Policies and with para 178 of the NPPF.]

35. The reserved matters application that includes the area of land immediately adjacent to the railway to the south of the site shall include details of an area of land to be safeguarded for a potential future pedestrian and cycling bridge designed to take into account disability design requirements across the railway line in a location generally in accordance with the illustrative framework plan DE-085-003 Rev E. This area of land shall thereafter be retained in perpetuity for such purposes.

[To allow for the potential of a pedestrian and cycle route across the railway land in accordance with the aims of Policy 5.3 of the Emerging Local Plan Part 2 : Land and Planning Policies]

Notes to Applicant

This permission is subject to a S106 agreement.

In relation to Condition 16 requiring soil management details you are advised to refer to DEFRA Construction Code of Practice for the sustainable use of soils on Construction sites

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

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

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 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.

The submitted protected species survey has confirmed that there is evidence of bats and barn owls and no work should, therefore, be undertaken until a licence has been obtained from Natural England

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.

All correspondence with the Highway Authority should be addressed to:-
NCC Highways (Development Control, Floor 3)
Nottinghamshire County Council
County Hall
Loughborough Road
West Bridgford
Nottingham, NG2 7QP

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

Your attention is drawn to the attached letter from Network Rail

This permission does not give any legal right for any work on, over or under land or buildings outside the application site ownership or affecting neighbouring property,

including buildings, walls, fences and vegetation within that property. If any such work is anticipated, the consent of the adjoining land owner must first be obtained. The responsibility for meeting any claims for damage to such features lies with the applicant.

The 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

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

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

Advice and information locally can be obtained by emailing :

carol.w.collins@talk21.com

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.

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Item/Policy	Detail/requirement	Developer proposes	RBC proposes	Trigger
Public Open Space and SUDS	Layout, provision and maintenance (including ponds) - would need details of management company,	Amenity open space of 4.52HA shown on the development schedule	Maintenance to be provided by management company or nominated organisation – funded through service charge on properties	Phasing of development and ongoing
Equipped play space	RBC Leisure Facilities strategy requires 0.25 HA of equipped play area per 1000 population. Therefore on site provision of 0.23 hectares is required. Shown in illustrative masterplan and required on site. Maintenance details needed	Masterplan indicates provision of a central LEAP (Local Equipped Area Play) – parameters plan shows provision of 0.23HA	Agreed provision	Dependent on phasing of development
Allotments	RBC Leisure Facilities Strategy requires 0.4hectares per 1000 population. On site provision of 0.37HA required. Shown in masterplan, would require perimeter fencing, planting, haulage way, water supply and car parking	0.37 HA shown on the masterplan in south east corner of the site	Management to be provided by Parish Council or management company? Area and siting acceptable on masterplan – details of perimeter fencing, planting , haulage way, water supply and car parking – consideration needed to proximity of railway line	Dependent on phasing of development
Education	Emerging Local Plan Part 2 policy 5.3 requirement	Site is reserved on the masterplan (at nil cost) and the parameters plan	Serviced Site of 1.1H is required together with appropriate level of	50% of primary school contribution prior to occupation of 100th

	<p>Primary: This site generates an additional 83 primary school places. The wider housing numbers proposed in Part 2 of the Local Plan mean that a site of 1.1Ha is required to be able to accommodate a 210 place primary school. Cost of school in total is estimated at £4million. Therefore NCC have advised that contribution sought would be £19,048 per pupil place. This needs to be reviewed to take into account provision of site.</p>	<p>allows for 1.1Ha site within the site to allow for accessibility from the development itself and to avoid congestion issues on Shelford Road that might arise at school drop off/ pick up time. Agree in principle to making appropriate financial contribution. £1,133,448 if the new school is provided off site and £1,580,984 if primary is provided on site.</p> <p>Site is reserved for five years from commencement of development</p>	<p>contribution to reflect the provision of the site within this application site boundary (£19,048 per pupil place) . S106 should allow flexibility to allow for ongoing discussions with NCC education to finalise most appropriate way of delivering pupil places in Radcliffe. If site not ultimately required contribution may change to reflect change in circumstances and contribution would be based on the figure of £13,656 per pupil place. This would therefore equate to 83 x £13,656 = £1,133,448</p>	<p>dwelling</p> <p>Remaining 50% prior to occupation of 200th dwelling</p>
	<p>Secondary: 64 x £17,753 = £1,136,192</p>	<p>Agree in principle to making an appropriate level of contribution.</p>	<p>Secondary school contribution to go towards providing extra capacity at South Notts Academy in Radcliffe £1,136,192</p>	<p>50% of secondary school contribution prior to occupation of 100 dwelling</p> <p>Remaining 50% prior to occupation of 200th dwelling</p>
Affordable Housing	<p>Core Strategy Policy 8 requires</p> <p>30% affordable housing is required:- therefore up to 120 units with 70 rent (23 social rent and 47</p>	<p>Deliver appropriate and viable level</p>	<p>Breakdown of affordable housing is:-</p> <p>Social rent 23 1 bed flats 5 no. 2 bed flats 2 no. 2 bed houses 5 no.</p>	

	<p>affordable rent) 50 intermediate.</p>		<p>3 bed houses 4 no. 4 bed houses 2no. 1 bed bung 2no. 2 bed bung 3no.</p> <p>Affordable rent 47</p> <p>1 bed flats 9no. 2 bed flats 4 no. 2 bed houses 10no. 3 bed houses 10no. 4 bed houses 3no. 1 bed bung 5no. 2 bed bung 6no.</p> <p>Intermediate 50no.</p> <p>2bed bung 4 no. 2 bed houses 23no. 3 bed houses 23no.</p> <p>“The affordable units should be ‘pepper potted’ in small groups across the site. The flats should be no higher than two storeys with each unit having its own entrance. The bungalows (for elderly needs) should also be clustered together. The bungalows should also be located close to main access roads, preferably close to public transport</p>	
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			<p>corridors, to ensure that the elderly residents have good access to services and facilities to ensure they do not become isolated.</p> <p>The intermediate dwellings should be sold at 50% or less of the open market value to ensure that they are affordable having regard to local incomes and prices. The dwellings should be provided through a Registered Provider or through another appropriate mechanism which ensures that the dwellings remain affordable.</p>	
Health	Emerging Local Plan Part 2 policy 5.3 requires land to be safeguarded for a site for a potential health centre and an appropriate level of financial contribution to take into account the site providing land for the facilities.	Site of 0.4 Ha is proposed to be reserved adjacent to Shelford Road (at nil cost) to allow for access to enhanced bus service provision. Site is reserved for five years from commencement of development	Serviced site of 0.4 HA - Ongoing discussions regarding how to calculate level of contribution to be sought if the site is required. If the site is not required then the standard CCG formula would be applied towards improvements / new	Trigger proposed offer site to the Council or body nominated by the Council prior to commencement of development and offer shall remain open until 5 th Anniversary of commencement. Not occupy more than 80% of the dwellings until

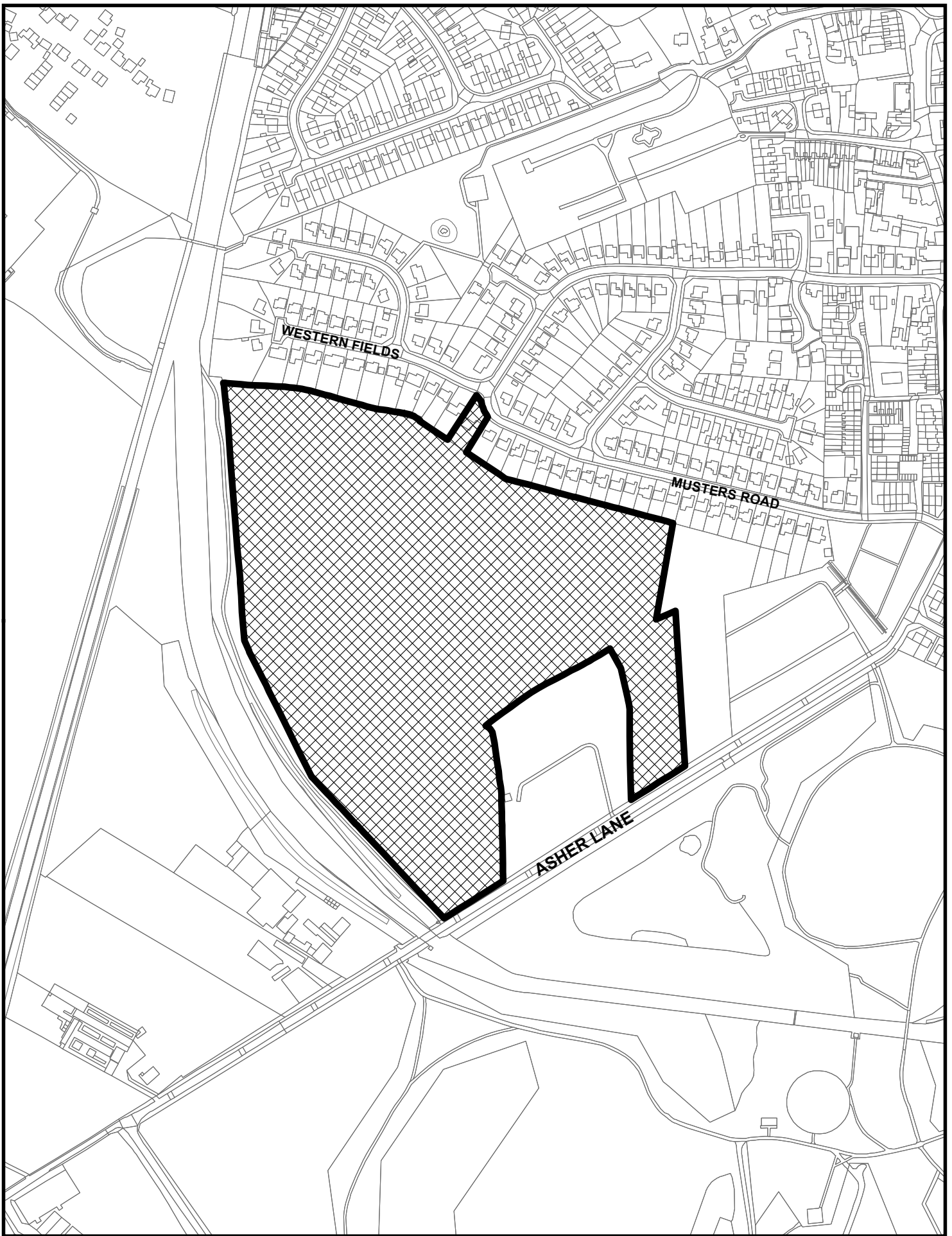
	CCG standard formula require contribution of £920 per dwelling (2bed+) £600 per 1 bed dwelling) this gives a potential maximum £368,000.	An appropriate level of contribution will be provided based on £920 per 2 bed dwelling and £600 per 1 bed dwelling.	facilities elsewhere. Flexibility required in the S106 to allow for alternative provision elsewhere	healthcare contribution is paid.
Leisure	Swimming Pool = Contribution of £147,564 required to go towards replacement for Bingham Leisure centre	Agreed	Contribution is necessary and justified	Not to occupy more than 50% of dwellings until contribution paid
	Sports Hall = contribution of £134,555 – improving the quality of provision in either Radcliffe or potentially Bingham	Agreed	Flexibility required to allow for potential provision in Radcliffe in accordance with Neighbourhood plan aspirations. Contribution if necessary and justified	Not to occupy more than 50% of dwellings until contribution paid
	Sports pitches commuted sum for off site provision £150,841 to work with partners to deliver identified projects within the detailed Radcliffe area action plan of the Rushcliffe Playing Pitch Strategy.	Agreed	On site provision not required. Contribution is necessary and justified	Not to occupy more than 50% of dwellings until contribution paid
Highways	Policy 14 of the Core Strategy Managing Travel Demand Contributions towards Passenger Transport improvements, traffic calming and footpath	£405,000 towards provision of improved bus services along Shelford Road £30,000 index linked to be made towards improvements to the three	Ongoing discussions with NCC re level of contributions to ensure consistency of approach	Bus service contribution :- 50% on occupation of 100 dwellings and 50% on occupation of 200 dwellings Bus Stop contribution – 100% on occupation of 100

	<p>improvements.</p> <p>Provision of new pedestrian crossing facility – zebra or pelican to be provided on Bingham Road in the vicinity of the Bingham Road/ New Road junction. Preferred location for NCC is on Bingham Road – form and location of the crossing facility will be agreed with NCC as part of a S278 agreement</p>	<p>bus stops (RU0070, RU0086 and RU618)to the site to provide enhanced public transport infrastructure</p> <p>£260,000 provision of a traffic management / traffic calming scheme / measures along Shelford Road</p> <p>£27,000 towards provision of traffic calming scheme along main street in newton</p> <p>£10,000 to provide improvements to the Trent Valley Way footpath.</p>	<p>Flexibility needed in final design to be drawn up by NCC which is likely to differ to that proposed as part of the TA but contribution would be used for Traffic Management measures on Shelford Road to reduce speeds and facilitate non vehicular movements.</p>	<p> dwellings.</p> <p>Traffic calming – 100% on occupation of 50th dwelling.</p> <p>Improvements to footpath - 100% on occupation of no more than 100 dwellings</p>
Network Rail	Contribution to station improvements	10,000 to improve cycle facilities including a new cycle shelter with cycle parking stands.	Agreed appropriate to encourage residents to cycle and use station	To be paid before 200 dwellings are occupied.
Other highways to be secured via S278 agreement with NCC	New pedestrian crossing facility (zebra or pelican)	New pedestrian crossing facility (zebra or pelican) proposed to be provided on Bingham Road in vicinity of Bingham Road/ New Road junction	NCC preferred location is on Bingham Road but closer to the school. The form and location of the crossing facility will be agreed with NCC as part of a S278 Agreement for the improvement	

Highway Contribution to Strategic Road Network via S278 with Highways England	Policy 15 of the Core Strategy (Transport Infrastructure Priorities) Financial contribution under requirements of Memorandum of Understanding £1,069 per dwelling which equates to a maximum contribution of £427,939	Contribution agreed	Contribution to be sought via S278 with HE	
Monitoring Fee	S106 monitoring costs of £273 per principal obligation X by the number of years over which monitoring will be required			Commencement of development.
	All financial contributions subject to interest			
Legal Costs	TBC			

Note :- Safeguarding area for potential future landing of pedestrian/ cycle bridge – to be dealt with by way of a planning condition

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Application Number: 18/00300/OUT
Land At OS Reference 456332, Asher Lane
Ruddington

Scale: 1:4,000

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Rushcliffe Borough Council - 100019419



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18/00300/OUT

Applicant Space Foods Limited

Location Land At OS Reference 456332 Asher Lane Ruddington Nottinghamshire

Proposal Outline planning application for proposed development of 175 dwellings including vehicular access (via 75 Musters Road), pedestrian links, public open space, car parking, landscaping and drainage

Ward Ruddington

THE SITE AND SURROUNDINGS

1. The site comprises of an arable field measuring a total of 9.68 ha in area. It is located south-west of the village of Ruddington. The field is bounded by mature hedgerows. Ruddington is located approximately 7km to the south of Nottingham, between the A60 to the east and the former Great Northern Railway Line to the west.
2. The site is bordered to the north by the private rear residential gardens of properties located along the south side of Musters Road and Western Fields. The southern boundary adjoins, in part, the private allotment gardens known as Buttercup Gardens and Asher Lane, beyond which is Rushcliffe Country Park. The western boundary is parallel to an informal public footpath with the Great Central Railway Line beyond. To the east, beyond a smaller arable field, is a second private allotment garden known as Hareham Gardens.
3. The site is located within the Green Belt as defined by 'saved policy' ENV15 of the Rushcliffe Borough Local Plan (1996) (LPA2) and retained under the provisions of Policy 4 of the Rushcliffe Local Plan Part 1 Core Strategy (LP4).

DETAILS OF THE PROPOSAL

4. The application seeks outline planning permission, with all matters reserved, for 175 dwellings, including vehicular access, although the site includes a residential property on Musters Road (75 Musters Road) and preliminary drawings have been provided showing access through this property, which would necessitate its demolition. Other matters to be dealt with at detailed stage include pedestrian links, public open space, car parking, landscaping and drainage etc.
5. In support of the application the following documents have been submitted; a Design and Access Statement; Opportunities and Constraints Report; Green Belt Assessment; Landscape and Visual Impact Assessment; an Historic Environment Desk Based Assessment; an Ecological Appraisal and Protected Species Survey; an updated Noise Assessment Report; a Flood Risk Assessment; a Utilities Report; a Transport Assessment; a Travel Plan, an Indicative Layout Plan and a plan detailing the access and off site highway works on Musters Road.

SITE HISTORY

6. 14/02540/OUT – An outline planning application for 250 dwellings (including vehicular access, pedestrian links, public open space, car parking, landscaping and drainage) was submitted in December 2014 and subsequently withdrawn in January 2016.
7. 16/03123/OUT – An outline planning application for 175 dwellings (including vehicular access (off Asher Lane), pedestrian links, public open space, car parking, landscaping and drainage) was submitted in January 2017 and subsequently refused in April 2017 on the following grounds:
 - i. *The site is located within the Green Belt where residential development of the scale proposed is considered to be inappropriate development. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in 'very special circumstances'. It is not considered that 'very special circumstances' have been demonstrated which would outweigh the identified harm to the Green Belt by reason of inappropriateness. The proposal is therefore contrary to Policy ENV15 (Green Belt) of Rushcliffe Borough Local Plan (1996), Policy 4 (Nottingham - Derby Green Belt) of the Rushcliffe Local Plan Part 1: Core Strategy December 2014, Policy EN14 (Protecting the Green Belt) of the Rushcliffe Non-Statutory Replacement Local Plan and the guidance contained within the National Planning Policy Framework, in particular Chapter 9 (Protecting Green Belt Land).*
 - ii. *The proposed development of 175 houses would result in severe impacts on the local highway network and the submission does not adequately demonstrate that such impacts could be adequately mitigated. The proposal is therefore contrary to Policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan, Policy 10 (Design and Enhancing Local Identity) of the Local Plan Part 1: Rushcliffe Core Strategy and guidance contained within the National Planning Policy Framework, in particular Paragraph 32.*
 - iii. *It has not been demonstrated that the noise from the barking and howling of dogs at the established boarding kennels to the west of the site on Asher Lane, could be sufficiently mitigated to prevent significant adverse impacts on the amenities of future occupiers of the proposed dwellings. The application is therefore contrary to Policies GP2 (Design and Amenity Criteria) and EN22 (Pollution) of the Rushcliffe Non-Statutory Replacement Local Plan and the guidance contained within the National Planning Policy Framework, in particular paragraph 123.*
8. The 16/03123/OUT application was the subject of an appeal, considered at an Inquiry in April 2018. The Inspector subsequently allowed the appeal and made the following observations.
9. With regards to highway issues he concluded that; *“the currently un-adopted status of that part of Asher Lane within the site would not prevent suitable access to the proposed development; that the narrowness of the northern*

adopted part of Asher Lane within the village would be unlikely to give rise to a severe impact on highway safety; and that the proposed development would not result in unacceptable congestion at the A60 junction in the absence of any mitigation scheme there. I acknowledge that there may be a necessity at the High Street junction to prevent parking and servicing near to the junction and that this will cause inconvenience and possibly some loss of passing trade to the shop premises in the vicinity of the junction. But the highway impact of this, in terms of capacity at this junction as well as pedestrian safety and convenience would not only mitigate the impact of the traffic from the proposed development but would actually provide betterment and this would outweigh any such impacts. For these reasons I conclude that the proposed development would not result in severe residual cumulative impacts on the local highway network.”

10. With regard to the Green Belt issues, he stated that; *“There would clearly be harm to the Green Belt by inappropriateness, loss of openness and some incursion into the countryside to the south of the village. But such harm would be minimal in terms of the five purposes of the Green Belt set out in the NPPF and the criteria in Core Strategy Policy 4. The harm would be less than that created by the development of the Council’s preferred sites, which in themselves attest to the need to develop Green Belt sites on the edge of Ruddington. There is no other harm that would arise from the proposed development, given my conclusion that it would not result in severe residual cumulative impacts on the local highway network. In my judgement the harm to the Green Belt by reason of inappropriateness, loss of openness and incursion into the countryside would be clearly outweighed by these other considerations and very special circumstances have been successfully demonstrated. The proposed development would accord with the Council’s spatial strategy in Core Strategy Policy 3, which requires a minimum of 250 new homes in Ruddington within the plan period (to 2028). This can only be achieved by building in the Green Belt and in this respect the proposal would accord with the direction of the emerging Local Plan Part 2, albeit not on the likely favoured sites. For these reasons the proposed development would comply with Core Strategy Policies 3 and 4, albeit this decision does not change existing Green Belt boundaries. It would comply with NPPF Chapter 9 (now Chapter 13), specifically with paragraphs 80, 87 and 88, and therefore also with Policy EN14 of the Replacement Local Plan which has the same requirements.”*
11. With regard to the third reason for refusal on noise grounds, prior to the Public Inquiry, the agents submitted a revised Noise Assessment Report which concluded that, subject to acoustic glazing, passive ventilation and close boarded acoustic fencing, noise from the nearby kennels would not unduly harm the living conditions of future residents of the development.
12. The application currently under consideration is the same as that allowed at appeal, except for the indicated location of the proposed vehicular access being off Musters Road, as opposed to Asher Lane.

REPRESENTATIONS

Ward Councillor(s)

13. One Ward Councillor (Cllr Lungley) originally objected on the following grounds; 175 more houses would result in congestion, the access road would be overcrowded; the local schools and Doctors surgeries would be unable to cope; the site is unsuitable for this number of houses.
14. One Ward Councillor (Cllr Buckle) objects on the following grounds; the Public Inquiry did not examine the substantial and significant implications of access from Musters Road.
15. One Ward Councillor (Cllr Greenwood) objects for the reasons given by Cllr Buckle.

Town/Parish Council

16. Ruddington Parish Council object and comment; *“The Parish Council supports the method of allocation of housing by the Borough Council via the Local Plan and has taken part in the Consultation throughout.*
17. *Although it is recognised that this piece of land has low importance within the Green Belt, there are other pieces of land also consulted upon for the Local Plan Part 2 that equally have low importance in the Green Belt but have better outcomes for the village in terms of the local traffic network.*
18. *The location of this site is such that all traffic movements to and from the site will impact upon the core of the village no matter where the access point is located.*
19. *Traffic leaving the estate will have to pass down Musters Road or Distillery Street, both of which have considerable on street parking by householders, some of which – particularly on Distillery Street - is due to a complete lack of off street parking. The eastern end of Distillery Street (where there is no off-street parking) is also extremely narrow which means that for the majority of time it is only possible to have one way traffic. The junction of Distillery Street/The Green/Asher Lane is already dangerous due to the narrowness of the streets, the on-street parking and the bus route, the increase in traffic will increase the risk of accidents at this junction.*
20. *Traffic trying to leave the village from the location of the appeal site can only do so via High Street or Kirk Lane. Traffic travelling to the infant and junior schools can only do so via High Street or Kirk Lane. Delivery vehicles or construction traffic trying to access the site can only do so via High Street or Kirk Lane. On street parking results in only one lane usable in parts of these streets and buses can only navigate the junction of High Street & Kirk Lane when there is no queued traffic on Kirk Lane due to the angle and narrowness of the junction.*
21. *The proposed mitigation of installing traffic lights at the junction of Kirk Lane/Charles Street/High Street completely ignores the designated parking bays for local shoppers, the close proximity of the junction of Parkyns Street*

and the narrowness of the paths - all of which will combine to ensure that the proposed traffic lights actually worsen the situation rather than mitigating it.

22. *The surveys within the traffic assessment seem to ignore the fact that Kirk Lane cannot physically hold the amount of cars that will be queuing and this will add to the traffic lengths on Loughborough Road and Flawforth Lane, so rather than there being little impact on an already overburdened road there will be a huge impact.*
23. *The proposed access on Musters Road is extremely close to 3 other junctions which will increase the possibility of accidents in this area, visibility is already limited at these junctions.*
24. *Within the Travel Plan, Table 1: Accessibility Assessment (pg. 16) shows the approximate distances and times to local facilities & amenities. This shows that the Junior School is outside of the 1.6km distance desired by the DFT, contrary to the statement made on page 17 of the report (point 5.3). It is also questionable as to whether a small child would be able to walk to James Peacock Infant School within 14 minutes as they do not travel at 'a standard walking speed'. As all of the educational facilities are outside of the 'Walkable Neighbourhoods' criteria mentioned on page 18, these journeys would be undertaken by vehicle.*
25. *Within the Travel Plan it is illustrated that there is only one bus stop within suitable walking distance of the site, this service travels to Keyworth and only operates until 1.30pm. Therefore most journeys will not be on foot, they will be by private car.*
26. *Policy 14 of the Rushcliffe Local Plan document sets out Rushcliffe Borough Councils aims to reduce travel demand by:*
 - 1 – *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 special strategy in Policy 3, in combination with the delivery of sustainable transport networks to serve these developments;*
 - 2 – *The priority for new development is selecting sites already, or which can be made accessible by walking, cycling and public transport. Where accessibility deficiencies do exist these will need to be fully addressed. In all cases it will be required that severe impacts, which could compromise the effective operation of the local highway network and its ability to provide sustainable transport solutions or support economic development, should be avoided.*
27. *The location of the site will have a severe impact on the local highway network in Ruddington, the mitigation proposed (traffic lights) will not reduce the impact but will have a further impact on the economic development of the village, valuable on street parking facilities in the centre of the village will be lost which will reduce the economic viability of some of our shops and could bring about the possibility of high street closures. The proposal that a set of traffic lights should be installed in the Conservation Area will detract from the attractiveness of the village centre and the setting of the High Street. The*

increase in traffic will make it less likely that people will shop in the village centre which has a knock on effect economic viability also.

28. *It is worth noting that the developers Green Belt Assessment contains errors as they have stated that (page 46) "Plots 16, 17, 19 and 21 would all contribute to a merging of Ruddington and neighbouring Clifton" This is incorrect – plots 16, 17, 18 and 21 would contribute to merging with Clifton. In addition the landscape sensitivity assessment (page 44) has assessed plots 19 & 20 incorrectly as they are at the edge of development which is already highly visible, therefore it would not represent a change of the character in this area.*
29. *The impact on the local business nearby – the kennels – could be immense as potentially householders could complain about the noise affecting their local amenity whilst barbecuing in their gardens in the summer months. In addition to this the allotments nearby are currently restricted to only having bonfires when the wind is in a south westerly direction – which will be the location of the new homes. Homes in this location could result in the allotment holders not being able to tend to their allotments properly as they could face further restrictions from Environmental Health Officers.*
30. *In conclusion, Ruddington Parish Council objects to this planning application based on the severe impact on the local highway network which will not be mitigated by the measures contained within the application and the impact on the economic development of the village centre."*

Statutory and Other Consultees

31. The Environment Agency - advise that this site falls in Flood Zone 1 and as such the Lead Local Flood Authority should be consulted regarding the sustainable disposal of surface water from this site.
32. The Trent Valley Internal Drainage Board – advise that the site is outside of the Trent Valley Internal Drainage Board district but within the Board's catchment. There are no Board maintained watercourses in close proximity to the site. Discharge from greenfield sites should be limited to greenfield rates unless otherwise agreed by the Board. The use of SUDS should be agreed with the Lead Local Flood Authority.
33. Rushcliffe NHS - previously advised that although the main surgery in Ruddington has been extended in the fairly recent past by adding a new floor to the building, there are a number of developments in Ruddington that are being proposed/built, increasing the number of potential new patients in the village. It is considered that the surgery building is now at capacity and a contribution will be sought towards health care provision in the village. They accept that they will have to provide more details regarding capacity and need, but would apply their formula of £920 per 2+ bedroom dwelling and £600 per 1 bedroom dwelling. As it is not clear what is being proposed, if all dwellings are 2+ bedrooms a contribution of £161,000 would be sought.
34. Highways England - with a number of development plans for the South Nottingham area, the Rushcliffe Local Plan Part 1: Core Strategy indicates that in order to address the impacts of future development in Rushcliffe a package of junction improvements is required on the A52 and that

developments should contribute towards the delivery of these improvements. Highways England has agreed with Rushcliffe Borough Council and Nottinghamshire County Council a process for securing these developer contributions as set out in the A52/A606 Improvement Package Developer Contribution Strategy Memorandum of Understanding, September 2015. As part of the contribution strategy, for the proposed development of 175 dwellings a sum of £1,076.66 on a cost-per-dwelling basis has been identified by Highways England in consultation with Rushcliffe Borough Council, amounting to a contribution of £188,415.50 for this application. The applicant has been made aware of this requirement and has indicated a preparedness to accept such an obligation. Highways England therefore has no objections to the application subject to the following condition; *No development hereby permitted shall take place until an appropriate agreement under Section 278 of the Highways Act 1980 has been entered into with Highways England to facilitate improvements to A52 junctions in accordance with the provisions of the A52/A606 Improvement Package Developer Contributions Strategy Memorandum of Understanding, September 2015.*

35. Nottinghamshire Area Ramblers - are concerned about the loss of Green Belt land. One of the objectives of Ramblers is the protection and enhancement for the enjoyment of the public of the beauty of the countryside. The land is visible from Ruddington Footpaths FP5 & 6. Additionally, there is a path along the western border. Ramblers would suggest that, by appropriate landscaping, this path should extend around the entire development.
36. East Midlands Airport – advise that the proposed development has been examined from an aerodrome safeguarding aspect and does not conflict with any safeguarding criteria. Accordingly, East Midlands Airport has no safeguarding objections to the proposal.
37. Nottinghamshire County Council - Rights of Way – advise that no rights of way are currently within the application site, however it is always possible that there are public rights that have not yet been recorded. Rights of way are adjacent to the application site – Footpath no 6 (Upon Asher Lane) – Ruddington. Should there be any requirement for access to the application site from Asher Lane then the footpath should remain open, unobstructed and be kept on its legal alignment at all times and there should be no disturbance to the surface of the footpath without prior authorisation from the rights of way team.
38. Nottinghamshire County Council as Highway Authority - previously considered the principle of residential development at this site under application references 14/02540/OUT and 16/03123/OUT, both of which took access from Asher Lane. Whilst the former proposal was withdrawn by the applicant, the latter was subsequently allowed at Public Inquiry (Appeal ref APP/P3040/W/17/3185493). They are therefore unable to include any highway related aspects considered at the Inquiry as a reason for refusal as these have now been determined favourably by the Inspector. In highway terms, the only change to the current proposal occurs at the site access which is now located on Musters Road. Drawing AND0176-IM-002 Revision B shows the site access being positioned on the outside of a bend, on land formerly occupied by 75 Musters Road.

39. Whilst they have issue regarding visibility at the junction, they also have concerns regarding its close proximity to Western Fields and the resultant increase in the number of turning manoeuvres which are likely to increase the risk of collisions. In order to reduce the likelihood of such events taking place, it may be possible to “square off” Musters Road and provide a continuous route into the site. Musters Road (east/west section) and Western Fields would then become priority controlled junctions. The arrangement would also discourage right turning vehicles out of the site, thereby avoiding the narrow sections of Musters Road and Asher Lane. A revised junction layout should therefore be provided for further assessment. Once this has been satisfied, they request the conditions made by the Inspector at the above appeal are repeated.
40. Following the submission of a plan detailing the junction and off-site highway works on Musters Road; NCC Highways advised further that the access arrangement as shown on drawing 20999_08_020_11 is sufficient to address their concerns. They request the following condition is also attached to any grant of consent; *Occupation of the proposed dwellings shall not take place until the access arrangement as shown for indicative purposes only on drawing 20999_08_020_11 has been provided.*
41. Nottinghamshire County Council - Travel and Transport - comment that a significant number of the proposed dwellings will be within 300 metres walking distance of a bus stop. It is estimated that the new development would result in excess of 400 new occupants. Using a public transport modal share of 10%, it is estimated that the development will generate approximately 80 additional trips per day. This could be served through an enhancement of the Service 863 to provide a service to local facilities and including links to nearby settlements. Transport & Travel Services will wish to negotiate with the developer and Highways Development Control regarding provision of appropriate bus services to serve the site. An indicative local bus service contribution of £100,000 would fund an enhancement to service 863 to provide additional capacity to serve the site through an increased service frequency.
42. Nottinghamshire County Council - Libraries - seek a developer contribution for the additional stock that would be required to meet the needs of the 420 population that would be occupying the new dwellings of £6,193.
43. Nottinghamshire County Council - Education - the proposed development is situated within the primary catchment area of James Peacock Infant/St Peter's C of E Junior Schools and the secondary catchment area of The Rushcliffe School. Although there is no guarantee that all families in the proposed new housing would apply for places in these schools, it is very likely that this will be the case, especially if families are unable to travel far to a school. The mitigation required is based upon this assumption but this is moderated by an analysis of the availability of places at all schools within the planning area. The projection data shows there is currently no capacity to accept more places at these school. Nottinghamshire County Council therefore request both primary and secondary education. A proposed development of 175 dwellings would yield an additional 37 primary and 28 secondary places. Therefore, an education contribution is sought of £423,835 (37 x £11,455) to provide primary and £483,280 (28 x £17,260) to

provide secondary provision to accommodate the additional pupils projected to arise from the proposed development.

44. Nottinghamshire County Council - Lead Local Flood Authority - Having examined the FRA (ref: 20999/12-16/4635 REV A) confirm that the LLFA have no objections subject to a Final Drainage Design submitted at Full Application stage that incorporates the integration of the SUDS methods mentioned in that report. Details will also be required of who will adopt and maintain the sites drainage features following construction.
45. Rushcliffe Borough Council's Conservation and Design Officer – advises that there are no designated heritage assets nearby to the site. The nearest listed building is the grade II listed Old Schoolhouse over 300 metres away from the site boundary to the northeast, the Ruddington Conservation area is also located to the northeast just over 130 metres away from the site at its nearest point. There is existing housing development on either side of Musters Road to the north of the site which stands between the application site and the conservation area. This is post 1940's housing development of no historic interest. This band of 20th century housing essentially separates the application site from the conservation area. There are no views or positive spaces identified to the southwest of the conservation area within its character appraisal.
46. The application is made with all matters reserved. The indicative layout is noted, however this serves little purpose beyond showing that the proposed 175 dwellings would fit at a not inappropriate density, there is little for him to comment on in his design role. He has counted the dwellings shown on the indicative layout and there are 175 shown, he cannot see if things like roads are of adequate sizes, and it is noted that there are no turning heads provided which will either reduce numbers of units or eat into the green spaces. Overall the indicative layout does offer some comfort that something close to 175 dwellings could be accommodated. The element of open space at the core of the site is small and the provision of a tree at its centre further limits its practical function, being surrounded by roads it would not be a particularly attractive space. If a central open area is to be included, and it would be a desirable feature, it should be a space large enough to be utilised by residents rather than simply become a redundant green feature that nobody uses or enjoys.
47. In his role in providing Archaeological advice, he has considered the Archaeological Desk Based Assessment provided with this application. He agrees with the ultimate conclusion which is draft from the desk based assessment exercise, essentially that the site does not appear to show any notable promise, but similarly unpromising sites in relative proximity have been revealed to contain archaeological features. The paucity of evidence from the local area is therefore considered to owe more to the low level of any formal investigations rather than the absence of archaeology (Absence of evidence as opposed to evidence of absence). This makes it difficult to draw reliable conclusions about the likely potential of this site hence the low to modest likelihood of archaeology from a variety of periods established via the report. The report does acknowledge; *“Given the potential, it is possible that Rushcliffe Borough Council and their archaeological advisors may require mitigation measures such as archaeological field walking, geophysical*

survey, evaluation and/or monitoring and recording during intrusive groundworks in the early part of the development programme.”

48. Under the circumstances he would agree that these reasonable findings do warrant further investigation, the initial field walk associated with the desk based survey having already revealed medieval and post/medieval pottery fragments. This archaeological investigation should include on site evaluation trenching targeted upon the results of geophysical survey and a condition of any permission should require a scheme of targeted archaeological evaluation, a written scheme of investigation to be submitted to and agreed in writing by the Borough Council and then undertaken in accordance with that approved scheme. He is happy for this to be broken down into phases across the site and for there to be provision to review the scale of excavation required based upon the findings of earlier phases. Ideally the survey work as a minimum should precede any reserved matters submission in case the results necessitate revisions to the proposed layout of the development.
49. Rushcliffe borough Council's Waste Advisor – advises that developers should be made aware of the Councils' policy for the first provision of wheeled refuse containers.
50. Rushcliffe Borough Council's Environmental Health Officer – notes that the proposed road access to the site would be between two existing residential dwellings, 1 Western Fields to the West and 73 Musters Road to the East; should the application be granted there may be some loss of amenity to occupiers of these and other existing neighbouring residential properties due to noise from road traffic using the access road. As a result of this, they recommend that the applicant instructs a suitably qualified noise consultant to predict and assess the potential noise impacts of road traffic using the proposed access road on existing residential properties adjacent the proposed access road. The assessment will need to demonstrate that noise from road traffic using the proposed access road will not exceed the relevant noise standards (namely BS 8233: 2014 Guidance on Sound Insulation and Noise Reduction for Buildings and the World Health Organisation Guidelines for Community Noise) and, if necessary, should detail any noise mitigation measures that may be required to protect the amenity of neighbouring residents.
51. In addition to this, if permission is to be granted, they also recommend that conditions be imposed to minimise any potential nuisance in relation to; acoustic glazing, passive ventilation, acoustic boundary fencing, the control of noise, dust and vibration during demolition and construction, no burning and encountering of contamination.
52. Following the submission of a further Noise Report in connection with the noise impacts upon 73 Musters Road and 1 Western Way, they advised as follows; *“Having reviewed the supporting noise assessment from Mewies Engineering Consultants Ltd (M-EC) (Report Ref: 20999/07-18/5993 dated July 2018) we are satisfied with the survey findings and evaluation of the predicted noise impacts on the dwellings adjacent the proposed road access to the development from Musters Road to the North. The noise assessment recommends the erection of a 2 metre high close boarded acoustic fence to the West and East of the access route as per Appendix F; we would therefore recommend that the installation, retention and maintenance of the acoustic*

fencing be included as a condition of the planning permission if this is to be granted.”

53. Rushcliffe Borough Council’s Environmental Sustainability Officer – has provided comments regarding ecological matters.
54. Ecological Survey - He notes that a Preliminary Ecological Appraisal has been supplied. The survey for this appraisal has been completed (in December 2016) outside of the optimum survey season, they are supported by surveys completed in 2014, which are now out of date, however the results of the 2016 survey suggest site conditions have not altered and the conclusions of the 2014 survey can be considered.
55. Species and Habitats - A local negative impact on bats and nesting birds is identified and a very low likelihood of amphibians, reptile species and water voles to be present. The vegetation present in general has low ecological value, however, the hedgerows present opportunity for ecological enhancement.
56. Recommendations which should be subject of conditions on any permission as appropriate, including recommendation made by the consultant ecologists:
 - Recommendation in Section 7 of the ecology appraisal should be adopted.
 - All workers / contractors should be made aware of the (low) potential of protected species being found on site and care should be taken during works to avoid harm. If protected species are found during works, work should cease until a suitable qualified ecologist has been consulted.
 - Suitable habitat for reptiles should be subjected to a hand search by suitably competent practitioners immediately prior to clearance.
 - All work impacting on vegetation used by nesting birds should avoid the active bird nesting season, if this is not possible a search of the impacted areas should be carried out by a suitably competent person for nests immediately prior to the commencement of works. If any nests are found work should not commence until a suitably qualified ecologist has been consulted.
 - The use of external lighting should be appropriate to avoid adverse impacts on bat populations, see http://www.bats.org.uk/pages/bats_and_lighting.html for advice.
 - Measure to provide habitat enhancements are recommended and could include installing bat and bird (consider including swift and swallow) boxes and hedgehog boxes and gates and reptile habitat piles.
 - Ecological enhancements should be considered including extending and enhancing native hedgerows and trees, these should be excluded from back gardens along with ditches/swales, planting wildflower grassland areas (especially supporting moths and butterflies) and installation of a wildlife pond.
 - A management plan for the 'proposed public open space' and the means to implement this plan, should be agreed.

Local Residents and the General Public

57. Objections have been received from 773 local residents, on the following grounds:

Traffic Implications

- a. Close proximity of new junction from No. 75 to the Western Fields junction and right-angled bend fronting onto proposal would create a dangerous, offset cross roads.
- b. The development would cause major traffic issues for Asher Lane and Musters Rd/ Distillery St with the proposed new access.
- c. Increase in traffic flow from the potential 175 – 300 extra cars will pose danger to pedestrians, particularly school children walking/cycling to school.
- d. The Kirk Lane/A60/Flawforth Lane junction will have a 17% increase in impact.
- e. The TA explains that the development will lead to a "significant impact" at the High Street/KirkLane/Charles Street Crossroads which will see "large delays upon the introduction of development traffic in comparison to the 2023 without development scenario". There is no commitment to mitigation the significant impact on this junction.
- f. There are inaccuracies in the travel assessment – there is no bus service to Loughborough, Beeston or QMC from the village centre and the A60 is not within reasonable walking distance from development.
- g. The traffic assessment calculations and conclusions do not realistically reflect the impact of the proposed development.
- h. There is already a lot of on-street parking creating bottle neck effect on roads - bottle neck will now be at the junction of Distillery Street.
- i. There are already traffic and parking issues in village which will increase with development.
- j. The junction with Barton Close and Distillery Street is another danger spot where young children regularly walk to the play area - additional through traffic - cars and lorries - will cause unacceptable levels of danger at this junction.
- k. The sole bus service on Musters Road only travels between Ruddington and Keyworth – not significant to reduce no. of private vehicles.
- l. Further heavy traffic around this area would pose a great threat to cyclists safety.

- m. The TA explains that new residents will be provided with a bus pass for 3 months - a negligible period and not something that will affect subsequent owners of the houses.
- n. Concern over access for emergency vehicles due to increase traffic and congestion.
- o. Transport assessment states unrealistic walking times to the primary schools - no access to Asher Lane at all according to the site plan ("Illustrative masterplan"), not even on foot.
- p. Transport Assessment mentions the Great Central Railway as a means of transport but is not possible to get to Loughborough using service as it is tourist attraction volunteer run heritage train inappropriate suggestion for commuter travel

Impact on Infrastructure

- q. Village already overcrowded and overstretched, Ruddington will lose village status, rural community feel and character.
- r. Pressure on schools and the doctors, parking etc. schools are up to capacity and cannot take an increase, no secondary school within village which will increase traffic flow.

Impact on Green Belt

- s. Applicant has not made robust case to justify development, immediately adjacent to our beloved country park, allotments and kennels.

Impact on Wildlife

- t. The area has a vast amount of nature, and habitats, have often seen bats, fox and rare birds as well as a few hedgehogs which are an endangered species.

Noise and Pollution

- u. Noise from the heritage railway and kennels resulting in complaints from new residents.
- v. Construction of development will cause traffic issues, noise and pollution, extra traffic causing more pollution.

Local Plan

- w. The site is not allocated within the Local Plan for housing, there are already plans made to meet the required new houses on green belt which takes into account the access issues.
- x. There is a need for more houses in the area, but this is the wrong half of the village to look at.

- y. Considerable work and consultation has gone into the village plan and the Ruddington Parish Council has agreed to develop a neighbourhood plan. It would be premature to agree to this planning application when the neighbourhood plan is under development. The neighbourhood plan should influence where new homes are built, as this will represent a majority view from the village.

Flood Risk and Drainage

- z. The water table here is particularly high and all winter the field and adjoining gardens have been waterlogged and the field permanently flooded in places.

Amenity

- aa. Demolition of no. 75 Musters road will have detrimental impact on properties either side.

PLANNING POLICY

- 58. The Development Plan for Rushcliffe consists of the 5 saved policies of the Rushcliffe Borough Local Plan (1996) and the adopted Rushcliffe Local Plan Part 1: Core Strategy (December 2014).
- 59. Other material considerations include the National Planning Policy Framework 2018 (NPPF), the National Planning Practice Guidance (NPPG) and the Rushcliffe Borough Non-Statutory Replacement Local Plan (2006).
- 60. Any decision should therefore be taken in accordance with the Core Strategy, the NPPF and NPPG, policies contained within the Rushcliffe Borough Non-Statutory Replacement Local Plan where they are consistent with or amplify the aims and objectives of the Framework, together with any other material planning considerations.
- 61. The whole of Ruddington Parish has been designated as a neighbourhood area, however, to date no draft plan has been submitted to the Borough Council.

Relevant National Planning Policies and Guidance

- 62. The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England. It carries a presumption in favour of sustainable development by aiming to achieve economic, social and environmental objectives.
- 63. The presumption in favour of sustainable development is detailed in Paragraph 11. For decision making this means; 'c) *approving development proposals that accord with an up-to-date development plan without delay; or d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting planning permission unless; i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (and designated as Green Belt); or ii) any adverse impacts of doing so would significantly and*

demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.'

64. Paragraph 67 requires Local Authorities to identify a supply of specific, deliverable housing sites for years one to five of the plan period (with an appropriate buffer) and developable site or broad locations for growth for years 6-10, and where possible, for years 11-15 of the plan.
65. Paragraph 108 states that *"In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that: a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location; b) safe and suitable access to the site can be achieved for all users; and c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.'* Paragraph 109 goes on to state that; *'Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'*
66. Paragraph 133 states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
67. Paragraph 143 states that, *"Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances."*
68. Paragraph 144 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."*
69. Paragraph 145 makes clear that the construction of new buildings in the Green Belt is inappropriate development and lists the exceptions.
70. Paragraph 180 states that; *"Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development."*

Relevant Local Planning Policies and Guidance

71. Rushcliffe Borough Local Plan 1996 Policy ENV15 establishes the Nottingham and Derby Green Belt.
72. The Rushcliffe Local Plan Part 1: Core Strategy December 2014, sets out the overarching spatial vision for the development of the Borough to 2028.

73. Policy 3 (Spatial Strategy) sets out the spatial strategy for sustainable development in Rushcliffe and establishes a hierarchy for housing development across the Borough. It identifies Ruddington as a key settlement for growth, suitable for a minimum of 250 additional homes in or adjoining the village.
74. Policy 4 (Nottingham – Derby Green Belt) establishes the principles of the Green Belt in the Borough. It states that the principle of the Nottingham Derby Green Belt within Rushcliffe will be retained and it will only be altered where it is demonstrated that exceptional circumstances exist. The settlement of Ruddington shall remain inset from the Green Belt.
75. Policy 8 (Housing Size, Mix and Choice) with regard to affordable housing, it states that new residential developments should provide for a proportion of affordable housing on sites of 5 dwellings or more or on 0.2 hectares or more. The proportion of affordable housing in Ruddington will be 30%.
76. Policy 14 (managing Travel Demand) states that 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 priority for new development is selecting sites already, or which can be made, accessible by walking, cycling, and public transport. Where accessibility deficiencies do exist these will need to be fully addressed. In all cases it will be required that severe impacts, which could compromise the effective operation of the local highway network and its ability to provide sustainable transport solutions or support economic development, should be avoided.
77. Policy 19 (Developer Contributions) states that all new development will be expected to; meet the reasonable cost of new infrastructure required as a consequence of the proposal; where appropriate, contribute to the delivery of necessary infrastructure to enable the cumulative impacts of development to be managed, including identified transport infrastructure requirements; and provide for the future maintenance of facilities provided as a result of the development.
78. The Rushcliffe Local Plan Part 2: Land and Planning Policies, has been submitted for examination. This application site is not one of the preferred housing sites proposed.
79. Rushcliffe Borough Council's Green Belt Review Part 2 (b) September 2017, concludes that 'the land is contained on all sides by strong defensible boundaries which prevent unrestricted urban sprawl and the site is settlement fringe in appearance. The topography is gently undulating, sloping away from the road towards Ruddington, reducing the site's prominence. Located south of Ruddington, the land is not instrumental in preventing the merging of the Green Belt settlements. There would be a reduction in the distance between the settlement and Gotham, however this would be minimal. The land does not contain, or form the setting of a heritage asset. Whilst the Green Belt has safeguarded the land from encroachment, this is not sufficient to outweigh the overall conclusion that the land is of low Green Belt importance.'

80. The Rushcliffe Non-Statutory Replacement Local Plan has been used in decision making since 2006 and despite the Core Strategy having been recently adopted its policies are still a material consideration in the determination of any planning application providing they have not been superseded by the NPPF or the policies contained within Rushcliffe Local Plan Part 1: Core Strategy. The following policies are considered relevant.
81. Policy GP2 (Design and Amenity Criteria) states that planning permission for new development will be granted provided that (amongst other things) there is no significant adverse effect on amenity; a suitable means of access can be provided to the development without detriment to highway safety; sufficient space is provided within the site to accommodate the proposal together with ancillary amenity and circulation space; the density, design and layout of the proposals are sympathetic to the character and appearance of the surrounding area; and noise attenuation is achieved.
82. Policy EN12 (Habitat Protection) states that where a proposal would affect habitats it must be accompanied by a survey. Planning permission will not be granted unless the application includes mitigation measures, keeps disturbance to a minimum and provides adequate alternative habitats.
83. Policy EN14 (Protecting the Green Belt) identifies the types of development considered to be appropriate in the Green Belt. Housing of this scale is not included in the list.
84. Policy EN19 (Impact on the Green Belt and Open Countryside) states that where a proposal in the Green Belt is in accordance with other policies of the plan, it must be demonstrated that there will be no significant adverse impact upon the open nature of the Green Belt and an appropriate landscaping scheme is proposed.
85. Policy EN21 (Loss of Agricultural Land) states that permission will not be granted for development involving the loss of best and most versatile agricultural land (defined as Grades 1, 2 and 3A of the agricultural land classification) except where it cannot be accommodated on poorer quality land.
86. Policy EN22 (Pollution) states that new housing sensitive to pollution will not be permitted close to an existing source of potential pollution unless the impact that the source of pollution would have upon the development can be mitigated.

APPRAISAL

87. The main issues in the consideration of the application are; whether the development of the land for residential purposes is acceptable in principle, including whether the proposal involves inappropriate development within the green belt, and if it is, whether there are any 'very special circumstances' which would outweigh the harm by reason of its inappropriateness and any other harm. It is also necessary to consider whether the proposal would harm the open character and visual amenities of the area; the impacts upon highway safety and the severity of impact upon the highway network; the impacts upon village infrastructure (education, health care etc.); the living conditions of future residents (particularly having regard to noise); the living

conditions of existing neighbouring residents; ecology; flood risk and drainage.

Principle and Green Belt

88. The planning system is a plan-led system and, as the NPPF reiterates, Planning Law requires that planning applications must be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF does not change the statutory status of the development plan as the starting point for decision making.
89. The site is located within the Green Belt as defined in the Rushcliffe Borough Local Plan (1996), and amended by Rushcliffe Local Plan Part 1: Core Strategy 2014.
90. Paragraph 145 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate development in the Green Belt and residential developments of the scale proposed are not one of the exceptions to this. The proposed development is therefore inappropriate development, which paragraph 143 of the NPPF states is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 goes on to state that 'very special circumstances' will not exist unless the potential harm to the Green Belt, by reason of inappropriateness, and any other harm, is clearly outweighed by other material considerations.
91. With regards to 'very special circumstances', The Inspector, when considering the previous appeal, reached the conclusion that the harm to the Green Belt, by reason of inappropriateness, loss of openness and incursion into the countryside, would be clearly outweighed and that very special circumstances had been successfully demonstrated. In considering this matter, he had regard to the current situation in relation to the five year housing supply within the Borough and also the fact that Ruddington is identified in Core Strategy policy 3 as a settlement to accommodate growth of a minimum of 250 dwellings
92. When considering the current application, the appeal decision and the 'fall back' position is a material consideration which carries significant weight. The site currently has an extant outline planning permission for the erection 175 houses, albeit with the access off Asher Lane as opposed to Musters Road. The permitted scheme would require a long section of Asher Lane (which is located within the Green Belt) to be brought up to adoptable standard, whereas the proposed scheme would require the demolition of a dwelling and some relatively minor works to Musters Road and Western Fields (which are not located within the Green Belt) to facilitate the new access. These alternative access arrangements would have a lesser impact upon the openness and visual amenities of the Green Belt than the permitted scheme.
93. The current 'fall back' position afforded by the extant permission on the site for 175 houses; the fact that that the proposed access to the site would have a lesser impact upon the openness of the Green Belt than the permitted scheme; and that the revised access would not result in harm either to highway safety or the living conditions of neighbouring residents (see detailed

assessment below), do, in addition to the factors considered by the Inspector, provide the 'very special circumstances' which outweigh the harm to the Green Belt by reason of inappropriateness, loss of openness and incursion into the Countryside. For these reasons, the proposed development is considered to be acceptable in principle and would comply with Local Plan Policy 4 and paragraphs 143, 144 and 145 of the NPPF (2018).

Impact on Highway Safety

94. In terms of highway safety, again, the 'fall back' position afforded by the extant permission on the site for 175 houses is a material planning consideration in the determination of this current application. As outlined above the Planning Inspector concluded that the impacts on the wider highway network would not result in severe residual cumulative impacts on the local highway network.
95. The only difference between the proposed scheme and the permitted scheme is that access to the site would be gained from the north via (75) Musters Road, as opposed to from the south via Asher Lane. It is not unusual for developers to purchase 1 or 2 dwellings with a view to demolition in order to provide access to a development site, and there are no planning policies which prevent such an approach in principle. The two main issues for consideration are whether the access would be safe in highway safety terms, and whether the new access road would harm the living conditions of neighbouring properties.
96. Whilst access is reserved for subsequent approval, the applicant's agent has submitted a 'preliminary' plan detailing the proposed access arrangements to the site off Musters Road. This would involve the Northern section of Musters Road having right of way and continuing south into the site, with separate staggered perpendicular junctions for both Musters Road to the east and Western Fields to the west. Following consultation with Nottinghamshire County Council Highways, they are satisfied that this arrangement would be acceptable in highway safety terms. With regards to traffic flows, the alterations to the junction priority is likely to result in traffic to and from the site being split between Distillery Street and Musters Road, whilst it is expected that the majority of traffic would utilise Distillery Street, there would be no capacity issues at the Distillery Street/Asher Lane junction. They suggest a condition be attached to any approval which would require the highway improvement works on Musters Road/Western Fields to be completed prior to the occupation of the proposed dwellings. They also support the imposition of conditions previously attached by the Planning Inspector requiring additional off-site highway improvement works offered by the applicants including; junction improvements including traffic signals to the High Street/Kirk Lane/Charles Street junction and the A60/Kirk Lane/Flawforth Lane junction; and the mitigation of on-street car parking on Asher Lane, between Musters Road and Distillery Street. The only off-site highway improvement works not sought as part of this scheme would be the bringing up to an adoptable standard of a section of Asher Lane.

Infrastructure

97. Given the scale of the development, Highways England would require an off-site contribution towards strategic road network improvements to the A52,

and this could be dealt with by way of a condition, linking any requirements to the Highways England Memorandum of Understanding – A52/A606 Improvement Package Developer Contribution Strategy, if the Council were minded to grant planning permission.

98. With regard to affordable housing, in line with Policy 8 of the Core Strategy, 30% affordable housing is required on site. This would equate to 53 units, made up of intermediate housing, affordable rent and social rent. The provision of such affordable housing in perpetuity would be secured through a Section 106 agreement.
99. In terms of the other impacts upon village infrastructure, following consultation with the relevant bodies, the development is of such a scale that it would result in increased demand on local services which could not currently be met. In order to mitigate for this, contributions would be provided towards primary and secondary education, health, leisure, integrated transport (provision/upgrading of bus stops) and library stock, through a Section 106 agreement.

Living Conditions of Future Residents

100. Environmental Health previously raised concerns that noise from the barking and howling of dogs at the established boarding kennels to the west on Asher Lane, may have a significant adverse impact on future residents. A revised Noise Assessment Report was subsequently submitted which concluded that, subject to acoustic glazing, passive ventilation and close boarded fencing, noise from the nearby kennels would not unduly harm the living conditions of future residents of the development. A condition is, therefore, recommended which would require details of the acoustic glazing, passive ventilation and fencing specifications to be submitted to and approved in writing by the Borough Council and installed prior to the dwellings being occupied. It is, therefore, considered that future residents would experience acceptable levels of living conditions.
101. Whilst the scheme is in outline form, an illustrative master plan has been provided, which demonstrates that, subject to a detailed designed scheme, the site could be developed for 175 houses, whilst providing sufficient amenity space, off street parking and space about dwellings. Similarly, it has also been demonstrated that sufficient separation distances could be achieved between the new houses and the existing properties to the north of the site on Musters Road.

Living Conditions of Neighbouring Residents

102. During the course of the application concerns were raised by both Officers and residents with regard to the impact of the new access off Musters Road on the living conditions of residents, particularly those residing at 73 Musters Road and 1 Western Fields, with regard to noise and disturbance. The agents subsequently submitted a further Noise Report to address this issue. The submitted Noise Report by M-EC Consulting concludes that *'the absolute sound level and frequency would be no different to those arising from normal residential areas and consequently, by its very nature, could not be considered to adversely affect residential amenity, otherwise any vehicle movements within a residential estate would be classed as having a*

detrimental impact. However, the installation of 2m high acoustic fencing along the site access boundary with adjacent dwellings is recommended to assist in preserving amenity.'

103. Following further consultation with the Borough Council's Environmental Health Officers, no objections were raised, provided that a condition is attached to any approval requiring 2m high close boarded acoustic fencing be erected to the side and rear boundaries of the properties on either side of the proposed access.
104. Whilst it is recognised that the proposal would introduce a new estate road to the sides of 73 Musters Road and 1 Western Fields, which are currently positioned within a row of detached dwellings. The 18m wide gap between these two properties would allow a 6m wide road together with 2m wide footways to be provided and accommodate landscaping strips to either side with 2m high close boarded fencing, and it is not considered that the proposal would be unduly harmful to the living conditions of the occupiers of these properties.
105. With regard to the demolition of 75 Musters Road, this is not included in the description of the application, although it is implied within the application that it would be demolished to facilitate access to the site. It is, therefore, recommended that note to applicant is added to any approval advising the applicants that, before any demolition of the dwelling can take place, a separate application must be submitted to the Borough Council to determine whether prior approval of the authority will be required as to the method of demolition and any proposed restoration of the site.

Ecology

106. Whilst it is unlikely that the proposal would harm protected species, there are opportunities within the site to provide habitat enhancement measures, e.g. installation of bat and bird boxes, retention and extension of native hedgerows, which could be dealt with by condition.

Flood Risk and Drainage

107. The site is located within Flood Zone 1 and, therefore, has a low risk of flooding. However given the scale of the development site and the proximity of a water course to the west, the control of the surface water run-off rates from the site (using Sustainable Urban Drainage Systems) would be necessary in order to avoid increased risks of flooding downstream. This could be dealt with by way of condition, the details of which could be considered in consultation with East Midlands Airport to reduce the likelihood of bird strike.

Conclusion

108. Following the Planning Inspectorate's decision to allow the previous planning application on this site for 175 houses, negotiations have taken place with the agents with regard to the submission of additional information in relation to the revised access off Musters Road. The agent subsequently submitted an additional Noise Report and a Highway junction layout plan. Following the submission of this additional information, further consultations were carried

out with NCC Highways and RBC Environmental Health, who raised no technical objections to the revised access on either highway safety or noise grounds.

109. Given that the revised vehicular access would be acceptable on both highway safety and amenity grounds, and would have a lesser impact upon the openness of the Green Belt than the permitted scheme, together with the 'fall back' position afforded by the current extant permission on the site for 175 houses; this provides the 'very special circumstances' which outweighs the harm to the Green Belt by reason of inappropriateness, loss of openness and incursion into the Countryside. For these reasons, the proposed development would comply with the policies contained within the Rushcliffe Local Plan and the NPPF (2018).
110. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. For the reasons outlined above, it is considered that the scheme would accord with the development plan as a whole, and the balance of material considerations also weighs in its favour. Consequently it is recommended that the Planning Committee support the grant planning permission subject to the signing of a S106 agreement. As the proposed development is a major application located within the Green Belt and the proposal constitutes inappropriate development, under the Town and Country Planning (Consultation) England Direction 2009, it is necessary to refer the application to the National Planning Casework Unit to allow the opportunity to consider whether to call in the application under Section 77 of the Town and Country Planning Act.
111. The proposed development of this site was the subject of pre-application discussions with officers (prior to the submission of the application which was recently allowed at appeal), which identified the technical issues that would need to be addressed in any planning submission. The current submission has been the subject of discussions with officers during the consideration of the application and additional information has been submitted to address the issues identified by officers, including preliminary plans for the access arrangements off Musters Road. As a result, and having regard to the recent appeal decision in respect of this site, the application is presented with a favourable recommendation.

RECOMMENDATION

It is **RECOMMENDED** that in accordance with the Town and Country Planning (Consultation) Direction 2009, the application be referred to the National Planning Casework Unit and that, subject to the application not being called in for determination by the Secretary of State for Communities and Local Government, the Executive Manager for Communities be authorised to grant planning permission subject to:

- a) the prior signing of a section 106 agreement as set out in the Heads of Terms table attached to this report; and
- b) the following conditions:

1. Details of the access, appearance, landscaping, layout, and scale, (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

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

2. Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

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

3. The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.

[To comply with Section 91 of the Town and Country Planning]

4. Application for approval of reserved matters shall be in accordance with the parameters set on the Illustrative Master Plan (drawing no. AND0176-IM-002 Revision C) dated February 2018 and the Design and Access Statement dated January 2018.

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

5. The development hereby permitted shall only be carried out in accordance with detailed plans and particulars relating to the following items, and the development shall not be commenced until these details have been submitted to and approved in writing by the Borough Council:

- a) A detailed layout plan of the whole site;
- b) The siting, design and external appearance of the proposed buildings;
- c) The means of access;
- d) The finishes for the hard surfaced areas of the site;
- e) Sections and cross sections of the site showing the relationship of the proposed development to adjoining land and premises;
- f) The finished ground levels for the site and floor levels of the dwellings relative to existing levels and adjoining land;
- g) The means of enclosure to be erected on the site;
- h) Cycle and bin storage facilities;
- i) The layout and marking of car parking, servicing and maneuvering areas;
- j) Plans, sections and cross sections of any roads or access/service roads or pedestrian routes within the site, and this shall include details of drainage, sewerage and lighting; and
- k) The detailed design of all junctions, which shall include details of visibility splays.

[The condition needs to be discharged before work commences on site as the information was not included in the application and it is important to agree these details in the interests of visual and residential amenity, and to comply

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

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

[To ensure existing trees are adequately protected during the development in the interests of the character and appearance of the area, and to comply with policy EN13 (Landscaping Schemes) of the Rushcliffe Borough Non Statutory Replacement Local Plan and Chapter 12 of the NPPF. This is a pre-commencement condition to ensure that all retained trees and hedges are protected throughout the construction period]

7. With the exception of the sections to be removed to enable the provision of the vehicular and pedestrian access points, the hedgerows located along the southern, western and northern boundaries of the site shall be retained and any part of the hedgerows removed, dying, being severely damaged or becoming seriously diseased shall be replaced with hedge plants of such size and species, details of which shall be submitted to and approved in writing by the local planning authority, within one year of the date of any such loss being brought to the attention of the local planning authority.

[To ensure the existing hedges are retained in the interests of the character and appearance of the area, and to comply with policy EN13 (Landscaping Schemes) of the Rushcliffe Borough Non Statutory Replacement Local Plan and Chapter 7 of the NPPF]

8. No development, including any site preparation works, shall take place until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall include:
 - a) the measures for ensuring the means of access/exit for construction traffic;
 - b) parking provision for site operatives and visitors;
 - c) the siting and means of loading and unloading and the 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 (including full details of its specification and siting);
 - f) measures to control the emission of dust and dirt during construction;
 - g) a scheme for recycling/disposing of waste resulting from construction works;
 - h) the siting and appearance of the contractors compounds and cabins, including heights of stored materials, boundaries and lighting, together

with measures for the restoration of the disturbed land and noise mitigation;

- i) the days and times of construction activity and of materials delivery and disposal activity;
- j) A scheme for traffic management measures including temporary signage, routing and access arrangements; and
- k) A scheme to treat and remove suspended solids from surface water run-off construction works.

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

- 9. No dwellings shall be occupied until the following off-site highway improvement works have been completed;
 - a) Access arrangement off Musters Road (as indicated on drawing 20999_08_020_11) unless otherwise submitted to and approved in writing by the local planning authority
 - b) Junction Improvements to the High Street / Kirk Lane / Charles Street junction and the A60 / Kirk Lane / Flawforth Lane junction, in accordance with details which shall first be submitted to and approved in writing by the local planning authority
 - c) Mitigation of on-street car parking on Asher Lane, between Musters Road and Distillery Street.

[To ensure that a safe and suitable access can be provided to the site, and that the impacts upon the local highway network are less than severe, in accordance with Paragraph 108 of the NPPF]

- 10. No development hereby permitted shall take place until an appropriate agreement under Section 278 of the Highways Act 1980 has been entered into with Highways England to facilitate improvements to A52 junctions in accordance with the provisions of the A52/A606 Improvement Package Developer Contributions Strategy Memorandum of Understanding September 2015.

[To ensure a proportionate contribution to improvements to the A52 is secured to ensure that the A52 trunk road continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980, to comply with Policies 3, 15 and 18 of the Rushcliffe Local Plan Part 1: Core Strategy, in the interests of road safety]

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

[To promote sustainable travel and reduce the number of journeys made by car, in accordance with Policy 14 of the Rushcliffe Local Plan Part 1: Core Strategy]

12. Prior to the commencement of development details of the design, layout and specifications for the surface water drainage system shall be submitted to and approved in writing by the Borough Council. The submitted details shall include detailed evidence in the form of fully referenced plans and calculations to demonstrate the following;
 - a. All surface water outflows from the site to be restricted to the greenfield discharge rates for the mean annual flood flow from a rural catchment in m³/s with the excess flows attenuated on the sites in suitable holding ponds, tanks or similar. The drainage design standard is 100years + 30% allowance in peak flow rates to allow for climate change effects.
 - b. The developer is to assess the performance of the drainage system using intense storm events ranging in length from 15 minutes to 24 hours for the 100year +30% event. This will identify where the plot drainage and highway drainage may flood in extreme events. Once identified in calculations and on a plan, the developer is to identify how these flows are to be directed overland towards the surface water attenuation system. The site layout, levels, highway and drainage design should enable pluvial overland flows to be intercepted and directed away from dwellings, sensitive infrastructure and 3rd parties. The flows should be directed passively towards the surface water attenuation system and should not flow across the site boundary.
 - c. The developer should demonstrate that they have intercepted pluvial flows that could enter the site from 3rd party land and directed these away from properties.
 - d. cross sectional bank profiles of any open water areas, mean residence time of attenuated water and mean water levels.

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

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

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

[To ensure that adequate drainage facilities are provided in connection with the development and to comply with policy WET3 (Ground Water Resources)

of the Rushcliffe Borough Non Statutory Replacement Local Plan]

14. Prior to the commencement of the construction of the dwellings hereby approved, a scheme detailing the following shall be submitted to and approved in writing by the Local Planning Authority;
- a) Acoustic glazing and passive ventilation to achieve a 33dB sound reduction in internal night time noise levels predicted in all bedrooms throughout the development
 - b) 2m high close boarded acoustic boundary fence specifications and a plan identifying the plots and boundaries upon which the fencing will be installed, as detailed in the M-EC Noise Assessment Reports dated October 2017 and July 2018.

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

[To ensure that future occupiers of the dwellings are protected from unacceptable levels of noise disturbance; and to comply with policy GP2 (Design & Amenity Criteria) and EN22 (Pollution) of the Rushcliffe Borough Non Statutory Replacement Local Plan and paragraph 123 of the NPPF]

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

[To ensure that adequate ecological enhancement measures are carried out, to comply with policies GP2 (Design & Amenity Criteria) and EN12 (Habitat Protection) of the Rushcliffe Borough Non Statutory Replacement Local Plan, and guidance contained within paragraphs 170 and 175 of the NPPF]

16. No development, including site clearance, shall take place until a Bird Management Plan (BMP), which encompasses both construction and operational phases, has been submitted to the Local Planning Authority for approval. The development shall thereafter be carried out in accordance with the approved BMP.

[To reduce the attractiveness of potential feeding, nesting, breeding and roosting opportunities for hazardous bird species in the vicinity of the airport in order to avoid the interception of bird and aircraft flight lines in the interests of aviation safety. This is a pre-commencement condition to ensure that the risks to aircraft are minimised throughout the construction period]

17. No development, including groundworks, shall take place until a geophysical survey of the site has been undertaken. This survey shall inform the proposals for a scheme of targeted archaeological evaluation trenching, including phasing, for which a written scheme of investigation shall be

submitted to and approved in writing by the Borough Council prior to development commencing, including ground works. The approved evaluation shall then be undertaken prior to any ground works within each phase of development on the site, and the findings thereof submitted to the Borough Council. The extent of trial trenching shall initially be informed by the results of the geophysical surveys for the first phases, with an option to revisit scale of excavation in later phases should excavation on the earliest phases return little or no archaeological information.

[To assess and record the archaeological potential of the site as identified within the applicants Desk Based Archaeological Assessment and in accordance with the archaeological mitigation measures considered as being applicable within that report, and in accordance with EN7 (Sites of Archaeological Importance) of the Rushcliffe Borough Non Statutory Replacement Local Plan. This is a pre-commencement condition in order to prevent any archaeological remains from being disturbed during the ground works, but in order to allow an earlier commencement of development the condition does allow such to be undertaken in phases across the site]

Notes to Applicant

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@nottsc.gov.uk for details.

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

In order to 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@nottsc.gov.uk for details.

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

The Borough Council is charging 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.

Before any demolition of the dwelling (75 Musters Road) can take place a separate application must be submitted to the Borough Council to determine whether prior approval of the authority will be required as to the method of demolition and any proposed restoration of the site.

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

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WITHOUT PREJUDICE AND SUBJECT TO CONTRACT

Item/Policy	Requirement	Detailed Proposals	Trigger
Affordable Housing	Provision of 30% affordable housing on site	<p>Based on 175 units this would equate to 53 units, split as follows; 42% for intermediate housing, 39% for affordable rent and 19% for social rent.</p> <p>All affordable housing to be HQI compliant.</p> <p>Any affordable housing bungalows to be constructed to Lifetime Homes.</p> <p>To be secured as affordable housing in perpetuity through an RSL.</p>	<p>Prior to commencement of development; submit an affordable housing scheme.</p> <p>Prior to occupation of 40% of market dwelling; commence the construction of the affordable housing units and, before the occupation of 60% market dwelling; complete the construction of all the affordable housing units.</p>
Community Resources and Drainage	Contribution towards sports pitches and changing room facilities	Contribution of £71,919 towards the provision / improvement of sports pitches and changing rooms facilities in Ruddington plus RPI	Prior to occupation of 1st house; pay commuted.
	On site public open space (including the play areas and the Sustainable Urban Drainage Systems)	Scheme for provision of public open space on the site (including an equipped play area of 0.1 hectares and the Sustainable Urban Drainage Systems) as shown on the illustrative masterplan	Prior to commencement of development; submit scheme

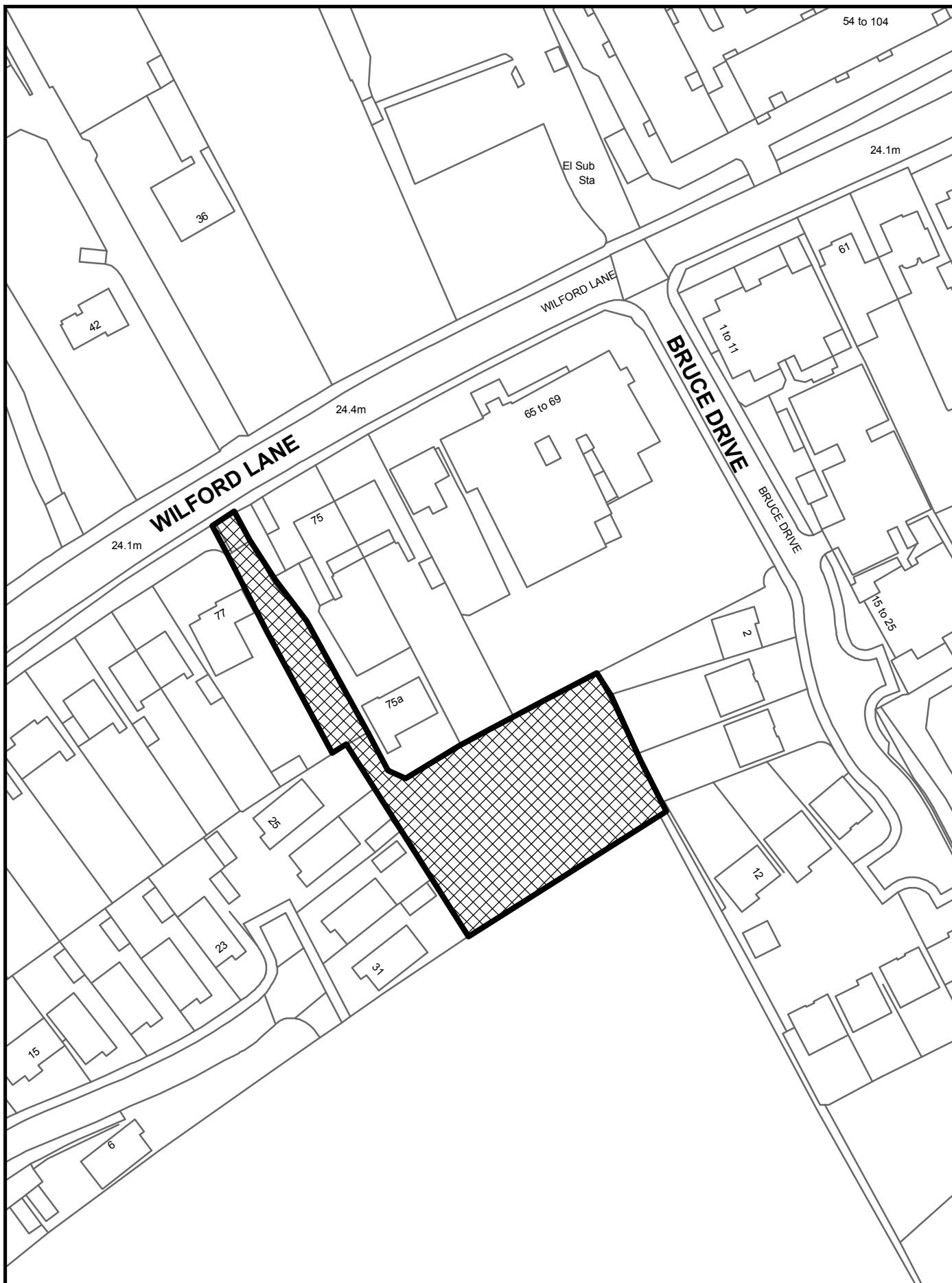
WITHOUT PREJUDICE AND SUBJECT TO CONTRACT

Item/Policy	Requirement	Detailed Proposals	Trigger
	Maintenance	Scheme for future management and maintenance of public open spaces (including the equipped play areas and the Sustainable Urban Drainage Systems) as shown on the illustrative layout plan by an appropriate organisation including details of the funding mechanisms.	Prior to occupation of 1 st house; submit scheme
Education	Primary School	Contribution of £423,280 towards the provision of 37 primary school places, plus Pub Sec Buildings Index	Prior to occupation of 1 st house; pay commuted sum
	Secondary School	Contribution of £483,280 towards the provision of 28 secondary school places, plus Pub Sec Buildings Index	Prior to occupation of 1 st house; pay commuted sum.
Health	Health care facilities	Contribution using the following formula of £920 per 2+ bed dwelling and £600 per 1 bed dwelling towards additional health care facilities in Ruddington plus RPI (175 2+ bedroom dwellings x 920 = £161,000)	Prior to occupation of 1 st house; pay commuted sum

WITHOUT PREJUDICE AND SUBJECT TO CONTRACT

Item/Policy	Requirement	Detailed Proposals	Trigger
Library	Library stock	Contribution of £6,193 towards extra library stock in Ruddington, plus RPI	Prior to occupation of 1 st house; pay commuted sum
Transport	Integrated transport provision	<p>Contribution of £30,000 towards integrated transport provision in Ruddington, plus RPI</p> <p>Including, but not exclusively for, the following; provision / upgrading of bus stops within the vicinity of the site to 'real time' stops</p>	Prior to occupation of 1 st house; pay commuted sum
Miscellaneous	Council's legal costs		Prior to completion of the legal agreement; pay the Council's legal costs.
	S106 monitoring costs of £273 per principal obligation X by the number of years over which monitoring will be required		Prior to commencement of development; pay the monitoring costs.
	All financial contributions to be subject to indexation		

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Application Number: 18/01097/FUL
75a Wilford Lane, West Bridgford

scale 1:1000

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18/01097/FUL

Applicant Mr Rob Bailey

Location Land South East Of 75a Wilford Lane West Bridgford Nottinghamshire

Proposal Erection of four new dwelling houses with associated access

Ward Compton Acres

THE SITE AND SURROUNDINGS

1. The main body of the application site is rectangular in shape that is bordered by modern residential development consisting of bungalows along Gresham Gardens to the west and two storey detached dwellings along Bruce Drive to the east. The northern site boundary is shared with the curtilage of a bungalow set within what was previously the rear garden of 75 Wilford Lane, forming part of a pair of imposing semi-detached Victorian villas. Part of the northern boundary is also bordered by the car park to the Beeches Hotel which fronts Wilford Lane. Beyond the southern boundary are the training grounds of the Nottingham Forest Academy. A narrow strip of land containing the site access back to Wilford Lane also forms part of the application site. The site was historically used for testing laboratories. However, the laboratory buildings have been demolished and site has remained vacant for a significant period of time and now consists of rough grass, trees, scrub and hedgerow. The site is located in flood zones 2 and 3 on the Environment Agency Flood Maps, taking into account the flood defences along the River Trent, the site is in the equivalent of flood zone 1.
2. Other than the two storey properties along Bruce drive to the east, the surrounding scale and form of the properties is predominantly single storey and of no defining identity or character, being predominantly of late 20th century construction. The exceptions to this being the larger imposing Victorian villas that front Wilford Lane located adjacent to the proposed site access. The site is within the built up area of Nottingham and the wider forms and scale of development consist of larger urban forms.

DETAILS OF THE PROPOSAL

3. The application seeks full planning permission for the construction of four detached dwellings with vehicular access obtained from Wilford Lane between nos. 75 and 77 via a 65m length of hardbound track with a minimum width of 5.25m for the first 5.0m to allow two vehicles to pass. There would be a pinch point on the access drive with a width of 4.37m, 50.0m back from the highway, the narrowest point along the length of the strip of land providing access to the site. The proposed housing mix consists of two no. two bedroom two storey dwellings and two no. four bedroom three storey dwellings (with the second floor accommodation predominantly within the roof space) each to be served by two parking spaces and an integral double garage. The works to the access in order to achieve the proposed width necessitates the relocation of a fence to the adjacent property at 77 Wilford

Lane. The fence is currently placed on land owned by the applicant and would be moved back approximately 1m on to the correct legal boundary. 77 Wilford Lane retains a legal right of access across the land and the works include regrading of the access to allow levelled disabled access.

SITE HISTORY

4. Application ref: 02/01518/OUT – outline planning permission was granted in 2003 for up to four dwellings. The permission was never implemented and has now expired.

REPRESENTATIONS

Ward Councillor(s)

5. One Ward Councillor (Cllr Phillips) objects to the planning application concerned that the access would be too narrow and would result in vehicles reversing out on to Wilford Lane and, therefore, unsafe. He is also concerned about the additional traffic and the impact on the safe operation of the Nursery at no 77 Wilford Lane as the track is too narrow to accommodate a vehicle and a parent pushing a pram. He is also concerned that the highway visibility is inadequate and that the proposal would result in overlooking and loss of privacy to no. 12 Bruce Drive.
6. One Ward Councillor (Cllr Wheeler) objects to the application on grounds that the site is accessed from a busy, unsafe road and the proposal would render the access/egress arrangements to the nursery redundant and would pose a considerable safety risk to parents/carers dropping off children at the nursery and can envisage cars reversing down the access road. He is also concerned that the height of the dwellings and the overbearing impact and loss of light, in particular to 75a Wilford Lane. Bin collection is also a concern.

Statutory and Other Consultees

7. Nottinghamshire County Council as Highway Authority raises no objection. It has been acknowledged that the visibility splay to the east is slightly impeded by an adjacent telegraph pole; this would not have a significant impact on the view of oncoming traffic. It also acknowledged that the submitted plans show the access driveway would be resurfaced so that its full width can be utilised to facilitate two way traffic and that there is sufficient space for future residents to enter and exit the site in a forward gear. In response to objections raised regarding the safety of the access shared with the nursery at 77 Wilford Lane, the highway authority considers that the additional traffic generated by the proposed development will be circa two trips in the peak hour. When considering this alongside the re-surfacing works to maximise the full width of the access, there is no reason why the nursery will not be able to continue using the existing access safely. It was requested that a turning area be provided within the site for emergency or service vehicles. There is no objection subject to the imposition of conditions that require the works within the access to be carried out prior to the occupation of the dwellings.

8. The Environment Agency raises no objection to the proposal subject to the use of appropriate conditions requiring the development to be carried out in accordance with the submitted and approved Flood Risk Assessment.
9. The Borough Council's Environmental Health Officer raises no objection subject to a condition requiring a Phase II contaminated land Investigation Report to be submitted and approved, to include a remediation report and validation statement where necessary. A pre-commencement condition requiring a Construction Method Statement which details techniques for the control of noise, dust and vibration during construction is also recommended. Working hours are also recommended to be restricted to 0700-1900 Monday to Friday and 0800-1700 on Saturday with no working on Sunday or Bank Holiday.
10. The Borough Councils Emergency Planner advises that the Flood Risk Assessment does not include a flood evacuation plan; however, in the event of rapid inundation whereby the ground floor would flood in a breach of the defences, evacuation would not be possible. However, the dwellings proposed contain the habitable living accommodation at first and second floors and are to be of flood resilient construction.
11. The Borough Council's Waste Advisor states that the collection point should be within close proximity to the highway.
12. The Borough Council's Environmental Sustainability Officer raises no objection to the proposal and acknowledges that the Extended Phase 1 habitats survey, preliminary protected species assessment and Reptile Survey do not record any protected species within the site. It is recommended that any permission include conditions and/or informatives to ensure work is carried out to best practice and outside of bird nesting season.

Local Residents and the General Public

13. 13 objections have been received from 11 properties raising the following concerns:
 - a. Endangers access to Nursery and safety of children.
 - b. Poor access and visibility.
 - c. Danger to highway safety.
 - d. Noise, dust, disturbance and reduced access during construction.
 - e. Overlooking.
 - f. Loss of light and sunlight.
 - g. Proposed building are not in keeping with the area.
 - h. Poor access for emergency services.
 - i. Overdevelopment of the site.

- j. Scale, density and height disproportionate to the plot.
- k. The site is located within a flood zone.
- l. Lack of capacity at local schools.
- m. The proposal would increase vehicular pollution.

PLANNING POLICY

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

Relevant National Planning Policies and Guidance

- 17. The NPPF carries a presumption in favour of sustainable development and states that, for decision taking, this means “*approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
 - i. *the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
 - ii. *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”*
- 18. In relation to design and residential amenity section 12 of the NPPF seeks to ensure the creation of high quality buildings and places, and that good design is a key aspect of sustainable development. Paragraph 127 of the NPPF states that “*planning policies and decisions should ensure that developments function well and add to the overall quality of an area, are visually attractive, sympathetic to the local character and history and create places that are safe, inclusive and accessible with a high standard of amenity for existing and future users*”. Paragraph 130 states, “*Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.*”
- 19. In terms of housing, paragraph 73 of the NPPF requires local planning authorities to identify a five year housing supply with an additional 5% buffer

to ensure choice and competition. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20%.

20. Paragraph 118 of the NPPF states that substantial weight should be given to using suitable brownfield land within settlements for homes, and to promote and support the development of underutilised land and buildings.
21. Chapter 10 of the NPPF: 'Meeting the challenge of climate change, flooding and coastal change' states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. Local Plans should apply a sequential, risk-based approach to the location of development to avoid where possible flood risk to people and property and manage any residual risk, taking account of the impacts of climate change, by applying the Sequential Test and, if necessary, the Exception Test.

Relevant Local Planning Policies and Guidance

22. The Core Strategy sets out the overarching spatial vision for the development of the Borough to 2028. Policy 1 deals with The Presumption in Favour of Sustainable Development, Policy 2 deals with Climate Change, Policy 3 deals with Spatial Strategy, Policy 8 deals with Housing Size, Mix and Choice, Policy 10 with Design and Enhancing Local Identity, Policy 16 deals with Green Infrastructure, Landscape, Parks and Open Spaces and Policy 17 deals with Biodiversity.
23. The Local Plan: Part 2 is an emerging document which carries limited weight at this time. However, there are a number of policies which are a material consideration in the determination of this application; Policy 17 considers managing flood risk; Policy 40 in respect of Land contamination and Policy 41 considers the impact of development on Air Quality Management Areas.
24. The Rushcliffe Non-Statutory Replacement Local Plan has been used in decision making since 2006 and despite the Core Strategy having been recently adopted its policies are still a material consideration in the determination of any planning application, where they are consistent with or amplify the aims and objectives of the Core Strategy and have not been superseded. The following policies of the Rushcliffe Borough Non-Statutory Replacement Local Plan (NSRLP) are relevant to the consideration of this application; Policy GP1 (Delivering Sustainable Development), Policy GP2 (Design and Amenity Criteria), Policy GP3 (Development Requirements), Policy EN11 (Features of Nature Conservation Interest), Policy EN12 (Habitat Protection), Policy EN13 (Landscaping Schemes), WET2 (Flooding) and Policy HOU2 (Development on Unallocated Sites).

APPRAISAL

Principle of Development

25. The site is located within the main built up area of the settlement of West Bridgford, which is identified in the Rushcliffe Local Plan Core Strategy Policy 3 'Spatial Strategy' as part of the main built up area of Nottingham. As

outlined in this policy approximately 7,650 new homes will be provided in or adjoining the main built up area of Nottingham (within Rushcliffe) to serve the identified housing need in the Borough and Greater Nottingham. The proposal is for the redevelopment of a brownfield site. The Core Strategy's Spatial Objectives include the provision of high quality housing by ensuring "*brownfield opportunities are met*". The provision of new housing on a previously developed brownfield site within the main built up area of Nottingham is, therefore, acceptable in principle.

Flood Risk

26. One of the key site constraints is its location within the Environment Agency's flood zone 2 and 3a, taking into account current flood defences the site is within the equivalent of flood zone 1. The majority of West Bridgford is located within flood zones 2 and 3. The NPPF seeks to direct development away from areas at highest risk of flooding, but does allow for development if it can be made safe without increasing the risk of flooding elsewhere.
27. The Strategic Flood Risk Assessment confirms that the existing flood defences would protect West Bridgford, including the application site during a 1 in 100 year flood event. A more vulnerable use such as the proposed residential development is acceptable in this location. However, the site is classified as being within flood zones 2 and 3a, therefore, the applicant has carried out a comprehensive review of available sites within West Bridgford which concludes that there are no sequentially preferable sites available. A full Flood Risk Assessment has been submitted to support the application which demonstrates that "*the development can be constructed in a manner that ensures that the buildings and future occupants will not be placed at risk of flooding, from either fluvial flood waters or surface water flooding.*"
28. To improve resilience to flooding, the ground floor comprises non-furnished areas (Garage, W.C. Utility room and Garden Room), with the furnished and heated accommodation areas at 1st floor level and 2 no. "dormer" bedrooms in the pitched roof space. The ground floor walls are to be of robust design and the new dwellings would be designed using "Flood Resilient Flood Repairable" design recommendations described in the document "Improving The Flood Performance Of New Buildings : Flood Resilient Construction" May 2007" published by the Department for Communities and Local Government / The Environment Agency / DEFRA. It is recommended that any consent include a condition requiring the development to be carried out in accordance with the recommendations and conclusions of the submitted Flood Risk Assessment.

Design

29. The surrounding area is of no defining built character or scale, although is predominantly of more modern simplistic forms and appearance within the existing developments along Bruce Drive to the east and Gresham Gardens to the west. Furthermore, the site is set back a considerable distance from Wilford Lane behind existing properties and therefore does not form part of the street scene or contribute to the character and appearance of the public realm or wider townscape. The key considerations in terms of design are, therefore the scale, appearance and materials used for the individual dwellings together with the internal site layout and landscaping.

30. The design proposed is for four detached properties of equal floor area laid out in linear pattern across the site. In terms of development pattern and density, it is considered that the proposal reflects the surrounding developments along Bruce Drive and Gresham Gardens and, therefore accords with Core Strategy Policy 10. The individual design of the properties is of a more contemporary appearance with the use of light render at first floor up to the gables with brick to the ground floor. The surrounding scale consists of a mix of two and two and a half storey dwellings. Whilst the neighbouring properties along Gresham Gardens and 75a Wilford Lane are single storey, properties along Bruce Drive and more widely along Wilford Lane are two storeys in scale. Given the two storey properties are proposed to be located most closely to the properties along Bruce drive and Gresham Gardens, it is considered that the overall scale proposed is broadly acceptable and would not appear out of scale or character within the surroundings. Whilst the external appearance does not specifically relate to the surrounding properties, given the enclosed nature of the site, its separate access and detached relationship from the existing surrounding development, it is not considered that there would be harm to the physical character and appearance of the area. It is therefore concluded that the proposed design, scale, appearance and layout accords with Policy 10 of The Core Strategy. Full details of external materials and a detailed landscaping scheme are recommended to be secured by planning condition.

Amenity

31. It is considered that the proposal would not lead to undue harm to the residential properties on Gresham Gardens or Bruce Drive. The proposed development would be visible from these properties and their rear gardens but given the separation distances and orientation, the proposal would not result in unacceptable overshadowing, overlooking or loss of privacy. Plots 1 and 4 positioned closest to the east and west site boundaries have also been sensitively designed to a height of 4.1m to the eaves and 7.3m to the hipped ridge. The impact of the proposal on the residential amenity of 75a Wilford Lane is more finely balanced. However, given the 17.0m separation distances from plots 1 and 2 and the fact that the windows facing this property would be small secondary rooms only, it is considered that the proposal would not lead to undue loss of privacy or overshadowing to the residential amenity of no. 75a Wilford lane and so would accord with RNSRLP policy GP2 (Design and Amenity).
32. Concern has been expressed that the development would result in overlooking and loss of privacy to 12 Bruce Drive. The proposed dwelling closest to this property would occupy plot 4 on the development. Plot 4 would not sit immediately behind 12 Bruce Drive with windows in the rear of the new dwelling providing oblique views across the neighbouring property. Furthermore, the back to back distance would be in the region of 24 metres and, on balance, it is not considered that the degree of overlooking would be so significant as to justify refusal of planning permission.
33. The Site is located 330m from the Loughborough Road/Wilford Lane Air Quality Management Area. The Air Quality Management Area was introduced for traffic-related nitrogen oxide under the Environment Act 1995. Given the distance of the site from the Air Quality Management Area and the negligible

impact on traffic flows, it is not considered that the amenity, health or quality of life of existing or future residents will be impacted by the proposed development. Furthermore, it is not considered that the additional traffic flow generated by the development would adversely impact on air quality within the Air Quality Management Area. Accordingly, it is considered that the application accords with Policy 41 of the emerging Local Plan: Part 2.

Highway Safety

34. Objections have been received from Ward Councillors and members of the public on grounds that the access is a single track and too narrow. The proposal includes the widening and hard surfacing of the access road to be of sufficient width to accommodate multiple vehicles and ensure safe access and egress. There are also concerns raised that an ongoing condition on the permission granted for the nursery at 77 Wilford Lane required a separate vehicular entrance and exit and that the proposed development would compromise the safe functioning of the access to this property. The proposal to widen the access does not involve the blocking of the entrance to 77 Wilford Lane and would enable access and egress as was required by this ongoing condition. The Highway Authority is of the view that the additional traffic generated by the proposed development would be circa two trips in the peak hour. When considering this alongside the re-surfacing works to maximise the full width of the access, there is no reason why the safe access to 77 Wilford Lane would be adversely affected.
35. Each dwelling would be provided with two parking spaces and an integral double garage. It is considered that the number of spaces to be provided is commensurate to the size of the dwellings and would not result in any parking pressures on the public highway or adversely affect the safe movement of vehicles within the site.
36. There is no provision for the turning of larger fire service or waste collection vehicles within the site. Therefore, the proposed dwellings would need to be fitted with internal sprinkler systems to satisfy the building regulations. Space for the turning of waste collection HGVs is not required within the site as a waste collection point is provided within close proximity to the highway boundary. Space for turning of smaller goods vehicles and visitors is provided adjacent to plot 1. The Highway Authority raises no objection to the arrangement proposed.

Conclusions

37. In conclusion, it is not considered that the design, scale and appearance would result in harm to the visual character of the area and represents a logical infill site and broadly accords with Policy 10 of the Core Strategy, Policy GP2 of the Non-Statutory Local Plan and the Rushcliffe Residential Design Guide
38. The Core Strategy identifies West Bridgford as a settlement for housing growth. The application site, whilst not allocated for housing, is a brownfield site which is not significantly constrained by any local or national designation. Issues relating to flood risk have been addressed resulting in no objection from The Environment Agency. The application is therefore recommended for approval.

39. The proposal was subject to pre-application discussions with the applicant and advice was offered on the measures that could be adopted to improve the scheme and address the potential adverse effects of the proposal. As a result of this process, modifications were made to the proposal, in accordance with the pre-application advice. Further negotiations have taken place during the consideration of the application to address concerns raised in written representation submitted in connection with the proposal. Amendments have been made to the proposal, addressing the identified adverse impacts, thereby resulting in a more acceptable scheme and the recommendation to grant planning permission.

RECOMMENDATION

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

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

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

2. The development hereby permitted shall be carried out in accordance with the plans ref.

3406 01 Revision M received on 21/9/2018
3406 07 Revision C received on 14/8/2018
3406 02 Revision D
3406 03 Revision D
3406 04 Revision B
3406 05 Revision B all received on 12/7/2018

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

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

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

4. Within three months of the commencement of development and prior to the removal of any trees or hedgerows, a landscaping scheme, to include those details specified below, shall be submitted to and agreed in writing by the Borough Council:

- (1) the treatment proposed for all ground surfaces, including hard areas;
- (2) full details of tree planting;
- (3) planting schedules, noting the species, sizes, numbers and densities of plants;
- (4) finished levels or contours;
- (5) any structures to be erected or constructed;
- (6) functional services above and below ground; and
- (7) all existing trees, hedges and other landscape features, indicating clearly those to be removed/retained.
- (8) details of all boundary treatments

The approved landscaping scheme shall be carried out in the first tree planting season following the substantial completion of the development and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. The boundary treatments and treatment to the ground surfaces shall be in place prior to the occupation of the dwellings.

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

5. The development shall only be carried out in accordance with details of finished ground and floor levels in relation to an existing datum point, existing site levels and adjoining land which shall be submitted to and approved in writing by the Borough Council before the development commences and the development shall only be undertaken in accordance with the details so approved.

[To ensure a satisfactory development in the interests of amenity and to comply with policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan. This information needs to be provided prior to work commencing on site as the floor levels will influence the build from the outset of the development]

6. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) March 2018 Rev B (July 18), SCC Consulting Engineering, and the following mitigation measures detailed within the FRA:

- No habitable rooms are to be placed on the ground floor as stated within section 1 of the FRA.
- Finished habitable floor levels are set no lower than 25.9m above Ordnance Datum (AOD) as stated within section 2b of the FRA.
- Flood resilient design is incorporated in to the design of the development up to a level of 25.76mAOD as stated within section 6 of the FRA.

[To reduce the risk of flooding to the proposed development and future occupants and to comply with policy WET2 (Flooding) of the Rushcliffe Borough Non-Statutory Replacement Local Plan and the National Planning Policy Framework]

7. Prior to the commencement of development, a Detailed Contaminated Land Investigation Report is required, including a site investigation documenting the characteristics of the ground, an evaluation of all potential sources of contamination and a risk assessment, together with an updated conceptual model. Where the Detailed Investigation Report confirms that contamination exists, a remediation report and validation statement confirming the agreed remediation works have been completed, will also be required. All of these respective elements of the report will need to be submitted to and approved in writing by the Borough Council, prior to development commencing, and the development shall be carried out in accordance with the approved details.

[This is a pre-commencement condition because the necessary information was not submitted with the application and to make sure that the site, when developed is free from contamination, in the interests of public health and safety and to comply with policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan]

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

If the use of a crusher is required, this should be sited as far as possible from nearby properties and be operated in accordance with its process permit.

[This is a pre-commencement condition because the necessary information was not submitted with the application and to protect the amenities of the area and to comply with policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan]

8. Occupation of the proposed dwellings shall not take place until the site access as shown for indicative purposes only on drawing number 3406 01 Revision M and 3406 07 Revision C has been provided, and which shall be drained to prevent the discharge of surface water from the driveway to the public highway. The bound material and the provision to prevent the discharge of water to the public highway shall be retained for the life of the development.

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

9. The development shall not be brought into use until the turning area as shown on drawing 3406 01 Revision M is provided and made available for use. The turning area so provided shall be retained and be available for use thereafter and shall not be used for any other purpose.

[In the interests of Highway safety and to enable vehicles to enter and leave in a forward direction and to Comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan]]

10. The stairwell windows in the north east elevations of plots 1, 3 and 4, and the stairwell window within the south west elevation of plot 2 of the proposed development shall be permanently obscure glazed to group 5 level of privacy and non-opening, and no additional windows shall be inserted in these elevations without the prior written approval of the Borough Council.

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

Notes to Applicant

The development makes it necessary to undertake re-surfacing works within the public highway. These works shall be constructed to the satisfaction of the Highway Authority. Works will be subject to a design check and site inspection for which a fee will apply. The application process can be found at:

<http://www.nottinghamshire.gov.uk/transport/licences-permits/temporary-activities>

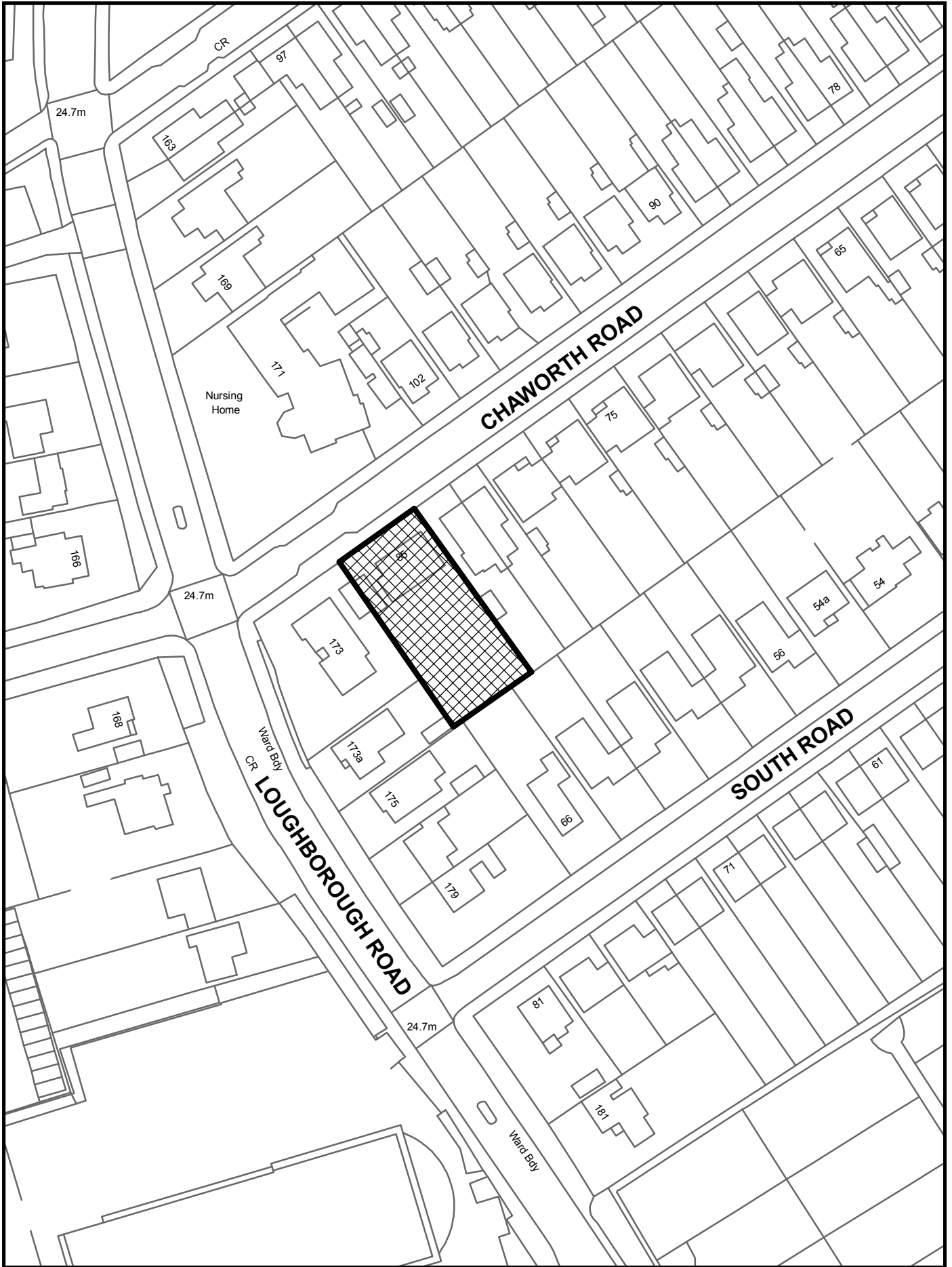
Please contact licences@viaem.co.uk for further information.

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

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

All workers / contractors should be made aware of the potential of protected / priority species being found on site and care should be taken during works to avoid harm (including during any tree works), if protected species are found then all work should cease and an ecologist should be consulted immediately.

All work impacting on buildings or vegetation 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.



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Application Number: 18/00019/FUL
85 Chaworth Road, West Bridgford

scale 1:1000

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18/00019/FUL

Applicant Mr Hasmukh Mistry

Location 85 Chaworth Road West Bridgford Nottinghamshire NG2 7AE

Proposal Demolition of bungalow, erection of 5 apartments and creation of parking area.

Ward Lutterell

THE SITE AND SURROUNDINGS

1. The site accommodates a bungalow of brick and tile construction on the southern side of Chaworth Road, close to the junction with Loughborough Road. The property is served by an access along the western part of the site leading to an outbuilding in the south-western corner. There is a small garden to the front and a large garden to the rear.
2. To the east is a pair of semi-detached properties with a significantly extended building to the north, on the opposite side of Chaworth Road, last used as a nursing home. To the west is a single storey bungalow which is used as a dentist surgery. To the rear are properties that front onto South Street; these are separated by rear gardens.

DETAILS OF THE PROPOSAL

3. The application has been amended and comprises the demolition of the bungalow and the erection of five apartments, three 1 bedroom and two 2 bedroom. The building would provide accommodation over three floors, with the second floor accommodation within the roof space. The building would have a gable feature to front and rear on the eastern side and cropped gable roof over the western side of the building, with a lower ridge height providing a transition between the two storey buildings to the east and the bungalow to the west. Five parking spaces would be provided to the rear of the property, an amenity area and the existing outbuilding. The revised plans have re-sited the building from the original location adjacent to the eastern boundary with 83 Chaworth Road to the western side of the site, further from no. 83, with the proposed access now to the east of the proposed building. It is also proposed to erect a 2 metre high acoustic fence along the eastern boundary to mitigate the potential noise from vehicle movements along the access drive.

SITE HISTORY

4. History on the site includes application ref: 16/01694/FUL for the demolition of the bungalow and garage and the erection of 6 no. 1 bedroom apartments, garages and parking area; this was withdrawn on Officer advice. Application ref: 17/01494/FUL for the demolition of the bungalow and the erection of 6 no. 1 bedroom apartments and the creation of a parking area was refused on the following grounds:

- The proposed development, by reason of siting, scale, massing, size and design, would create a discordant element on the site and street scene. The building would be an overly dominant structure, out of keeping with the transitional nature of the site between two storey and single storey buildings and would result in an imposing building, harmful to the character and appearance of the site and street scene. The proposal is therefore contrary to policy GP2 (d) of the Rushcliffe Non Statutory Replacement Local Plan which seek to ensure development is in keeping and Policy 10 (1a and 1c), (2f and 2g) of the Core Strategy which seeks to ensure visually acceptable development. The decision to refuse planning permission would be in accordance with Paragraph 64 of the NPPF which states that:

"Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions."

REPRESENTATIONS

Ward Councillor(s)

Original Submission

5. One Ward Councillor (Cllr Donoghue) objected on the grounds that a similar application on this site has been refused twice by the Council; this new application is not dramatically different to the previous applications. The massing, size and scale is inappropriate for the size and nature of the site. This apartment block is over dominant and not appropriate in replacing an existing bungalow. The structure impacts negatively on 83 Chaworth Road, affecting privacy and light. The apartment block is out of keeping with the nature of the road and impacts negatively on existing residents. The structure is the same height and bulk of previously refused applications. The increased depth of the building impacts negatively on 83 Chaworth Road. The over dominant structure impacts negatively on the open nature of the existing residents gardens and rear bedroom windows. The three storey apartment block structure is of a poor design in terms of being out of context. The apartment block would have a negative impact on the privacy and increased noise for existing residents. She also raised concerns regarding the narrow access road to the parking area, there would have to be increased maneuvering on Chaworth Road near the Loughborough Road junction. There is limited parking on Chaworth Road itself. The proposal would affect the right to light in neighbouring homes. There is no screening between the proposed apartment block and existing residents.
6. One Councillor (Cllr Edwards) objects on the grounds that there are no structural or amenity reasons for the demolition of the existing bungalow. It forms part of a group of 4 single-storey properties that wrap round this corner of Chaworth Road and Loughborough Road that were all built in the mid to late 20th century. The neighbouring property at No. 83 Chaworth Road is a traditional, semi-detached house built in 1902. It was intended as the last house on Chaworth Road as the land was undeveloped up to the junction with Loughborough Road. Consequently, there is a ground floor bay window at the western side of the house facing No. 85 and there is also a conservatory with extensive glazing also facing No. 85. At first floor and roof

levels there are other clear-glazed windows facing west, all benefiting from the amenity this affords. The existing bungalow at No. 85 was built much later and being single-storey and having no windows on its eastern side facing No. 83 there have been no issues of overlooking or loss of privacy. This new proposal retains the height, bulk and massing that were a cause of the last application for development on this site being rejected. The increase in depth of this application impacts further on No. 83 and is detrimental to both the house and garden areas resulting in loss of amenity and loss of privacy. For its unacceptable size, massing and scale with its consequent overlooking, overbearing and loss of amenity on No. 83 this application should be refused planning permission.

Revised Proposals

7. One Ward Councillor (Cllr Edwards) reiterated his previous comments adding that there will be overlooking from the 2nd and 3rd floor rear windows into the garden of No. 83 resulting in a loss of amenity and loss of privacy. Currently, there is a 1-metre high wall that forms the boundary between the 2 properties. The new proposal for a 2-metre high fence along the boundary with No. 83 will be seriously detrimental to the amenity of the occupants of No. 83. Their main habitable room is the glazed conservatory and they would face the fence along its whole side. For its unacceptable size, massing and scale and for the detrimental impact of the new fencing on the main living room of No. 83, he objects to this application which should be refused planning permission.

Local Residents and the General Public

Original Submission

8. 34 written representations have been received from neighbours/nearby residents objecting on grounds which can be summarised as follows:
 - a. The proposal maintains essentially the same height, bulk and massing of the previous application with three storeys of accommodation, any reduction in the massing is offset by the increased depth.
 - b. The roof does not reflect the neighbouring properties, the greater depth and bulk would be readily apparent from the access and fails to make the transition of building heights with the neighbouring properties.
 - c. Out of keeping and would affect the streetscape.
 - d. Over-development, would increase density of development
 - e. The rear area is dominated by car parking leaving little space for amenity of landscaping.
 - f. Access into car parking spaces difficult.
 - g. The impact on 83 Chaworth Road increased by the greater depth of the building leading to overbearing impact on light and outlook from the

neighbouring garden, side habitable room, bay window and side/rear conservatory. Noise from the adjacent parking to this garden, would overlook no.83 leading to loss of privacy.

- h. Noise, disturbance and car lights from car park would affect amenity of surrounding properties.
- i. Would remove natural daylight from 173a and would lead to overlooking of no.81 through a larger building on the site, would lead to overlooking of 66 South Road and loss of outlook, looking towards a three storey dwelling.
- j. The proposal would be more intensive than the previous scheme with potentially 14 occupants rather than 12 plus 14 vehicles, traffic and parking already at breaking point, traffic has increased over the years and offers access to a busy main road and supermarket, the road is narrow and North Road has a barrier at one end, is also a route for emergency vehicles, already difficult to park.
- k. Photographs taken during the day do not reflect the level of parking after work, the building opposite is in multiple occupation and generates high levels of parking, at least double the number of parking spaces proposed are needed.
- l. The road narrows at this point, there would be harm to pedestrians and cyclists, this is a walking and cycling route for school children.
- m. The driveway is too narrow and would lead to more on road parking.
- n. The proposal would lead to the loss of a bungalow, there are no structural or amenity issues requiring the demolition of the bungalow, loss of garden.

Revised Proposals

- 9. 26 written representations have been received from neighbours/nearby residents objecting on grounds which can be summarised as follows:
 - a. Increase in parking is a concern on an already busy road, parking is almost impossible at any time of day or night due to the nature of businesses on surrounding roads having visitors, there are no, or very few places, for vehicles to pass, this can create aggressive and dangerous driving and has caused damage to cars in the past, the parked cars make it dangerous to cross the road, especially for the local children.
 - b. The driveway is closer to a major junction, so the parking around this drive would make the junction even more dangerous, the proposed driveway is still too narrow and will lead to multiple manoeuvring on this already congested road, there has been no provision for visitor parking.

- c. Will block the light of various surrounding neighbours on this and neighbouring road, there would be overlooking on some neighbours from floors 2/3.
- d. 2 metre high fence will cause distress to neighbours.
- e. There is no change that has materially improved the planning application, the revised proposal would have an even greater impact than the previous schemes.
- f. Over-development of the site.
- g. Demolition of a perfectly good family home, loss of much needed bungalow.
- h. Apart from an improved front elevation and a design more in line with the style of the majority of properties in the road there is little in the application to recommend it, lack of emphatic design.
- i. The proposal does not meet a local need as the road is primarily family orientated so the development is not in keeping.
- j. This is a major school route in both directions for walking and cycling and access onto and off the proposed development would be hazardous. The road is a cut through. Doesn't make sense Chaworth Road has been designated a cycle route when this development would reduce road safety.
- k. Obscure glazing will not reduce the feeling of being overlooked.
- l. The re-siting does not overcome the previous objections which remain valid, there would be an increase in noise to no.83 from cars using the new access, turning is difficult within the site which would result in significant maneuvering, still an overbearing impact and impact on light and outlook to no.83.

Statutory and Other Consultees

Original Submission

10. Nottinghamshire County Council as Highway Authority commented that the bin store will prevent two-way traffic from taking place at the access and increase the likelihood of collisions. It should, therefore, be repositioned elsewhere within the curtilage so that such maneuvers can take place, as per the previous arrangement. Should these details come forward they recommend a condition. Following the submission of revised plans showing relocation of bin storage they confirmed that they did not object, subject to a condition.

Revised Proposals

11. Nottinghamshire County Council as Highway Authority – commented that it is not envisaged this proposal will compromise highway safety.

12. The Environment Agency – raised no objection.

PLANNING POLICY

13. The Development Plan for Rushcliffe consists of the 5 saved policies of the Rushcliffe Borough Local Plan (1996) and the adopted Local Plan Part 1: Rushcliffe Core Strategy (December 2014). None of the saved policies are of relevance in this case.
14. Other material considerations include the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG) and the Rushcliffe Borough Non-Statutory Replacement Local Plan (2006).
15. Any decision should, therefore, be taken in accordance with the Rushcliffe Core Strategy, NPPF and NPPG and policies contained within the Rushcliffe Borough Non-Statutory Replacement Local Plan where they are consistent with or amplify the aims and objectives of the Framework together with other material planning considerations.

Relevant National Planning Policies and Guidance

16. The National Planning Policy Framework carries a presumption in favour of sustainable development and states that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. It states that Local Planning Authorities should seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
17. Chapter 10 of the NPPF: 'Meeting the challenge of climate change, flooding and coastal change' states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. Local Plans should apply a sequential, risk-based approach to the location of development to avoid where possible flood risk to people and property and manage any residual risk, taking account of the impacts of climate change, by applying the Sequential Test and, if necessary, the Exception Test.
18. In relation to design and residential amenity section 12 of the NPPF seeks to ensure the creation of high quality buildings and places, and that good design is a key aspect of sustainable development. Paragraph 127 of the NPPF states that "*planning policies and decisions should ensure that developments function well and add to the overall quality of an area, are visually attractive, sympathetic to the local character and history and create places that are safe, inclusive and accessible with a high standard of amenity for existing and future users*". Paragraph 130 states, "*Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.*"

Relevant Local Planning Policies and Guidance

19. The Core Strategy sets out the overarching spatial vision for the development of the Borough to 2028. Policy 1 deals with The Presumption in Favour of

Sustainable Development and Policy 10 with Design and Enhancing Local Identity.

20. Under Core Strategy Policy 1, a positive and proactive approach to planning decision making should be taken that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. Policy 10 (Design and Enhancing Local Identity) states development should make a positive contribution to the public realm and sense of place, and should have regard to the local context and reinforce local characteristics. Development should be assessed in terms of the criteria listed under section 2 of Policy 10, and of particular relevance to this application are 2(b) whereby the proposal should be assessed in terms of its impacts on neighbouring amenity; 2(f) in terms of its massing, scale and proportion; and 2(g) in terms of assessing the proposed materials, architectural style and detailing.
21. The Rushcliffe Non-Statutory Replacement Local Plan has been used in decision making since 2006 and despite the Core Strategy having been adopted its policies are still a material consideration in the determination of any planning application.
22. Policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan is relevant to the consideration of this application. Policy GP2 states that planning permission for new development, changes of use, conversions or extensions will be granted provided that, where relevant, certain criteria are met. Criterion a) refers to the impact of development on amenity, particularly residential amenity. Criterion b) requires a suitable means of access without detriment to the amenity of adjacent properties or highway safety and the provision of parking. Criterion c) requires the provision of sufficient space within the site to accommodate the proposal and ancillary amenity and circulation space. Criterion (d) is concerned with the scale, density, height, massing, design, layout and materials of proposals and states, inter-alia, that these should be sympathetic to the character and appearance of neighbouring buildings and the surrounding areas. They should not lead to an over-intensive form of development, be overbearing in relation to neighbouring properties, nor lead to undue overshadowing or loss of privacy.
23. Policy HOU2 states planning permission for unallocated development within settlements will be granted provided that, inter alia, the size and location of the site is such that its development would not detrimentally affect the character or pattern of the surrounding area, the development would not have an adverse visual impact and the site is accessible to a range of services other than by use of the private car. Policy MOV9 relates to car parking provision. Policy WET2 relates to flooding.
24. It is considered the above policies are in compliance with the general thrust of the NPPF.

APPRAISAL

25. The principle of development is acceptable. The site is within an established residential area and West Bridgford is a sustainable location for new housing with a good range of facilities. Although objections have been raised over the

demolition of the bungalow, this building is not of such merit that its retention could be insisted upon. Furthermore, although bungalow accommodation is welcomed, the loss of a single such unit is not considered to be sufficiently harmful to the housing mix of the locality as to warrant a refusal of planning permission.

26. The site is something of a transition between the larger scale Victorian/Edwardian dwellings to the north-east of the site and the bungalows on Loughborough Road. The previous scheme was not considered to respond to the characteristics of the site resulting in an over-dominant structure in relation to the adjacent bungalow. The design comprised a larger block which did not break up the massing and would have appeared as a dominant façade at odds with the prevailing character on the street which has more of a vertical emphasis. In addition, the fenestration was not of traditional Victorian proportions with the first floor windows lacking verticality and the dormers being overly large.
27. The current application deviates significantly from the refused scheme in incorporating a three storey gable on the façade with a subservient ridge running parallel to the highway at two storey level. This element is set back further into the site than the gable which reduces the massing of the building. Fenestration is of a vertical emphasis and provides symmetry to the building, mirroring the neighbouring traditional development. The design includes the step down towards the neighbouring bungalow (the dental surgery) which responds to the transitional nature of the site.
28. When viewed looking east the side elevation would be subservient to the three storey element with the setback visible and incorporating a lower ridge and a bonnet hipped roof to further reduce the massing.
29. It is acknowledged objections have been raised to the visual appearance of the proposal. However, it is not considered to represent over-development of the site as it would have the appearance of a large, detached dwelling occupying a substantial plot. There would also be significant undeveloped grounds to the rear which include private shared amenity space. Although the depth of the building would be significant the visual impact of this would not be dominant due to the lower eaves and ridge height and the design of the roof.
30. On balance, it is considered the proposed scheme would be visually satisfactory and would effectively infill the transitional site. Conditions relating to materials and architectural detailing would secure a high quality scheme, in compliance with the above policies and guidance.
31. With regard to residential amenity, to the north the highway intervenes and the building would look towards the side elevation of 171 Loughborough Road. To the east the two storey building has a ground floor bay window in the main side elevation and a conservatory running down the side of the dwelling. The wall of the proposed building would be adjacent to the side elevation of this neighbouring property as is the current bungalow. The proposal would have a greater impact in terms of outlook and would be more overbearing than the current bungalow. However, the revised plans have re-sited the building further from this boundary to now leave a space of 5.4 metres from the side of the proposed building to the boundary and a further 2.3 metres from the boundary to the side elevation of no. 83.

32. The conservatory on no. 83 would remain open beyond the rear projection of the proposed building and the end elevation would continue to look over the garden. This boundary is currently very open and two metre boundary treatment could be erected without planning permission which would impact on outlook and light received through these windows. The re-siting of the building would relocate the access adjacent to the boundary with no.83; this would potentially increase the level of noise and disturbance through vehicular movements. However, given the likely limited number of traffic movements it is not considered this would have an undue adverse impact in terms of noise and disturbance. A condition is recommended to ensure the provision of noise attenuation fencing in order to reduce any impact.
33. It is acknowledged objections have been received on amenity grounds regarding this property and the proposal would have a greater impact than the bungalow which currently occupies the site. However, on balance, it is not considered the impact would be such that a refusal could be upheld. The neighbouring property has windows on all floors looking onto the application site which itself is not particularly neighbourly. Furthermore, although there would be additional rear facing windows looking over the rear garden, these would be at an oblique angle and would result in a similar relationship to many others in the area. The only openings proposed on the north-eastern elevation would be a door and window serving the kitchen of apartment 1 on the ground floor and two small windows at first floor level, obscure glazed and non-opening below 1.7 metres, serving a bathroom and living area for apartment 3. In addition, there would be two roof lights in the eastern slope of the roof serving a bathroom and kitchen area to the second floor apartment. However, given the angle of these windows and height above floor level, it is not considered that these would cause any overlooking.
34. To the rear there would be rear gardens and the parking area on the application site and long rear gardens on the neighbouring dwellings fronting South Road, as such, it is not considered that the impact would be unduly harmful. To the west elevation windows would be limited and in any case the adjacent property is used as a dentist surgery and it is not considered the impact would be unduly harmful.
35. It is acknowledged there have been a high number of objections on the grounds of residential amenity. However, the proposal would have a satisfactory relationship with neighbouring properties and would not lead to undue overlooking, loss of daylight or sunlight or be overbearing. As such, on balance, the proposal is acceptable and complies with the above policies and guidance.
36. The proposed development would be served by an access leading to 5 off street parking spaces and a turning area. There has been a high level of objection, many on the grounds of the existing high demand for on street parking. This is acknowledged; however, it must also be noted the Highway Authority raise no objection and one space per flat is proposed in a sustainable location, in close proximity to the town centre. It is, therefore, considered the increase in demand for on street parking would be reduced by this provision to the point that it would be difficult to resist on either highway safety or harm to amenity of neighbours through it being harder to secure on street parking. It is also acknowledged the road in places narrows and has a

high level of on street parking; it is also used as a cut through and the site access is in close proximity to the junction with Loughborough Road. However, it is not expected the development would generate a significant level of traffic that would lead to highway capacity issues or dangers to highway users.

37. A flood risk assessment has been submitted and the Environment Agency raise no objection and the application confirms the design of the building will be based on flood resilience design recommendations.
38. In conclusion, the proposal is considered acceptable in principle, occupying a sustainable location close to the town centre. The proposal is visually acceptable, satisfactorily overcoming the previous grounds for refusal and would have a satisfactory relationship with neighbouring properties. The proposal would be acceptable in terms of highway safety and flood risk and is recommended for approval.
39. The proposal was subject to pre-application discussions with the applicant and advice was offered on the measures that could be adopted to improve the scheme and address the potential adverse effects of the proposal. As a result of this process, modifications were made to the proposal, in accordance with the pre-application advice. Further negotiations have taken place during the consideration of the application to address concerns raised in written representation submitted in connection with the proposal. Amendments have been made to the proposal, addressing the identified adverse impacts, thereby resulting in a more acceptable scheme and the recommendation to grant planning permission.

RECOMMENDATION

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

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

[To comply with Section 91 of the Town and Country Planning Act 1990, as amended by the Planning & Compulsory Purchase Act 2004].
2. The development hereby permitted shall be carried out in accordance with the following approved plans: CR-17-01 Rev C Location and Block Plan and CR-17-02 Rev B Elevations and Layout.

[For the avoidance of doubt and to comply with Policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan].
3. The development hereby permitted shall not proceed above foundation level until details of the facing and roofing materials to be used on all external elevations have been submitted to and approved in writing by the Borough Council and the development shall only take place in accordance with the materials so approved.

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

4. Prior to development progressing above damp proof course level a detailed landscaping scheme for the site shall be submitted to and approved in writing by the Borough Council. The approved scheme shall be carried out in the first tree planting season following the substantial completion of the development. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Borough Council gives written consent to any variation.

[In the interests of amenity and to comply with policy EN13 (Landscaping Schemes) of the Rushcliffe Borough Non Statutory Replacement Local Plan.]

5. Prior to development progressing above damp proof course level details of all screen fencing/walling and means of enclosure to be erected on the site shall be submitted to and approved in writing by the Borough Council. The scheme shall include noise attenuation fencing along the boundary with no.83 Chaworth Road, as indicated on the approved plans. The development shall not be brought into use until the approved screen fencing/walling and means of enclosure have been completed, and they shall be retained thereafter for the lifetime of the development.

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

6. Before development commences details of finished ground and floor levels in relation to an existing datum point, existing site levels and adjoining land shall be submitted to and approved in writing by the Borough Council before the development commences and the development shall only be undertaken in accordance with the details so approved.

[In the interest of amenity and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan. This is a pre-commencement condition to ensure the levels are appropriate to the character of the area as no details have been submitted]

7. Development shall not proceed beyond foundation level until such time that the following details have be submitted to and approved in writing by the Borough Council. The development shall be carried out in accordance with the approved details prior to the first occupation of any apartment hereby approved:

- a) Details of cills and lintels;
- b) Details of all fenestration including design and confirmation the windows will be set in reveal;
- c) Details of all rooflights;
- d) Details including materials and location of rainwater goods.

[To ensure the appearance of the development is satisfactory and to comply with Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local

Plan Part 1: Core Strategy and Policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan]

8. The proposed apartments shall not be occupied until the approved off-street parking area has been provided and the parking area shall thereafter be retained for residents parking.

[To ensure that adequate off-street parking is made to reduce the possibilities of the proposed development leading to on-street parking in the area, in the general interest of highway safety].

9. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) Rev A, 03/11/2016 compiled by Consulting Engineering, and the following mitigation measures detailed within the Flood Risk Assessment:
 1. Finished floor levels are set no lower than 25.0 m above Ordnance Datum (AOD) as stated in section 2b of the FRA.
 2. Flood resilient and flood repairable design be utilised in the design of the unit, as discussed in section 6a of the FRA.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

[To reduce the risk of flooding to the proposed development and future occupants and to comply with Policy WET2 (Flooding) of the Rushcliffe Borough Non-Statutory Replacement Local Plan]

10. The windows shown on Plan CR-17-02 Rev A as being obscure glazed and non-opening below 1.7 metres from the internal floor level shall be obscure glazed prior to the first occupation of any apartment to group 5 level of obscurity. The development shall not proceed beyond foundation level until such time that these details have been submitted to and approved in writing by the Borough Council. No changes shall be made to the windows without the prior written approval of the Borough Council.

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

11. Notwithstanding the approved plans, and prior to the development being brought into use a scheme detailing the location and construction of a bin store and cycle store shall be submitted to and approved in writing by the Borough Council. The approved bin and cycle store shall be implemented prior to first occupation.

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

12. Occupation of the apartments shall not take place until the access driveway has been surfaced in a bound material (not loose gravel) for a minimum distance of 5.0 metres behind the highway boundary, and which shall be drained to prevent the discharge of surface water from the driveway to the public highway. The bound material and the provision to prevent the discharge of surface water to the public highway shall be maintained for the lifetime of the development.

[In the interest of highway safety and to comply with Policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan]

13. Occupation of the apartments shall not take place until the access driveway is fronted by a dropped kerb vehicle crossing.

[In the interest of highway safety and to comply with Policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan]

14. Occupation of the proposed apartments shall not take place until a refuse collection point has been provided in accordance with details first submitted to and approved in writing by the Local Planning Authority. This shall be provided as approved prior to the first use of any apartment hereby approved and thereafter retained for the lifetime of the development.

[In the interest of highway safety and to comply with Policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan]

15. The cill level of the rooflights in the eastern roof slope of the building hereby approved, serving the bathroom and kitchen area to apartment 5, shall be no lower than 1.7 metres above the finished floor level within apartment.

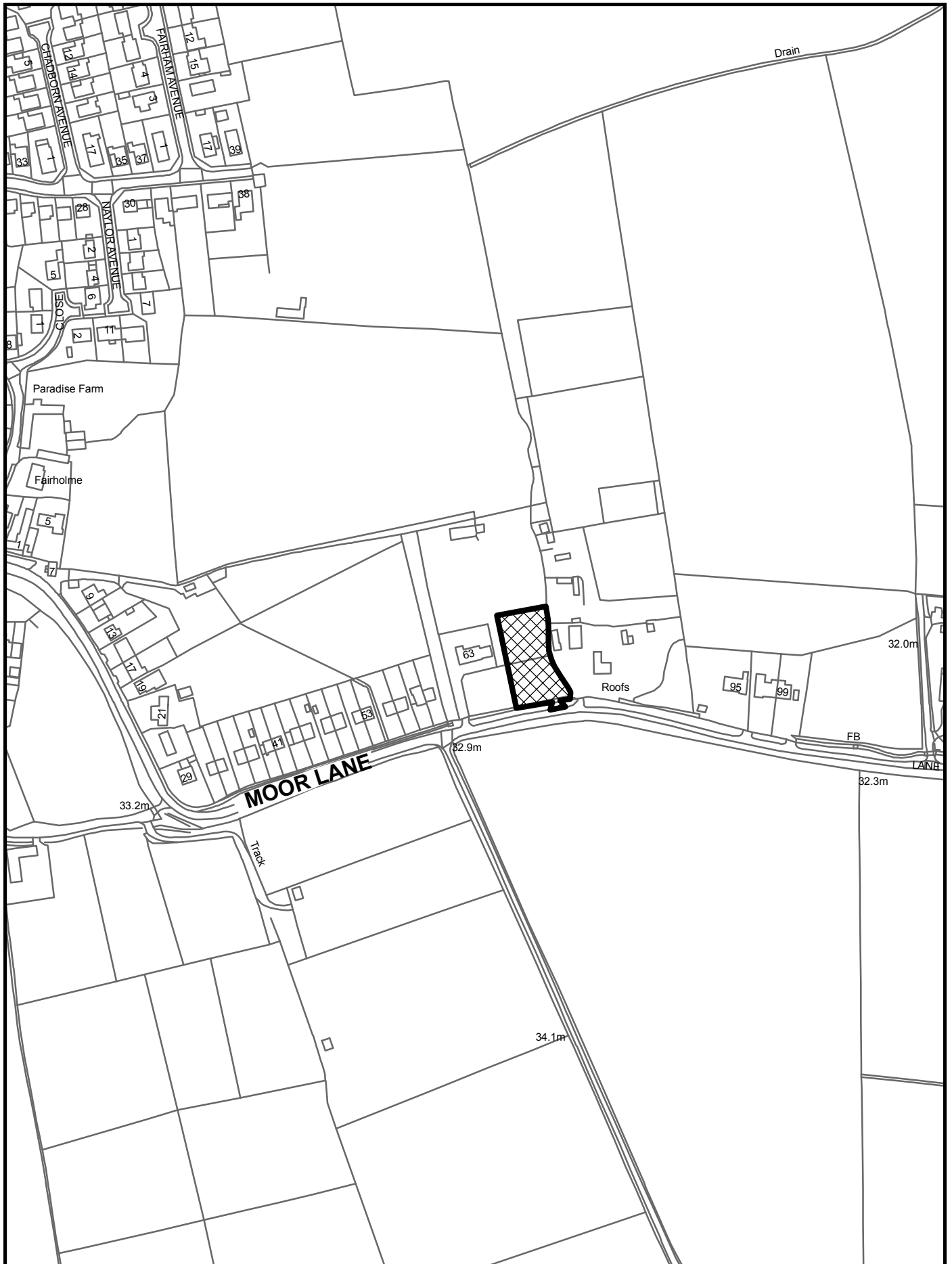
[In the interests of the amenities of the neighbouring property and to comply with Policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan]

Notes to Applicant

With respect to the materials condition of this planning permission, please contact the Case Officer to arrange for samples to be viewed on site, giving at least 5 days' notice. The application for discharging this condition relating to materials, should be submitted prior to this.

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

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Application Number: 18/01705/FUL
63 Moor Lane Gotham

scale 1:3000

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18/01705/OUT

Applicant Mr & Mrs Horner

Location Land Adjacent to 63 Moor Lane Gotham Nottinghamshire NG11 0LH

Proposal Outline application for proposed erection of one detached dwelling with new access.

Ward Gotham

THE SITE AND SURROUNDINGS

1. The application relates to an area of land to the side of 63 Moor Lane, a single storey dwelling set back from the road and located to the south east of Gotham adjacent to the edge of the village. The site is well screened by boundary trees. There is a small culvert to the front of the site. This part of Moor Lane is privately maintained.
2. To the east of the site is a residential dwelling and a cattery and to the north and south of the site is open countryside. To the west of the site, also on Moor Lane and beyond No. 63, are more residential dwellings, predominantly semi-detached, located within the built up area of Gotham.
3. Gotham is currently washed over by the Green Belt, as such there is strict controls over development.

DETAILS OF THE PROPOSAL

4. This is an application seeking outline planning permission to establish the principle of one new dwelling on the site. All matters are reserved for future approval with the exception of access. These matters include layout, landscaping, scale and appearance.
5. The sketch design of the proposed dwelling, which is for indicative purposes only, shows a single storey dwelling forming a 'T' shape with a large rear garden and located on the same building line as the host property at 63 Moor Lane and of a similar size and scale. The boundary trees and hedges are to be retained.
6. The access proposed is to the front, off Moor Lane, crossing the culvert.
7. The application is accompanied by a Planning Statement and a Design & Access Statement.

SITE HISTORY

8. An application to erect bungalow (app no S21/345) was granted permission in 1970 (now 63 Moor Lane).
9. An application to erect garage (app no S/21/411) was granted permission in 1972.

10. An application for a Certificate of Lawful Use for the occupancy of the dwelling without complying with condition 2 of planning permission S/21/345, which retained the dwelling for occupation by a person working the surrounding land for agricultural purposes (app no 16/01261/CLUXD) was granted in 2016.

REPRESENTATIONS

Ward Councillor(s)

11. The Ward Councillor (Cllr Walker) has declared an interest in the application.

Town/Parish Council

12. No comments have been received from Gotham Parish Council.

Statutory and Other Consultees

13. Nottinghamshire County Council as Highway Authority raises no objection. They outline that the proposed access will be from a privately maintained section of Moor Lane that forms part of Gotham Footpath. The applicant will need to contact the landowner(s) to establish whether private access rights along the track will be offered to future occupiers. The applicant also has a responsibility to ensure their development does not affect the surfacing of the footpath without obtaining prior authorisation from the Rights of Way Team.
14. The Lead Local Flood Authority (LLFA) do not make any comments on the application as it falls outside of the guidance set by Government for those applications that do not require a response from the LLFA.

Local Residents and the General Public

15. No objections or representations from neighbouring properties have been received.

PLANNING POLICY

16. The decision on the planning application should be taken in accordance with the Development Plan, unless material considerations indicate otherwise. The development plan for Rushcliffe consists of the five saved policies of the 1996 Local Plan, and Local Plan Part 1: Rushcliffe Core Strategy (Core Strategy). Other material considerations include the National Planning Policy Framework (NPPF) and the Non-Statutory Replacement Local Plan (NSRLP) where policies are consistent with the NPPF and the Core Strategy. Also of some relevance is the emerging Local Plan Part 2 and supporting studies, particularly the Green Belt Review.

Relevant National Planning Policies and Guidance

17. Paragraph 11 of the National Planning Policy Framework (NPPF) 2018 outlines that plans and decisions should apply a presumption in favour of sustainable development.

18. Paragraph 134 outlines 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.

19. Paragraph 143 states that inappropriate development is harmful to the Green Belt and should not be approved unless there are 'very special circumstances'.

20. Paragraph 144 requires 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.

21. Paragraph 145 states that local planning authorities should regard the construction of new buildings as inappropriate development in the Green Belt. Exceptions to this include; limited infilling in villages.

22. There is no definition of 'limited infilling' in the NPPF. In planning terms in the planning portal glossary the generally accepted definition of 'limited infilling' is; 'the development of a small gap in an otherwise continuous built up frontage'.

Relevant Local Planning Policies and Guidance

23. Saved Policy ENV15: Green Belt of the Rushcliffe Borough Local Plan 1996 outlines that there is a Green Belt as shown on the proposals map.

24. Policy 3: Spatial Strategy of the Core Strategy 2014 states that 'The sustainable development of Rushcliffe will be achieved through a strategy that supports a policy of urban concentration with regeneration for the whole of Greater Nottingham to 2028. The settlement hierarchy for Rushcliffe to accommodate this sustainable development is defined on the Key Diagram and consists of:
 - a) the main built up area of Nottingham; and
 - b) Key Settlements identified for growth of Bingham, Cotgrave, East Leake, Keyworth, Radcliffe on Trent and Ruddington.

In other settlements (not shown on the Key Diagram), with the exception of Newton and the redevelopment of the former RAF Newton, development will be for local needs only.'

25. Policy 4: Nottingham-Derby Green Belt of the Core Strategy 2014 states that the Green Belt within Rushcliffe will be retained. Gotham is proposed to be inset from the Green Belt. One of the statutory purposes of the Green Belt is the need to maintain the openness and prevent coalescence between settlement; establishing a permanent boundary which allows for development in line with the settlement hierarchy.

26. Policy EN14: Protecting the Green Belt of the 2006 Rushcliffe Borough Non Statutory Replacement Local Plan (RBNSRLP) states planning permission will only be granted for limited residential infilling in existing settlements in the Green Belt.
27. Policy EN19: Impact on the Green Belt and Open Countryside of the 2006 RBNSRLP outlines where a proposal is in accordance with other policies it must be demonstrated that there will be no significant adverse impact on the open nature of the Green Belt or open countryside.
28. Policy HOU2: Development on Unallocated Sites of the 2006 RBNSRLP outlines that permission for unallocated development within settlements will be granted providing, amongst other things, the size and location of the site is such that its development would not detrimentally affect the character or pattern of the surrounding area or the settlement as a whole; the site is one which does not make a significant contribution to the amenity of the surrounding area by virtue of its character or open nature; the development of the site would not extend the built-up area of the settlement; the proposal does not fall within an area of sporadic or ribbon development outside a settlement, nor is situated in the countryside.
29. The Green Belt review undertaken alongside the emerging Local Plan Part 2 proposes that Gotham should be 'inset' from the Green Belt. However, the current application site sits outside of the main built up part of the settlement and is proposed to remain within the Green Belt.
30. Gotham Parish Council is currently in the process of producing The Gotham Neighbourhood Plan, however, this does not have the status of formally submitted and has not been subject to full consultation, as such at this stage little weight should be attached to it.

APPRAISAL

31. Given the proposal is an outline application with matters reserved for subsequent approval, the main consideration is the principle of a residential property on the site and the impact on the Green Belt, particularly whether very special circumstances exist which outweigh any harm by reason of inappropriateness, the effects of the proposal on the openness and visual amenities of the Green Belt. Access is not reserved for subsequent approval and consideration must be given at this stage to whether the new access is acceptable on highway grounds.
32. The generally accepted definition of 'limited infilling' is 'the development of a small gap in an otherwise continuous built up frontage'. To the west of the site along Moor Lane is a continuous form of linear residential development of mainly semi-detached houses located on relatively small plots. However the application site and host dwelling are wider plots and also larger plots set back from the road. Beyond this to the east are four more residential dwellings scattered along Moor Lane before entering the open countryside. The plot widths of the properties to the west, beyond No. 63, are approximately 8 metres whereas the proposed plot width is approximately 32 metres. The gap between the host property and the proposed dwelling would be approximately 8 metres with a gap of approximately 30 metres to the

neighbouring dwelling to the east. In addition the location of the dwelling is proposed to be set back approximately 30 metres from the road. The plot is, therefore, large and the gaps between properties are well spread. The site therefore forms part of a substantial gap within an area of sporadic development. Whilst there is no specified definition of limited infilling this proposal would be contrary to the meaning of development in a small gap in otherwise built up frontage.

33. Gotham is proposed to be inset from the Green Belt as part of Part 2 of the new Local Plan, which has been published and soon to be subject of an examination. The boundary for the area to be inset, which forms the built up area of Gotham has been drawn so as to exclude the application site, together with the immediate neighbour to the west (No. 63) and properties to the east from the inset boundary. The site falls outside of this built up area as it is on the edge of the village and would still form an important part of the Green Belt. It would therefore remain within the Green Belt.
34. The development of the site, whilst reasonably well screened at the front by mature trees, would impact on the semi-rural nature of the site and on the views of the open countryside beyond and the openness of the Green Belt. The NPPF makes it clear that land should be kept permanently open as the essential characteristics of Green Belts are their openness and their permanence. Inappropriate development is harmful to the Green Belt by definition.
35. The approval for 63 Moor Lane in 1970 was subject to a condition limiting occupation of the dwelling to agricultural workers. This was because dwellings in the countryside and the Green Belt would not normally be acceptable unless there was a specific justification, e.g. they were to be occupied by agricultural workers. Clearly at that time, the site was considered to be within the countryside and not within the settlement.
36. The applicant has stated the development would count towards the self-build target for Rushcliffe as well as contributing to housing numbers for the area. It is not considered that this would outweigh the harm to the Green Belt and would not represent 'very special circumstances'. Just one dwelling would not make a significant contribution to the five year housing supply.
37. In terms of access, the proposal would introduce a new access onto a quiet lane which already has a number of existing vehicular accesses. There is also suitable turning space within the site. There is no objection to a new access in this location. The applicant will need to contact the owner of this privately maintained part of Moor Lane to establish whether private access rights along the track will be offered to future occupiers. This is not however, a matter which has any bearing on the consideration of the planning application and if access rights did not exist, these would need to be negotiated between the parties concerned. Any works to the culvert would need separate land drainage consent from Nottinghamshire County Council's Flood Risk Team.
38. Overall, it is considered that the proposal would not represent limited infilling in the settlement and would result in harm to the openness of the Green Belt as well as the intrinsic character and beauty of the countryside. It is considered that the proposal would constitute inappropriate and unjustified

development that would carry with it the harm to the Green Belt, which is not outweighed by any very special circumstances. This is in conflict with national and local planning policy.

39. The proposal was the subject of pre-application discussions and the applicant/agent was made aware of the policy objections and/or identified unacceptable impacts of the development. The applicant/agent chose to submit the application, notwithstanding the fundamental policy objection.

RECOMMENDATION

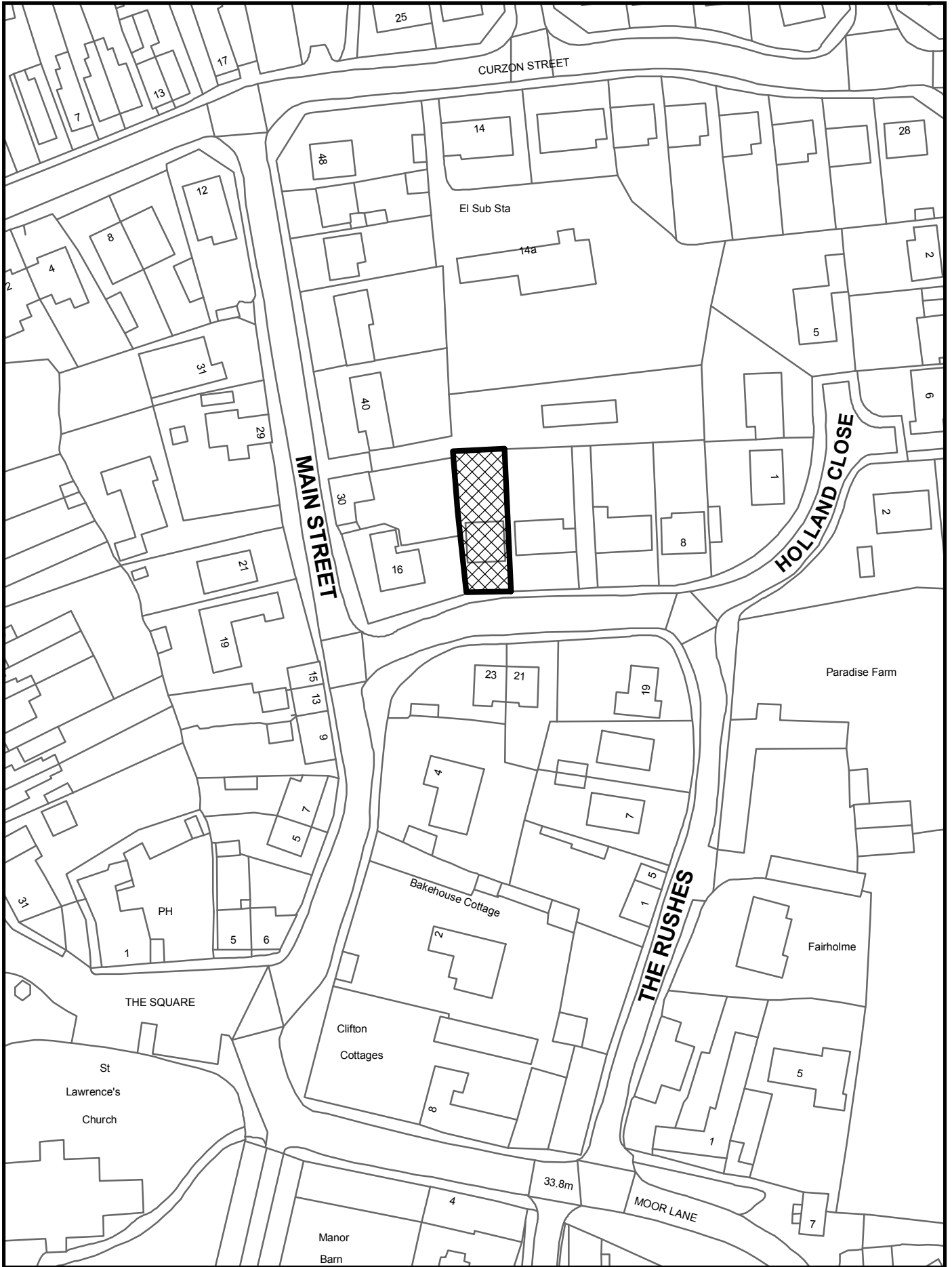
It is RECOMMENDED that planning permission be refused for the following reason:

1. The proposal would result in an inappropriate form of development in the Green Belt, which is harmful by definition, and also to the openness and character of the Green Belt at this location. It is not considered that 'very special circumstances' exist or have been demonstrated to outweigh this harm. Therefore, the proposal is contrary to the policies contained in the National Planning Policy Framework which are applicable to development in the Green Belt and Policy ENV14 of the Rushcliffe Borough Non-Statutory Replacement Local Plan which states:

"Within the green belt as defined on the proposals map planning permission will only be granted for appropriate development for the following purposes:

- a) agriculture and forestry
- b) for other uses which preserve the openness of the green belt, including essential facilities for outdoor sport and recreation and for cemeteries;
- c) alteration and limited extension or replacement of existing dwellings;
- d) limited residential infilling in existing settlements within the green belt.

Planning permission will not be granted for inappropriate development, including the construction of new buildings other than those set out in the criteria, unless very special circumstances can be shown to outweigh the resulting harm to the green belt"



Application Number: 18/01543/FUL
14The Rushes, Gotham

scale 1:1000

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18/01543/FUL

Applicant Mr Liam Duggan

Location 14 The Rushes Gotham Nottinghamshire NG11 0HY

Proposal Demolition of garage, two storey side extension, and single storey front and rear extensions.

Ward Gotham

THE SITE AND SURROUNDINGS

1. The application relates to a two storey detached house with a relatively small gardens to front and rear, surrounded predominantly by other residential properties. The property has a gable ended roof and comprises predominantly brick with part render to the front elevation. This is common for the properties along this part of The Rushes. To the rear of the site is a scout hut. The property is within the Green Belt (Gotham is currently washed over).

DETAILS OF THE PROPOSAL

2. It is proposed to extend the property with a two storey extension to the side of the property measuring 7.5 metres in length, 3 metres in width and 7.4 metres in height to the ridge with a hipped roof. The eaves height would be the same as the existing property. The extension would also incorporate a single storey element to the front with a depth of 2.1 metres, which would project 0.55m in front of the forward most part of the dwelling, and extend over the front door to provide a porch. The single storey rear extension would be 3.6 metres in depth, 9.3 metres in width and maximum height of 3.5 metres (2.3 metres to eaves). The proposal would provide additional bedrooms, en-suite, utility and day room. Materials proposed are brick and tiles to match existing.
3. The proposal involved the demolition of the garage at the side, which at the time of the site visit by the case officer, had already been demolished.
4. At the time of the site visit a detached building/structure at the rear of the site was being constructed but not forming part of the proposal. However, it has been established that this building is 2.4 metres in height and appears to comply with the criteria for 'permitted development'.

SITE HISTORY

5. Single storey front extension to extend garage and storm porch-79/07315/FUL. This application was approved.

REPRESENTATIONS

Ward Councillor(s)

6. The Ward Councillor (Cllr Walker) has declared an interest in the application.

Town/Parish Council

7. Gotham Parish Council object to the application and comment; *“The proposed extension by reason of its size and siting represents an unneighbourly form of development that would have an adverse impact on the amenity of neighbouring properties by reason of an overbearing effect. For example, the side extension will be built out within 300mm from the neighbouring property and the front extension is beyond the building line. There is concern that the bar, built out from the bottom of the garden wall, is too large and involves a drainage gutter and down pipe onto the neighbour’s driveway. This could cause an obstruction to heavy vehicles visiting the Scout Hut to collect heavy items, such as the Scout marquee etc.*
8. *In addition to these valid reasons for objecting to this Application we would make you aware of the following:*
 - 1) *There has been the most blatant disregard of planning regulations the Gotham Parish Council has ever encountered.*
 - 2) *Work on the footings for the side extension began on 29th June 2018 when the kitchen and garage had already been demolished. The planning application for the extension was not submitted to RBC until 30th June 2018.*
 - 3) *Fences and walls were demolished with shrubbery from the whole garden ripped out (during the bird breeding season). A neighbour’s 250-year-old wall was taken down which destroyed an established border of shrubbery on her side. No prior contact was sought with the neighbour in question.*
 - 4) *Neighbours have reported foul language over the time the site has been excavated and feel intimidated by the applicant. Noisy work has commenced before 8.00 a.m. in the morning.*
 - 5) *Another neighbour was not given the necessary 6-week warning under the Party Wall Act.*
9. *I hope that RBC will act upon the above comments and concerns about this disrespectful behaviour in the right and proper manner, as expected by the Parish Council.”*

Statutory and Other Consultees

10. No statutory consultees are required to be consulted for this application. No comments have therefore been received.

Local Residents and the General Public

11. Representations have been received from the owner/occupier of the adjacent property objecting to the proposal on the following grounds:
 - a. Loss of light to back garden and bathroom.
 - b. Would create wind tunnel.

- c. Upset the balance of properties on the road.
 - d. Foundations may go deeper than their property which is a Party Wall Act issue.
 - e. Lack of off-street parking.
12. 9 written representations have been received supporting the application and making comments which can be summarised as follows:
- a. The proposal will provide suitable accommodation for the needs of the family.
 - b. The family will be a huge addition to the village.
 - c. Don't understand the issues raised by the Parish Council.
 - d. There have been no issues or noise complaints from the builders.
 - e. The proposal is similar to other recent proposals in the area.
 - f. There were initial concerns due to a lack of communication, they were never of a planning issue and are now resolved.

PLANNING POLICY

13. The Development Plan for Rushcliffe consists of The Rushcliffe Local Plan Part 1: Core Strategy and the 5 saved policies of the Rushcliffe Borough Local Plan 1996. Other material planning considerations include the National Planning Policy Framework (NPPF), the Rushcliffe Borough Non-Statutory Replacement Local Plan (2006) and the Rushcliffe Borough Residential Design Guide (2009). In addition, Gotham Parish Council are in the process of producing a Neighbourhood Plan, however, this does not yet have the status as 'formally submitted' and carries little weight.

Relevant National Planning Policies and Guidance

14. The relevant national policy considerations for this proposal are those contained within the 2018 National Planning Policy Framework (NPPF) and the proposal should be considered within the context of a presumption in favour of sustainable development as a core principle of the NPPF.
15. It should be ensured that the development satisfies the criteria outlined under paragraph 127 of the NPPF. Development should function well and add to the overall quality of the area, not just in the short term but over the lifetime of the development.
16. In line with paragraph 130 of the NPPF, permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Relevant Local Planning Policies and Guidance

17. Policy 1 of the Core Strategy sets out the need for a positive and proactive approach to planning decision making that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.
18. The proposal is considered under Core Strategy Policy 10 (Design and Enhancing Local Identity). Development should make a positive contribution to the public realm and sense of place, and should have regard to the local context and reinforce local characteristics. Development should be assessed in terms of the criteria listed under section 2 of Policy 10, and of particular relevance to this application are 2(b) whereby development should be assessed in terms of its impacts on neighbouring amenity; 2(f) in terms of its massing, scale and proportion; and 2(g) in terms of assessing the proposed materials, architectural style and detailing.
19. Whilst not a statutory document, the policies contained within the Rushcliffe Borough Non-Statutory Replacement Local Plan should be given weight as a material consideration in decision making. The proposal falls to be considered under the criteria of Policy GP2 (Design and Amenity Criteria), specifically GP2d, whereby development should not have an overbearing impact on neighbouring properties, nor lead to a loss of amenity. The scale, density, height, massing, design and layout of the proposal all need to be carefully considered, and should not lead to an over-intensive form of development.
20. The 2009 Rushcliffe Residential Design Guide implies that the style and design of any extension should respect that of the original dwelling and should not dominate over it. Extensions should be designed so that they are not readily perceived as merely 'add-ons' to the original building and therefore scale, proportion, and roof form are very important.

APPRAISAL

21. The extension would have a hipped roof at the side which would sit comfortably within the existing main roof. The roof of the extension would have a lower ridge height than the original dwelling and the extension would be set back at first floor level, so it would have a subordinate appearance to the existing house. It would also be set away from the boundary with the neighbour at number 12 The Rushes by 0.9 metres (with a similar distance between the boundary and side wall of No.12) so there would be no potential for a 'terracing effect'. The property sits on a relatively formal building line of four properties however, given that the extension would only project at single storey 0.5 metres at the front it is not considered that it will have a significant impact on the building line or street scene generally. The materials proposed are to match the existing house which is acceptable. Overall it is considered that the proposal would not have a significant or unacceptable visual impact.
22. The side elevation of the neighbouring property does not contain any principal windows. Plans for this property, submitted in connection with an application for a two storey side extension, appear to indicate that two small windows at ground floor level serve a stairway and cupboard, or are secondary windows to rooms served by other windows to the front and rear

of the building, and the first floor window serves a bathroom. The two storey extension would not project to the rear of the neighbouring property so as to have any impact on the principal rear windows to this neighbour. The two storey extension would be located away from other neighbouring residential properties. The extension achieves the recommended 10 metres separation distance to the rear boundary as set out in the SPD - Rushcliffe Residential Design Guide, albeit the land to the rear is occupied by a scout hut. The single storey rear extension is set away from the boundary with neighbouring properties and at 3.6 metres in depth is a reasonable size for a rear extension to a detached property. There are ground floor side windows proposed which should be obscure glazed through a condition to prevent any potential privacy issues to neighbouring properties. The front extension is set away from the principal front windows to neighbouring properties. Overall it is considered that the proposal would not have a significant or unacceptable impact on residential amenity.

23. The garage which was demolished was small and not of a suitable size to accommodate modern vehicles. The front extension projects slightly out from the front of the property however, a driveway with a length of 5.5 metres would be retained. This would be of a sufficient length for a vehicle to park safely off street.
24. The property has a relatively small rear garden. The detached building that is being built taken together with the extensions will take up a large part of the garden space. However, it has been established that the detached building would appear to be permitted development and would in itself provide amenity space. In addition if the rear extension was built on its own at this depth of 3.6 metres this would also not require permission providing it only projected from the rear of the existing part of the house. The detached building and the single storey extension taken together would still take up less than 50% of the properties rear garden space. There would be no loss of amenity space to the side as this was where the garage was situated. So whilst the amount of amenity space being retained is not ideal it is not a reason enough to refuse the application.
25. In terms of other matters, many of the additional points raised in the objection from the Parish Council (as set out in paragraph 8 of this report) do not amount to material planning considerations. The Party Wall Act is not administered or enforced by the Borough Council and any failure to comply with the provisions of this legislation would amount to a civil matter between the applicant and their neighbours.
26. Whilst it is unfortunate that work has already started before gaining planning consent, this is not a criminal offence although it is carried out at the owner's risk. The Borough Council does not condone situations where work commences in advance of the grant of planning permission, however, this does not give rise to a reason for refusal and the application must be considered on its planning merits. This is the same for the removal of any trees, hedges or shrubbery.
27. There were no pre-application negotiations and, therefore, no advice was offered prior to submission of the application. However, there were no problems during the course of processing the application and, therefore, no reason to contact the applicant.

RECOMMENDATION

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

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans, site plan; Drawing No. 1 – Elevations and Sections and Drawing No. 2 – Floor Plans, dated June 2018.

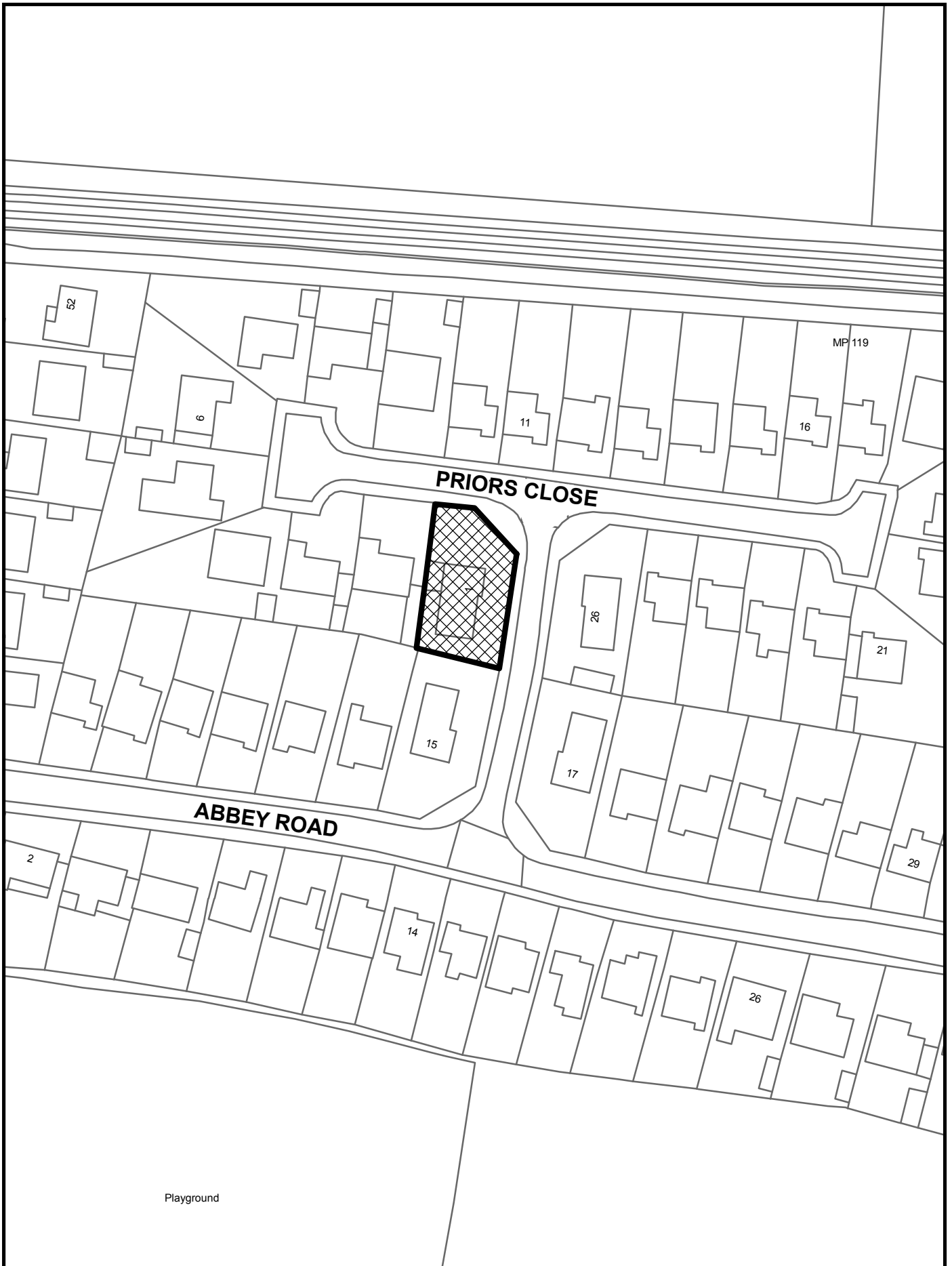
[For the avoidance of doubt and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

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

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

4. The ground floor windows and glazing to the door to the utility room in the side (east) elevation of the proposed development shall be permanently obscure glazed to group 5 level of privacy and no additional windows shall be inserted in this elevation without the prior written approval of the Borough Council.

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



Application Number: 18/01772/FUL
1 Priors Close, Bingham

scale 1:1000

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Rushcliffe Borough Council - 100019419



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18/01772/FUL

Applicant Jason Hull

Location 1 Priors Close Bingham Nottinghamshire NG13 8EP

Proposal Alter boundary fence to 1.5m including trellis and 1.2m high at corner (revised scheme).

Ward Bingham East

THE SITE AND SURROUNDINGS

1. The site comprises a bungalow situated on a corner plot on an estate of similar aged properties with a mix of single storey and two storey properties.
2. The boundary treatment along the frontage formerly comprised paling fencing with a mixture of shrubs and small trees behind.

DETAILS OF THE PROPOSAL

3. The application, which is partly retrospective, relates to the erection of fencing comprising a mixture of concrete kickboard and fence panels, including two sections topped by trellis. The north boundary (1 on plan) would comprise 300mm kickboard, 900mm fence panel topped with 300mm trellis. The corner section (2 and 3 on plan) would comprise 300mm kickboard with fence panel, overall height 1.2m. The front (east) boundary comprises a 3.6m section of fence 1.2m high which it is proposed to retain (4 on plan) and a 1.8m high section including kickboard and trellis (6 on plan) which is also existing. The application also includes the retention of the existing fence adjacent to 2 Priors Close, which is 1.5m including kickboard and trellis (5 on plan).

SITE HISTORY

4. In May 2018, planning permission was refused (retrospective) for the removal of the existing fencing, bushes and trees and replacement with a combination of concrete kickboard with fencing topped by trellis with overall height of 1.5m on the boundary with 2 Priors Close, 1.8m on the north and east boundaries and concrete kick board with close boarded fencing to a height of 2m to the boundary with 15 Abbey Road. It was also intended that the frontage would be open with a single vehicular access. The reason for refusal related to the height of the fencing being out of keeping, obtrusive and detrimental to the visual amenities of the area.

REPRESENTATIONS

Ward Councillor(s)

5. One Ward Councillor (Cllr Hull) has declared a non-pecuniary interest

Town/Parish Council

6. The Town Council does not object.

Statutory and Other Consultees

7. Whilst not consulted on the current application, the County Council as Highway Authority raised no objection to the previous application subject to the proposed fencing not being erected until the existing crossing which was to be made redundant had been reinstated to footway, and the new driveway fronted by a vehicular crossing spanning its full width. They also recommended that the proposed fencing should not be erected until the access driveway has been surfaced in a bound material (not loose gravel) for a minimum distance of 5.0 metres behind the highway boundary, drained to prevent the discharge of surface water from the driveway to the public highway, the bound material and the provision to prevent the discharge of surface water to the public highway to be retained for the life of the development. The frontage of the dwelling has been block paved and two individual accesses formed, each incorporating cut-off drains. The original access has been returned to footpath with kerb.

Local Residents and the General Public

8. No representations received.

PLANNING POLICY

9. The Development Plan for Rushcliffe comprises of the Local Plan Part 1 - Core Strategy (LPCS) and the 5 saved policies of the Rushcliffe Borough Local Plan 1996.
10. Other material considerations include the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG) and the Rushcliffe Borough Non-Statutory Replacement Local Plan (2006) (RBNSRLP). Some weight should also be given to the emerging Local Plan Part 2.

Relevant National Planning Policies and Guidance

11. The National Planning Policy Framework carries a presumption in favour of sustainable development and states that, for decision taking, this means *“approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out of date, granting permission unless: Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole or specific policies in the Framework indicate development should be restricted”*.
12. Paragraph 11 of the NPPF states that there is a presumption in favour of sustainable development whilst paragraph 127 states, inter alia, that planning decisions should ensure that development will function well and add to the overall quality of the area and create places that have a high standard of amenity for existing and future users.

Relevant Local Planning Policies and Guidance

13. LPCS Policy 10 (Design and Enhancing Local Identity) states that development should make a positive contribution to the public realm and sense of place, and should have regard to the local context and reinforce local characteristics. Development should be assessed in terms of the criteria listed under section 2 of Policy 10 and of particular relevance to this application are 2(b) whereby the proposal shall be assessed in terms of its impacts on neighbouring amenity; 2(f) in terms of its massing, scale and proportion; and 2(g) in terms of assessing the proposed materials, architectural style and detailing.
14. In the context of the RBNSRLP, the relevant policy is GP2 (Amenity and Design), which requires that any developments are sympathetic to the character and appearance of neighbouring buildings and the surrounding area in terms of scale, design, materials, etc., do not have a detrimental impact on the amenity of neighbours by reason of overlooking, loss of light, overbearing impact or the type of activity proposed and a suitable means of access and parking facilities can be provided.

APPRAISAL

15. Whilst the present proposals propose similar lengths of fencing, the height has been significantly reduced. Whilst one section is 1.8m in height, this not only incorporates a section of fencing but adjoins a fence of similar height on the neighbouring dwelling at 15 Abbey Road. Overall, the fencing now proposed would be in keeping with that to be found in the vicinity and is considered to be acceptable in terms of the visual amenities of the area.
16. The proposal was subject to pre-application discussions with the applicant and advice was offered on the measures that could be adopted to improve the scheme and/or address the potential adverse effects of the proposal. As a result of this process, modifications were made to the proposal, in accordance with the pre-application advice, reducing delays in the consideration of the application and resulting in a recommendation that planning permission be granted.

RECOMMENDATION

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

1. Within three months of the date of this permission, boundary fencing shall be altered/lowered so as to accord with the plans and details received 16th and 22nd August and amended plan received on 20th September, 2018. Thereafter, the boundary treatment shall be retained in accordance with the approved plans.

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

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Planning Committee

11 October 2018

Planning Appeals

Report of the Executive Manager – Communities

LOCATION	53 Park Lane Sutton Bonington Nottinghamshire LE12 5NQ		
APPLICATION REFERENCE	17/01692/FUL		
APPEAL REFERENCE	APP/P3040/W/18/3197696		
PROPOSAL	Development of one detached dwelling house on land between 53 and 55 Park Lane, Sutton Bonington which is presently the garden of 53 Park Lane.		
APPEAL DECISION	Appeal Dismissed	DATE	26th September 2018

PLANNING OFFICERS OBSERVATIONS

The Inspector considered that the main issues were:

- The character and appearance of the host dwelling and its immediate surrounding; and
- The living conditions of the occupiers of 53 and 55 Park Lane, with particular regard to the sense of enclosure.

Noting the range of house types, styles and ages of properties on Park Lane nevertheless the Inspector correctly observed that the applicant's property was the largest within the immediate group of houses and that it impresses with its size, siting, spacious grounds and quality and variety of features. Similarly the adjoining bungalow at number 55 was also observed to be an attractive, decorative property that shares many of the design features of No.53 notably the chimney design and decorative ridge tiles. Whilst neither property is statutory listed or locally listed they are valued as prominent features of the character and appearance of this locality and, due to their context, are significantly different to surrounding dwellings thus making a positive contribution to the character and appearance of this part of the village.

Looking at the proposed dwelling, the Inspector observed that due to the width and siting of the new dwelling it would occupy the vast majority of the existing space between 53 and 55 Park Lane. Whilst not strictly a 'terrace', the proposal would result in a loss of this space which would be erode the character and appearance of the host property and the surroundings. Noting the proposed plot is of similar proportions to that occupied by 51 Park Lane the Inspector stated that the relationships to its neighbours were different to the existing spacious and proportionate setting of 53 which would be lost. The proposal would therefore interrupt the centred location of 53 and interrupt the commonality in detailing found in both 53 and 55 to the significant harm of the character and appearance of the host dwelling.

The Inspector also noted that proposal would harm the living conditions of both 53 and 55 Park Lane, and despite the presence of the large privet hedge, would still be overbearing towards the neighbouring bungalow increasing the sense of enclosure as the hedge could not be relied upon to live forever. Overall the combination of the siting, height, depth and massing of the proposed dwelling would, on balance, harm the living conditions of the occupiers of No 53 and 55 with particular regard to a sense of enclosure.

However, the Inspector did not agree that the proposed frontage parking for three cars and the resultant traffic movements would be harmful to highway and pedestrian safety, or that the proposal would impact on the privacy of properties to the rear of the site due to the distances and angles involved. The Inspector also considered the benefit of a single dwelling on the housing supply, concluded that the limited benefits did not significantly and demonstrably outweigh the harm identified in this case and accordingly dismissed the appeal.

COSTS AWARD REFUSED:

A separate costs application was also submitted on the basis that the Local Authority had behaved unreasonably as the application had been subject to extensive pre-application discussions yet was subsequently refused which was unreasonable and erroneous as the proposal was not contrary to national or local policies. No specific examples or details of any unreasonable behaviour were presented. The Local Planning Authority confirmed that there was open dialogue with the applicant, due process was followed, the applicant was advised of the committee determination and an offer to attend and address the committee was extended, but declined.

The Inspector noted that the determination of the application involved matters of planning judgement and that the Planning Committee is not bound to accept its officer's recommendations nor the pre-application advice. Nevertheless, if officer's advice is not followed authorities will need to show reasonable planning grounds and produce relevant evidence to support the decision. The Inspector noted that the reasons for refusal were detailed, followed the minutes of the Planning Committee meeting and the relevant policies of the development plan were cited. The Inspector agreed with the Planning Committee's concerns and refusal reasons in dismissing the planning appeal and found that no unreasonable behaviours resulting in unnecessary or wasted expense had occurred and thus accordingly determined that the costs application should fail.

LOCATION	Saxon Lodge Chapel Lane Upper Broughton Nottinghamshire LE14 3BB	
ENFORCEMENT CASE REFERENCE	E/15/00285/COND	
ENFORCEMENT APPEAL REFERENCE	Appeal A: APP/P3040/C/17/3189140 Appeal B: APP/P3040/C/17/3189141	
BREACH OF PLANNING CONTROL	Without planning permission, erection of brick and breezeblock wall between the points marked A to C on Plan 2 attached.	
APPEAL DECISION	Dismissed	DATE 6 th September 2018

PLANNING OFFICERS OBSERVATIONS

An appeal was lodged against an enforcement notice issued 12 October 2017 for an unauthorised boundary wall at Saxon Lodge (formerly part of Bella Vista). The enforcement notice required the following steps:

- (a) *Demolish the section of wall between points A and B marked on Plan 2 attached and remove the resulting materials from the Land.*
- (b) *Rebuild the section of boundary wall between points A and B marked on Plan 2 attached in brickwork.*

The appellants appealed ground (e) on the basis that copies of the enforcement notice had not been properly served on all those with an interest in the land and that the notice should have been served on the builders. Whilst the Inspector had some sympathy that the appellants had purchased a newly built property without knowledge of the unauthorised wall, he nonetheless agreed that the notice had been correctly served on them as they owned the property at the time of service. The appeal was, accordingly, dismissed and the enforcement notice upheld.

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