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**Our reference:**  
**Your reference:**  
**Date:**

Wednesday, 22 May 2019



**Rushcliffe Community  
Contact Centre**

Rectory Road  
West Bridgford  
Nottingham  
NG2 6BU

**In person**

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

**By telephone**

Monday to Friday  
8.30am - 5pm

**Telephone:**

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**Postal address**

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



To all Members of the Planning Committee

Dear Councillor

A Meeting of the Planning Committee will be held on Thursday, 30 May 2019 at 5.00 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 'Sanjit 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 11 April 2019 (Pages 1 - 6)
4. Planning Applications (Pages 7 - 208)
5. Planning Appeals

The report of the Executive Manager - Communities.

### Membership

Chairman: Councillor R Butler

Vice-Chairman: Councillor Mrs M Stockwood

Councillors: A Brennan, K Beardsall, P Gowland, L Healy, A Major, J Murray, F Purdue-Horan, C Thomas and D Virdi

## Meeting Room Guidance

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

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

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## **MINUTES OF THE MEETING OF THE PLANNING COMMITTEE THURSDAY, 11 APRIL 2019**

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 Jones, Mrs M Males, S Mallender, Mrs J Smith,  
J Thurman and Mrs M Stockwood

### **ALSO IN ATTENDANCE:**

Councillors

### **OFFICERS IN ATTENDANCE:**

T Coop  
S Sull  
M Dunne  
N Cox

Constitutional Services Officer  
Borough Solicitor, Monitoring Officer  
Principal Area Planning Officer  
Principal Planning Officer

### **APOLOGIES:**

Councillors F Purdue-Horan

#### **39 Declarations of Interest**

Councillor Edwards declared an interest in the last application 19/00529/FUL and advised that he would withdraw from the meeting during this item.

#### **40 Minutes of the Meeting held on 14 March 2019**

The minutes of the meeting held on Thursday 14 March 2019 were declared a true record and were signed by the Chairman.

#### **41 Planning Applications**

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

**18/01491/FUL – Demolition of existing buildings and erection of 8 dwelling with associated parking and new access – RO Royal British Legion, Nottingham Road, Gotham, Nottinghamshire.**

### **Updates**

A representation from Gotham Parish Council (Objector) providing additional information was received after the agenda had been published and was

circulated to the committee before the meeting.

In accordance with the Council's Public Speaking Protocol for Planning Committee Claire Adie (applicant's representative) and Councillor Andrew Brown (neighbouring ward councillor) addressed the committee.

### **Comments**

Members of the committee thought that the plot sizes were too small, the outside amenity spaces were small and that three of the plots did not have garages, with the likelihood of parking overflow onto the road. In addition members thought the dwellings should be designed for first time buyers or the older generation wishing to downsize.

### **DECISION**

#### **THE ABOVE PLANNING APPLICATION WAS REFUSED PLANNING PERMISSION FOR THE FOLLOWING REASON.**

1. The proposal would result in an over intensive form of development leading to limited private garden areas intended to serve the proposed dwellings, failing to create an attractive, inclusive and healthy environment, which would be detrimental to the amenities of future occupiers of the dwellings. The development is therefore contrary to Core Strategy Policy 10: Design and Local Identity (2) as well as the adopted Residential Design Guide Supplementary Planning Document (C.2).
2. The applicant has failed to demonstrate that the proposed development would be of a mix and typology which would solely meet the local housing need of Gotham and therefore is contrary to Policy 3: Spatial Strategy (2)(b)(VII) of the adopted Core Strategy 2014.

**19/00112/FUL – Construction of two storey side extension – 17 Elterwater Drive, Gamston, Nottinghamshire.**

### **Updates**

There were no updates reported.

### **DECISION**

#### **GRANT PLANNING PERMISSION FOR THE FOLLOWING 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 plan(s): A102, and A103 REV 1.

[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 extension(s) hereby permitted shall be constructed in suitable facing and roofing materials to match the elevations of the existing property.

[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 window in the first floor side (north) elevation of the proposed development shall be permanently obscure glazed to group level 5 obscurity and fixed shut to a height of 1.7 metres above internal floor level and no additional windows shall be inserted in this elevation. Thereafter, the window shall be retained to this specification for the lifetime of the development.

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

### **Notes to Applicant**

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

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.

**18/02841/FUL – Single-storey side extension with raised patio, new hipped roof to existing dormer, new infill garage, and replacement open porch (revised scheme) – 4 Yew Tree Close, Radcliffe On Trent, Nottinghamshire.**

As ward councillor, Councillor Neil Clarke left the committee at this point.

### **Updates**

There were not updates reported.

In accordance with the Council's Public speaking Protocol for Planning Committee Leigh Birch (applicant) and Raymond Carpenter (Objector) addressed the committee.

## **DECISION**

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

1. The development hereby permitted shall be carried out in accordance with the following approved plan(s): FB17 1107 PL02-A and FB17 1107 PL03-C received on 17 December 2018.

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

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

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

### **Notes to Applicant**

You are advised that your property falls within an area identified to be at risk of flooding in the Environment Agency's Flood Risk Maps. It is therefore recommended that the design and construction of the extension incorporates advice with regard to flood resilience and resistance techniques which is available to view on the Environment Agency's website.

Councillor Neil Clarke re-joined the meeting.

**19/00050/FUL – Two storey rear extension, erection of new entrance porch – 4 Nursery Road, Bingham, Nottinghamshire.**

### **Updates**

There were no updates reported.

## **DECISION**

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

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

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

2. The materials to be used on the exterior of the proposed development shall be as shown on the proposed elevation drawings and described in the application 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].

3. The development shall be carried out in accordance with the submitted plans NR-4-002 Rev 2 and NR-4-003 Rev 4.

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

## **NOTES TO APPLICANT**

This permission does not give any legal right for any work on, over or under land or buildings outside the application site ownership or affecting neighbouring property, including buildings, walls, fences and vegetation within that property. If any such work is anticipated, the consent of the adjoining land owner must first be obtained. The responsibility for meeting any claims for damage to such features lies with the applicant.

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

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

### **19/00529/FUL – First floor extension and new roof – 72 Boxley Drive, West Bridgford, Nottinghamshire.**

The ward councillor, Councillor Martin Edwards declared a non-pecuniary interest and left the meeting at this point.

## **Updates**

There were no updates reported.

## **DECISION**

### **GRANT PLANNING PERMISSION FOR THE FOLLOWING 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 strictly in accordance with the following approved plan(s):

- Swish Architecture drawing "Proposed Floor Plans, Elevations, Site Block Plan and OS Plan" (drawing no: 579 003 Rev B) received on 28 February 2019.

[For the avoidance of doubt and to comply with policy 10 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 used in the construction of the development hereby permitted shall be of a similar appearance to the materials used on the exterior the existing dwelling.

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

### **Notes to Applicant**

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

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.

Councillor Martin Edwards re-joined the meeting.

## **42 Planning Appeals**

The report of the Executive Manager - Communities was submitted and noted.

The meeting closed at 8.32 pm.

CHAIRMAN





## Planning Committee

30 May 2019

## 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.

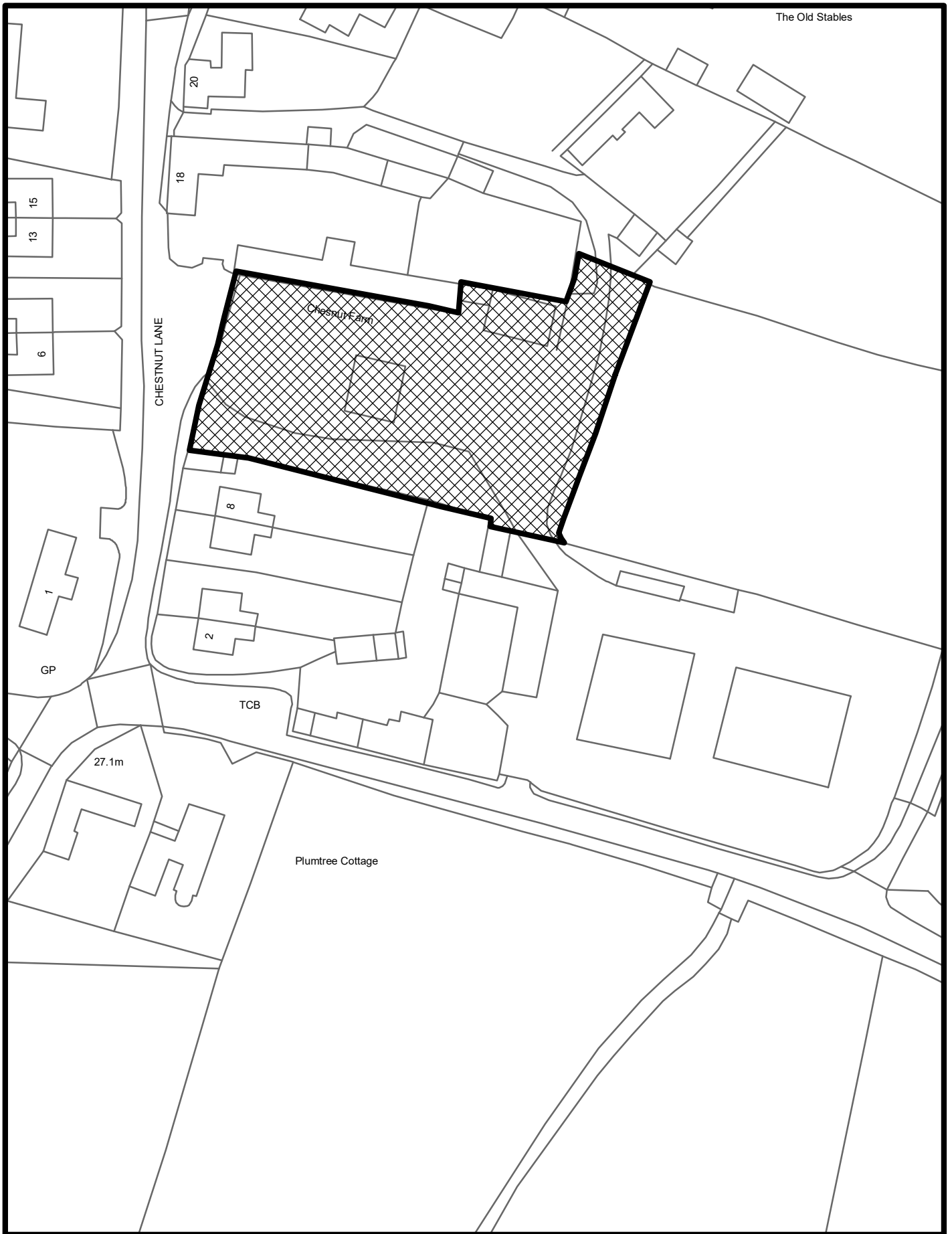
If you have not already made a Building Regulations application we would recommend that you check to see if one is required as soon as possible. Help and guidance can be obtained by ringing 0115 914 8459, or by looking at our web site at

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

Application	Address	Page
<a href="#">19/00412/OUT</a>	Chestnut Farm House Chestnut Lane Barton In Fabis Nottinghamshire NG11 0AE  Demolition of existing buildings and construction of a residential scheme of up to 5 dwellings (Outline planning permission with all matters reserved).	11 - 30
<b>Ward</b>	Gotham	
<b>Recommendation</b>	Planning permission be granted subject to conditions.	
<hr/>		
<a href="#">19/00413/REM</a>	Land At The Croft 1A Landcroft Lane Sutton Bonington Nottinghamshire LE12 5PD  Erection of dwelling and associated access arrangements (application for approval of matters reserved under planning application 18/00660/OUT).	31 - 39
<b>Ward</b>	Sutton Bonington	
<b>Recommendation</b>	Planning permission be granted subject to conditions.	
<hr/>		
<a href="#">18/01750/FUL</a>	OS Field 5335 Moorbridge Road Bingham Nottinghamshire  Construction of 34 no. industrial units with associated car parking and new access road.	41 - 67
<b>Ward</b>	Bingham East	
<b>Recommendation</b>	Planning permission be granted subject to conditions.	
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Application	Address	Page
<a href="#">18/02524/OUT</a>	Land At Barnfield Farm Nicker Hill Keyworth Nottinghamshire	69 - 153
	Residential development of up to 151 dwellings (including 20% affordable housing) with vehicular access from Nicker Hill, associated open space, allotments, children's play area, surface water attenuation and ancillary works (Outline application with all matters reserved except for access).	
Ward	Keyworth And Wolds	
Recommendation	That in accordance with the Town and Country Planning (Consultation) (England) 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.	
		155 - 207
<a href="#">18/02269/OUT</a>	Land At Grooms Cottage Shelford Road Radcliffe On Trent Nottinghamshire NG12 1BA	
	Outline planning application for the development of 55 residential dwellings with all matters reserved with the exception of access.	
Ward	Radcliffe on Trent	
Recommendation	That in accordance with the Town and Country Planning (Consultation) (England) 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.	

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**Application Number: 19/00412/OUT**  
**Chestnut Farm, Chestnut Lane, Barton in Fabis**

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**Applicant** The Plowright Trust

**Location** Chestnut Farm House Chestnut Lane Barton In Fabis  
Nottinghamshire NG11 0AE

**Proposal** Demolition of existing buildings and construction of a residential scheme of up to 5 dwellings (Outline planning permission with all matters reserved).

**Ward** Gotham

## THE SITE AND SURROUNDINGS

1. The application relates to a 0.32 hectare site on the western edge of Barton in Fabis comprising a farmyard in use for agricultural and grounds maintenance activities and storage. The site is predominantly hard surfaced with concrete and gravel. There is a large open sided barn/shelter in the centre of the site comprising of a pitched corrugated metal roof on steel supports. There is a separate metal/fibre cement 'Atcost' barn building to the north east corner of the site. There is a long single and two storey traditional brick barn running along the northern boundary of the yard but falling outside of the application site, to the north of which there is a residential property and tennis courts at 18 Chestnut Lane. There is a converted barn to the north east at The Old Slaughterhouse. The southern boundary of the site abuts the residential curtilage of 8 Chestnut Lane and the rear boundary of The Forge. There is a traditional brick barn to the south east corner of the site associated with The Old Forge. There is a neighbouring farmyard to the south east at Oliver's Yard. Outline planning permission for up to 10 houses on this adjacent site was refused in 2017 under application ref: 16/02247/OUT.
2. The site falls within the Green Belt and within Flood Zone 3.

## DETAILS OF THE PROPOSAL

3. The application seeks outline planning permission for the demolition of the existing agricultural buildings and the construction of up to 5 dwellings with all matters reserved. The indicative layout plan shows a courtyard style arrangement comprising a set of two centrally positioned dwellings and a terrace of three dwellings to the east of the site. The layout plan indicates that the dwellings to the east of the site would be set back from the eastern boundary with circa 20 - 24 metre deep rear gardens, thereby maintaining an open strip of land to the eastern edge of the site. The plans indicate that the centrally positioned dwellings would be set off the boundary with 8 Chestnut Lane with circa 12 - 14 metre deep rear gardens. The development would utilise the existing access off Chestnut Lane. The dwellings are indicated to be 1.5 storeys in height with a maximum ridge height of 35.65 metres AOD, this being circa 8.2 metres above the existing average ground level.

4. The submission consists of an illustrative masterplan, a Design and Access Statement, a planning statement, a Geo-Environmental Assessment, an Ecological Assessment, a desk based Archaeological Assessment, a Transport Statement, a Sustainable Drainage Statement, a Flood Risk Assessment, an Arboricultural Assessment, a Landscape and Visual Appraisal including a topographical survey, and a sequential and exceptions test (for the purposes of justifying the development of a site within a flood risk area).

## **SITE HISTORY**

5. 16/02246/OUT- Demolition of existing buildings. Construction of a residential scheme of up to 10 dwellings - refused in 2016. It was considered a scheme of 10 dwellings would be overintensive and excessive in scale for the size of the site and that the resultant development would not constitute limited infill in the Green Belt. The scheme was considered to be at odds with the density, layout and pattern of the existing settlement.

## **REPRESENTATIONS**

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

6. The Ward Councillor (Cllr Walker) objects to the application on the basis that the development would be inappropriate in the Green Belt, and the scheme does not meet any of the exceptions for the construction of new buildings in the Green Belt.

### **Town/Parish Council**

7. Barton in Fabis Parish Council object to the proposal. In summary, the objections are as follows:
  - a. The village is washed over by Green Belt, the site is occupied by an agricultural use and does not therefore constitute previously developed land as defined by the NPPF.
  - b. NPPF policy 134 defines the purposes of the Green Belt, which includes safeguarding the countryside from encroachment, much of the site lies beyond and behind the current housing pattern thereby extending the built up area, encroaching upon the countryside and undermining its openness.
  - c. The Rushcliffe Residential Design Guide, when considering infill states *"Front and Rear building lines should be continued where these are well established and clearly defined as part of the existing settlement pattern."*
  - d. Reference is made to nearby refused application 97/00427/OUT, the appeal inspector considered this to be backland development that would make it difficult to resist other proposals to develop adjoining and nearby land, extending the built-up area. This judgement equally applies to the current proposal.



- e. The argument applied in refused application 03/01476/OUT in terms of detrimental impacts on the rural nature and open character of the area apply equally relevant to the current proposal.
  - f. There is no evidence of local needs and there is already outline planning at Top Yard Farm.
  - g. The development would depart from the existing pattern of housing contrary to Policy 10.1 of the Local Plan part 1. The current settlement pattern is linear, the proposal would create a backland layout that would change the open nature of this part of the village. The applicant admits that planting is required to soften the visual impact.
  - h. The line of 3 houses would form a visual barrier out of the village and from the footpath running east, not maintaining the open character of the village.
  - i. Height of buildings (need to raise floor levels) would be out of keeping with neighbouring properties and the 19th century low level farm buildings next to Chestnut farm.
  - j. The buildings are in business use and not redundant, concern regarding loss of employment land as a threat to rural employment.
  - k. Almost all of the site is outside of the settlement, do not accept that it is 'clearly in the village' as stated by the applicant.
  - l. The applicant refers to providing a focal point or landmark building, but this would only serve to dominate the outlook even further for neighbouring properties and detract from the focal point of Chestnut Farmhouse and its old agricultural buildings.
  - m. The detached nature and raised floor level would ensure the buildings do not appear part of an existing frontage, adverse effect on street scene, dominant and out of character.
  - n. As the dimensions of the yard are narrow in width, the proposal would result in significant adverse overbearing and overlooking impacts on neighbouring properties and gardens.
  - o. The argument that the development would help to address the housing shortage in the borough is tenuous, arguing the need to build on the Green Belt to mitigate this shortfall undermines the purpose of the Green Belt.
8. The Parish Council submitted further comments in response to the comments of the Conservation and Design Officer, noting that 22/24 Chestnut Lane are not backland development. Although nos. 22/24 are set back within their plots, they have direct access off Chestnut Lane and do not lie behind existing buildings.

## Statutory and Other Consultees

9. Nottinghamshire County Council as Highway Authority commented that whilst the access arrangements can remain private, the layout should be to Highways adoptable standards. There may be a requirement to amend the existing highway layout outside the site's access on Chestnut Road to ensure the proposal does not have a negative impact on both vehicular and pedestrian movements and general highway safety. Such matters can be resolved at reserved matters and cannot be agreed at outline stage. There are no objections subject to a condition requiring the formal written approval of parking and turning facilities, access widths, gradients, surfacing, street lighting, structures, visibility splays and drainage at reserved matters stage.
10. The Environment Agency commented that the application will only meet the requirements of the NPPF if a condition is included requiring development to be carried out in accordance with the submitted flood risk assessment, specifically ensuring Finished Floor Levels are set no lower than 28.89m AOD. The comments include guidance on flood warning and emergency response.
11. The Conservation and Design Officer notes that Barton in Fabis does not have a conservation area and there are no listed buildings adjacent to the site, the proposal would not harm the significance of any heritage assets in the vicinity. The main buildings at Chestnut Farm to the north of the site are identified as buildings of local interest and may warrant some consideration as a non-designated heritage asset. The Forge could also be considered as a non-designated heritage asset, although it sits in the context of the modern dwellings at 2-8 Chestnut Lane. The 'L' shaped outbuildings to the rear would soften any impact from development. The elevated ground floor level of the proposed dwellings necessitates the use of dormer windows which are not a common feature in the area although there are other examples. The arrangement would be part street and part backland development, there are examples of both forms of development nearby including 22/24 Chestnut lane. The indicative plans would not be considered out of keeping with the character of the surrounding village. The site is located within the historic core of the village. There are identified features in close proximity to the site and given the lack of archaeological investigation locally, there is some archaeological potential. An archaeological desk based assessment would therefore be required, and further investigation may be required either via trial evaluation trenching or geophysical survey.
12. The Environmental Health Officer commented that in light of the findings of the Phase 1 Geo-Environmental Assessment, a Phase 2 – Intrusive Investigation is recommended to assess chemical properties of soils & groundwater and confirm presence of contaminants and to enable a further risk assessment. An asbestos survey and removal of asbestos materials, if required, is recommended. The detailed design should include measures to minimise the impact of the development on air quality, in particular consideration should be given to providing electric vehicle charging points and heating appliances with low nitrogen dioxide and particulate emissions. A number of recommendations are proposed, these are set out in the consultee response.

13. The Environmental Sustainability Officer commented that the supplied ecological survey, whilst carried out according to best practice, is out of date. However, due to the habitats present, provided the hedgerows, ditch and trees are not impacted, the remaining area provides no habitat likely to be used for protected or priority species. No protected or priority species were found on the site and the conservation status of European Protected Species is unlikely to be impacted by this development. The Environmental Sustainability Officer sets out a number of recommendations which are detailed in full in the consultee response.
14. The Design and Landscape Officer commented that the Landscape Visual Impact Assessment (LVIA) has been carried out in accordance with best practice and its findings are not disputed. The trees along the frontage provide a good degree of screening although they are not of particularly good quality. The Chestnut tree is structurally poor. The conifers are ornamental and not what would normally be protected a rural location. The layout plan indicates the removal of the majority of the roadside frontage trees, there is no objection to this but meaningful replanting would be expected later in the planning stage. Native hedgerow planting is sought for the eastern boundary with the fields. Tree protection measures can be secured through a condition should Members be minded to approve the application.

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

15. Representations have been received from nine local residents and members of the public objecting to the proposal with the comments summarised as follows:
  - a. The village is washed over by Green Belt and the NPPF only permits limited infill. The proposal cannot be considered limited infill which is defined as the infilling of a small gap in an otherwise continuous frontage.
  - b. The proposal represents tandem/backland development as opposed to small scale infilling.
  - c. The proposal refers to a “courtyard style development” which is not a typical form of development in the village and has always centred on the conversion of existing buildings. Would not respect the settlement pattern and character of the village.
  - d. The old agricultural building belonging to Chestnut Farmhouse only stretches just past the eastern end of the central open barn and once the other sheds along this line are demolished then the site in this vicinity will border the garden/tennis court belonging to the farmhouse.
  - e. The settlement pattern consists of properties facing the road with large gardens abutting the open countryside, no development has been allowed to the rear of properties, apart from conversions of existing agricultural buildings.
  - f. Proposal would result in extension of rear building line on Chestnut Lane.

- g. Could set a precedent for other similar developments in the village.
- h. The approval at Top Yard Farm only allowed properties facing the road.
- i. Dwellings would be taller than the existing central barn (1.2 metres higher), height and layout would have an adverse overbearing and overlooking impact on neighbouring properties.
- j. Loss of views out to the open countryside, loss of rural aspect. The 3 dwellings would form a total visual barrier between the open countryside and Chestnut Lane.
- k. The irregular outline of the settlement edge created by the yard contributes much to the character and sense of place of the village.
- l. Prominent from the bridleway to the east, adverse visual impact. Would be noticeable due to arrangement, massing and heights of the proposed dwellings.
- m. Density, scale, massing and height not sympathetic to the character and history of the old agricultural buildings on the northern boundary or the Old Forge and its barns to the south.
- n. Not accessible to services other than by private car, not a sustainable development.
- o. Bus service unattractive due to limited times and destinations, under threat of termination.
- p. The proposal combined with the approval at Top Yard would result in at least 26 more cars in the village. New Road narrows to single track, poor visibility in the vicinity, the proposal is likely to increase the likelihood of accidents.
- q. The only other dwellings on Chestnut Lane which are not adjacent to the road are barn conversions to the rear of Grange Farm and North House, there are no other dwellings to the rear of the line of properties on Chestnut Lane.
- r. Adverse visual impact within the village, urban character.
- s. The Illustrative Masterplan does not show the correct boundary to the garden of The Old Forge which extends westward and ends roughly on a line with the west facing wall of the proposed garages to the southern perimeter of the site.
- t. Overlooking, noise and overbearing impact and a loss of light to the rear garden of The Old Forge due to the proximity and height of the proposed dwellings.
- u. Considered that The Old Forge qualifies as a non-designated heritage asset as a material planning consideration. The proposal would result

in a significant adverse impact on its historic and present day rural agricultural setting by introducing an uncharacteristic suburban style development.

- v. The distance of number 2 Chestnut Lane from the Forge cannot be used a justification for further urbanisation.
  - w. Would be out of keeping with the local vernacular, styles, and scale of built form within Barton in Fabis as advocated by the Nottinghamshire Landscape Guidelines.
  - x. The proposal does not accord with the recommendations in the Rushcliffe Residential Design Guide and is not in character with the height, density, layout and pattern of the neighbouring residential properties and buildings.
  - y. The two houses on the west would be at a right-angle to the road at odds with the adjacent and opposite properties.
  - z. A better layout would help to reduce overlooking.
  - aa. Boundary line takes some of the garden and hedge of 8 Chestnut Lane and is therefore incorrect.
  - bb. Concerns regarding access during building.
  - cc. Proposal would increase traffic with associated noise and safety issues from turning and emerging vehicles.
  - dd. There is a parking issue, unclear where parking is proposed.
  - ee. A smaller number of houses fronting Chestnut Lane, designed to blend in with existing building forms, would be more appropriate.
  - ff. The small gardens and large areas of hard standing are inconsistent with sustainability principles and any prospect of biodiversity gain by promoting green areas.
  - gg. Attention is drawn to para 5 and 6 of the inspector's report on 97/00427/OUT (the inspector was not satisfied that the site was a gap in an otherwise built up frontage and felt that the development would result in back land development).
  - hh. The Old Stables is of visual and historic interest and does appear as an isolated farm building in the rural landscape, the proposal would be out of context.
  - ii. The 'L' shaped outbuilding would by no means soften the impact on The Old Forge.
16. One neighbour/member of public submitted comments neither objecting to nor supporting the application with the comments summarised as follows:
- a. Old style bricks would be more in keeping.

- b. Question why the buildings need to be raised given the additional flood bank, as this appears at odds with the other houses and barns.
- c. The upstairs windows could result in the overlooking of 6 Chestnut Lane and other neighbours, bungalows should be considered.

## **PLANNING POLICY**

- 17. The Development Plan for Rushcliffe consists of The Rushcliffe Local Plan Part 1: Core Strategy (referred to herein as the 'Core Strategy') and the 5 saved policies of the Rushcliffe Borough Local Plan 1996.
- 18. The emerging Local Plan Part 2: Land and Planning Policies (LPP2), which was the subject of a Hearing in November and December 2018, is also a material consideration. Paragraph 48 of the NPPF allows weight to be given to relevant policies in an emerging local plan. The weight that can be given to these policies is dependent on the stage of the plan preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies to the NPPF. The plan is currently still under examination but on 7 February 2019 the Inspector appointed to examine the plan wrote to the Council to advise that they thought the plan is likely to be capable of being found legally compliant and sound, subject to main modifications. It can, therefore, be afforded some considerable weight subject to the relevant policies not being subject to relevant modifications and providing the relevant policies not being in conflict with the NPPF.
- 19. Other material considerations include the National Planning Policy Framework (NPPF) (2018), the National Planning Practice Guidance (the Guidance) and the Rushcliffe Borough Non Statutory Replacement Local Plan (RBNSRLP) (2006).

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

- 20. The relevant national policy considerations for this proposal are those contained within the 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. The proposal falls to be considered under section 12 of the NPPF (Achieving well-designed places) and 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. 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. Under paragraph 197 of the NPPF, the effect of the application on the significance of any non-designated heritage assets should be taken into account in determining the application.
- 21. As the site falls within the Green Belt, the proposal falls to be considered under section 13 of the National Planning Policy Framework (Protecting Green Belt Land) and should satisfy the 5 purposes of Green Belt outlined in paragraph 134 of the NPPF, which includes assisting in safeguarding the countryside from encroachment. Paragraph 143 sets out that development in

the Green Belt should be regarded as inappropriate which is, by definition, harmful and should not be approved except in very special circumstances. Exceptions to inappropriate development are set out in paragraphs 145 and 146 of the NPPF, including 'limited infilling in villages'.

22. The proposal falls to be considered under section 14 of the NPPF (Meeting the challenge of climate change, flooding and coastal change). Paragraph 155 of the NPPF 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. Development should take a sequential, risk-based approach, taking into account the current and future impacts of climate change. Paragraph 158 states that development should not be permitted in flood risk areas if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. Where this is not possible, under paragraph 159 the exceptions test may have to be applied.

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

23. Policy 1 of the Core Strategy reinforces a positive and proactive approach to planning decision making that reflects the presumption in favour of sustainable development contained in the NPPF. In terms of design and amenity, the proposal falls to be 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. The proposal should be assessed in terms of the criteria listed under section 2 of Policy 10, specifically 2(b) whereby the 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.
24. In considering the sustainability of the location for development, the proposal falls to be considered under Policy 3 (Spatial Strategy) of the Core Strategy. This policy identifies the settlement hierarchy for sustainable development which should be focused on the main built up area of Nottingham and six Key Settlements identified for growth. Outside of these areas, residential development should be for 'local needs' only through small scale infill, exception site development or allocated land through Neighbourhood Plans to meet local needs identified by communities preparing Neighbourhood Plans. Paragraph 3.10 of the emerging Local Plan Part 2 (LPP2) defines small scale infill as "the development of small gaps within the existing built fabric of the village or previously developed sites, whose development would not have a harmful impact on the pattern or character of the area."
25. The Borough Council currently does not have a five year supply of deliverable housing sites and therefore to address this shortfall a limited number of additional housing sites may need to be identified within smaller 'Non- Key Settlements' as identified in paragraph 3.9 of the LPP2, however Barton in Fabis is not identified as one of these settlements.
26. The site falls within the Green Belt as defined by Rushcliffe Borough Local Plan 1996.

27. 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) of the Rushcliffe Non-Statutory Replacement Local Plan. Of particular relevance is GP2a, whereby there should be no adverse impact upon amenity or highway safety by reasons of the activities on site or traffic generated; GP2b whereby a suitable means of access should be provided without detriment to highway safety; and 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.
28. The proposal falls to be considered under policy HOU2 as an unallocated development. The size and location of the site should not detrimentally affect the character or pattern of the surrounding area, and the site should not make a contribution to the amenity of the surrounding area by virtue of its character or open nature. The site should be accessible by a range of services other than by private car. The proposal falls to be considered under policy EN14 (Protecting the Green Belt) and EN19 (Impact on the Green Belt and Open Countryside).
29. The proposal also falls to be considered under policy WET 2 (Flooding), whereby development should not be permitted in areas of flood risk unless it can be demonstrated that the development is in an existing developed area and can be adequately protected against flood risk, with compensatory measures; that the proposal would have no adverse effect on the management of flood risk; and providing suitable measures are included to deal with surface water run-off.
30. The 2009 Rushcliffe Residential Design Guide refers to previously established guidelines on rear garden sizes whereby detached dwellings should be served by rear gardens with a depth of 10 metres and an area of between 55 sqm and 110 sqm, depending on the type of development and number of bedrooms provided. Where these guidelines are not met, developers should demonstrate why smaller gardens are acceptable

## **APPRAISAL**

31. The current application follows an application for outline planning permission for up to 10 dwellings that was previously refused in 2016 (planning reference 16/02246/OUT). The illustrative master plan submitted as part of the 2016 application showed a residential development running the length of the site with dwellings positioned close to the eastern boundary with the adjacent open countryside. It was considered that a development based on the indicative masterplan would have resulted in an eastward extension of the existing built up area, and that the pattern and density, and proposed depth of development did not constitute 'limited infill' in the Green Belt. The officer report considered that there may be scope for a limited degree of residential development on the site, however the level of development proposed was considered to be excessive for the size of the site and surrounding pattern of development.



32. The current revised scheme proposes half the number of dwellings as the 2016 application. Although all matters are reserved, the submitted indicative masterplan proposed a 'courtyard style' arrangement with the dwellings set circa 20- 24 metres from the eastern boundary.
33. In considering the exceptions to inappropriate development in the Green Belt as set out in paragraphs 145 - 146 of the NPPF, the site is currently of an agricultural use and, therefore, cannot be considered previously developed land. Therefore, the key consideration for this application is whether the proposal would constitute a limited infill development in the village, another of the exceptions specified in paragraph 145 of the NPPF.
34. The site borders residential properties to the north, south and west with open countryside to the east. Based on the indicative masterplan, a proposal for five dwellings would not project beyond the line of the eastern boundary of the residential properties on New Road, nor would the dwellings extend beyond the rear boundary of the tennis court associated with 18 Chestnut Lane or The Old Slaughterhouse to the north. It is not considered that a development based on the indicative masterplan would result in an extension of residential development beyond the eastern extent of the built up area.
35. It is considered that the revised scheme would be likely to be of a more appropriate density than the previous submission. The indicative masterplan demonstrates that 5 dwellings could be accommodated within generous plots, whilst maintaining a good degree of set-back from the eastern boundary. The strip of garden land along the eastern boundary would soften the appearance of the development from the adjacent open countryside.
36. Barton in Fabis is largely linear in form, although there are a number of exceptions to this including the courtyard arrangement of residential barn conversions at Grange Farm, the set-back dwellings accessed off a shared drive at Nos. 22- 24 Chestnut Lane, and the backland development at 'The Limes' off Browns Lane. It is not considered that a layout based on the indicative masterplan would appear at odds with the surrounding pattern of development.
37. Based on the scale, layout and positioning of the dwellings as shown on the indicative masterplan, it is considered that, subject to the dwellings being of an appropriate design, the current submission demonstrates that a scheme for up to 5 dwellings could be accommodated on the site and would constitute infill within the fabric of the existing built area without having a harmful impact on the character of the area. Therefore, it is considered that a development based on the indicative layout plan would constitute 'limited infill' as an exception to inappropriate development in the Green Belt.
38. The development is not designed to meet an identified local need as indicated by the supporting text of Policy 3 of the Core Strategy (other settlements). However, the lack of a 5 year housing supply in Rushcliffe means the balance in favour of sustainable development should be engaged as required by paragraph 11 of the NPPF.
39. The Borough Council does not have an up-to-date 5 year housing supply and the applicant considers that Chestnut Farm is deliverable now and therefore should be considered favourably in terms of helping to positively address the

shortfall in housing. Paragraph 11 of the NPPF advocates a presumption in favour of sustainable development, providing the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits. The acceptability of the scheme in other respects and the fact that the provision of an additional five dwellings would contribute to the Council's housing shortfall indicates that, on balance, the application should be supported.

40. The finished floor level of the dwellings would need to be elevated by approximately 1.45 metres above the average ground level to avoid the modelled flood breach level. The elevated height of the FFL could have implications for the height of the development and its impact upon the character of the surrounding area and the openness of the Green Belt. The indicative plans propose 1.5 storey height dwellings to minimise the overall ridge height. The maximum ridge height is shown to be 35.65 metres AOD, this equates to approximately 8.2 metres above the existing ground level. The roof height would be similar to the neighbouring properties at Nos. 6-8 Chestnut Lane, which have a ridge height of 8 metres. In the event of planning permission being granted, parameters for the maximum dwelling height could be secured by a condition. It is not considered that a development based on the indicative elevation plans would be likely to have a significant or materially adverse impact on the openness or visual amenity of the Green Belt and it is not considered the proposal would be contrary to the five purposes of Green Belt set out in paragraph 134 of the NPPF.
41. A Borough-wide sequential test has been carried out. The Borough Five Year Housing Land Supply continues to identify a supply of 3.4 years and whilst there are a number of alternative sites available across the Borough, these sites do not, in combination, provide sufficient land to meet the development needs of the Borough in accordance with the NPPF. Furthermore, whilst it has been demonstrated that there are sequentially preferable sites in terms of flood risk, the applicant considers that none of these could deliver the specific sustainability benefits that the re- development of the application site could deliver. It is considered that the sequential test has been passed, on the basis of there not being enough suitable sites available to address the housing shortfall.
42. An exceptions test is required due to the vulnerable nature of the development. The exceptions test should include details of how flood risk will be managed, and to show that the sustainability benefits the development to the community outweigh the flood risk. The matter of flood risk mitigation is covered in the FRA in relation to development levels, flood contingency and evacuation procedures, and surface water drainage. In terms of sustainability benefits, the application contends that, in addition to the provision of additional housing to meet the shortfall, the proposal would provide wider sustainability benefits by ensuring that the site does not become a derelict eyesore when the current use ceases; decreasing the level of hardstanding within the site; increasing soft landscaping and planting; and increasing biodiversity and habitat creation opportunities.
43. The Flood Risk Assessment states that FFL should be set no lower than 28.89m AOD, reflecting the Environment Agency's modelled 1 in 100 year + 30% climate change breach scenario. The indicative elevation plan illustrates that the required FFL could be achieved through a stepped access to each

property and that the ridge height of the dwellings could be limited through the use of dormers to serve the first floors. This reflects the approach taken in approved outline application 17/03028/OUT at Top Yard Farm. The Environment Agency has commented that, subject to the development being carried out in accordance with the Flood Risk Assessment and conditions relating to finished floor levels etc. the proposal meets the requirements of the NPPF.

44. With regard to residential amenity, the application is for outline permission with all matters reserved, therefore the design and scale cannot be formally assessed. Issues relating to neighbouring amenity would be controlled through any future reserved matters application. The neighbours most likely to be affected by the development are 2 - 8 Chestnut Lane, The Forge and The Old Forge to the south. The plans indicate that the dwellings would be 1.5 storeys in height to counteract the raised FFL levels. The maximum ridge height would be approximately 1.2 metres higher than the existing open-sided barn.
45. Based on the indicative masterplan, the proposed dwellings, in conjunction with the existing barn on the northern boundary, would create a sense of enclosure, forming a courtyard style development reflective of an agricultural barn conversion. The street scene consists of a mix of property types including traditional rural dwellings and interwar/mid-century semi-detached properties, the character and frontage line is not consistent. It is considered that a part street and part backland development based on the indicative masterplan could be accommodated without detriment to the character of the street scene, subject to matters of design.
46. The site lies close to an area of activity recorded within the Historic Environment Record and there has been a lack of archaeological investigation locally, therefore the site has some archaeological potential. The Conservation and Design Officer recommends an archaeological desk based assessment, following which further investigation may be required either via trial evaluation trenching or geophysical survey. A condition is, therefore, recommended requiring a desk based assessment to be submitted with the reserved matters application and this may indicate that further investigation and/or mitigation is required.
47. The Ecology Report was carried out in 2016 and is therefore out of date. The Environmental Sustainability Officer notes a lack of suitable habitats for priority or protected species, provided that the hedgerows, ditch and trees are not impacted upon. No protected or priority species were found on the site and the conservation status of European Protected Species is unlikely to be impacted by this development.
48. There are no objections from the Highway Authority to the principle of development, however the layout of the scheme should be to adoptable standards and there may be a requirement to amend the existing highway layout outside the site's access on to Chestnut Lane. Such matters can be resolved at reserved matters stage.
49. The site has the potential for contamination by virtue of its agricultural use. A Phase 2 – Intrusive Investigation is recommended to assess chemical properties of soils & groundwater and confirm presence of contaminants and

to enable a further risk assessment. An asbestos survey and removal of asbestos materials, if required, is recommended

50. The trees along the front boundary with Chestnut Lane currently provide a good degree of screening, however, the Chestnut tree is structurally poor and the conifers are ornamental and not what would normally be sought in a rural location. The layout plans indicate the removal of the majority of the roadside frontage trees, it would be expected that these would be replaced with meaningful replanting.
51. It is considered that an outline application for up to 5 dwellings would be of a more appropriate scale than the previous scheme. Whilst the application plans are indicative, they demonstrate that a scheme for up to 5 dwellings could be accommodate as a limited infill development. For the reasons set out above it is considered that the development accords with the general national and local planning policies detailed above and accordingly a grant of outline planning permission is recommended.
52. The proposal was subject to pre-application discussions with the agent 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, reducing delays in the consideration of the application and resulting in the recommendation to grant of planning permission.

## **RECOMMENDATION**

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

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

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

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

A detailed layout plan of the whole site including details of existing and finished site levels and proposed floor levels;

The siting, design and external appearance of the proposed buildings;

The design and external appearance of the proposed buildings;

The means of access;

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, sewerage and lighting;

The layout and details of parking and turning facilities, access widths, gradients, street lighting, surfacing, visibility splays and drainage;

The finishes for the hard surfaced areas of the site;

The means of enclosure to be erected on the site;

Details of refuse storage and collection;

Details of tree protection during construction;

Drainage plans for the disposal of surface water and foul sewage.

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

3. Development shall not proceed above foundation level until a detailed landscaping scheme for the site, to include identification of trees to be retained, has been 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].

4. The development hereby permitted shall not proceed beyond laying of the foundations 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].

5. The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment and shall have minimum finished floor levels of 28.89m AOD.

[To ensure protection against flooding and to comply with policy WET2 (Flooding) of the Rushcliffe Borough Non-Statutory Replacement Local Plan and advice within the National Planning Policy Framework]

6. The maximum ride height of the dwellings shall not exceed 35.65 metres AOD

[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].

7. The reserved matters submission shall include an archaeological desk based assessment to identify the potential for the presence and period of any archaeological interest within the site. Upon submission and consideration of this information, further investigation and/or mitigation may be required.

[To ensure that any archaeological items are recorded and to comply with policies GP1 (Sustainable Development), GP2 (Design & Amenity Criteria) and EN7 (Sites of Archaeological Importance) of the Rushcliffe Borough Non Statutory Replacement Local Plan. This pre- commencement condition has been applied due to the archaeological potential of the site]

8. Before development is commenced, a detailed contamination investigation report shall be submitted to and approved in writing by the Borough Council. Where the detailed investigation report confirms that contamination exists, a remediation report and validation statement will also be required. In such instances, all of these respective elements of the report will need to be submitted to and approved in writing by the Borough Council prior to development commencing and the development shall be carried out in accordance with the approved details.

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

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

[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. This pre- commencement condition has been applied due to the proximity of a number of residential properties]

10. The reserved matters submission for the approval of the landscaping of the site shall include details of the means of protection of the existing trees and/or hedges which are to be retained. The approved means of protection shall be provided prior to work commencing on site, including site clearance, and that protection shall be retained for the duration of the construction period. No materials, machinery or vehicles are to be stored or temporary buildings erected within the perimeter of the fence, nor is any excavation work to be undertaken within the confines of the fence without the written approval of the Borough Council. No changes of ground level shall be made within the protected area without the written approval of the Borough Council.

[To ensure the protection of the trees and hedgerows and to comply with policy GP1 viii (Delivering Sustainable Development) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

## **Notes to Applicant**

The hedgerow, ditch and trees onsite should not be impacted unless necessary and then only following inspection by suitably qualified ecologist and proceeding under their advice.

Permanent artificial wild bird nests and bat boxes should be installed within buildings and on retained trees (for example Swallow/swift and sparrow cups / boxes).

New wildlife habitats should be created where appropriate, including wildflower rich neutral grassland / wet grassland / pond / wetland / woodland.

The existing hedgerow / trees should be retained and enhanced (gapped up), any hedge / trees removed should be replaced.

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

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

Good practise construction methods should be adopted including:

- Advising all workers of the potential for protected species. If protected species are found during works, work should cease until a suitable qualified ecologist has been consulted.
- No works or storage of materials or vehicle movements should be carried out adjacent to the ditch.
- All work impacting on vegetation or buildings used by nesting birds should avoid the active bird nesting season, if this is not possible a search of the impacted areas should be carried out by a suitably competent person for nests immediately prior to the commencement of works. If any nests are found work should not commence until a suitably qualified ecologist has been consulted.
- Best practice should be followed during building work to ensure trenches dug during works activities that are left open overnight should be left with a sloping end or ramp to allow animal that may fall in to escape. Also, any pipes over 200mm in diameter should be capped off at night to prevent animals entering. Materials such as netting and cutting tools should not be left in the works area where they might entangle or injure animals. No stockpiles of vegetation should be left overnight and if they are left then they should be dismantled by hand prior to removal. Night working should be avoided.

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

Consideration should be given to energy efficiency, alternative energy generation, water efficiency, management of waste during and post construction and the use of recycled materials and sustainable building methods.

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.

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

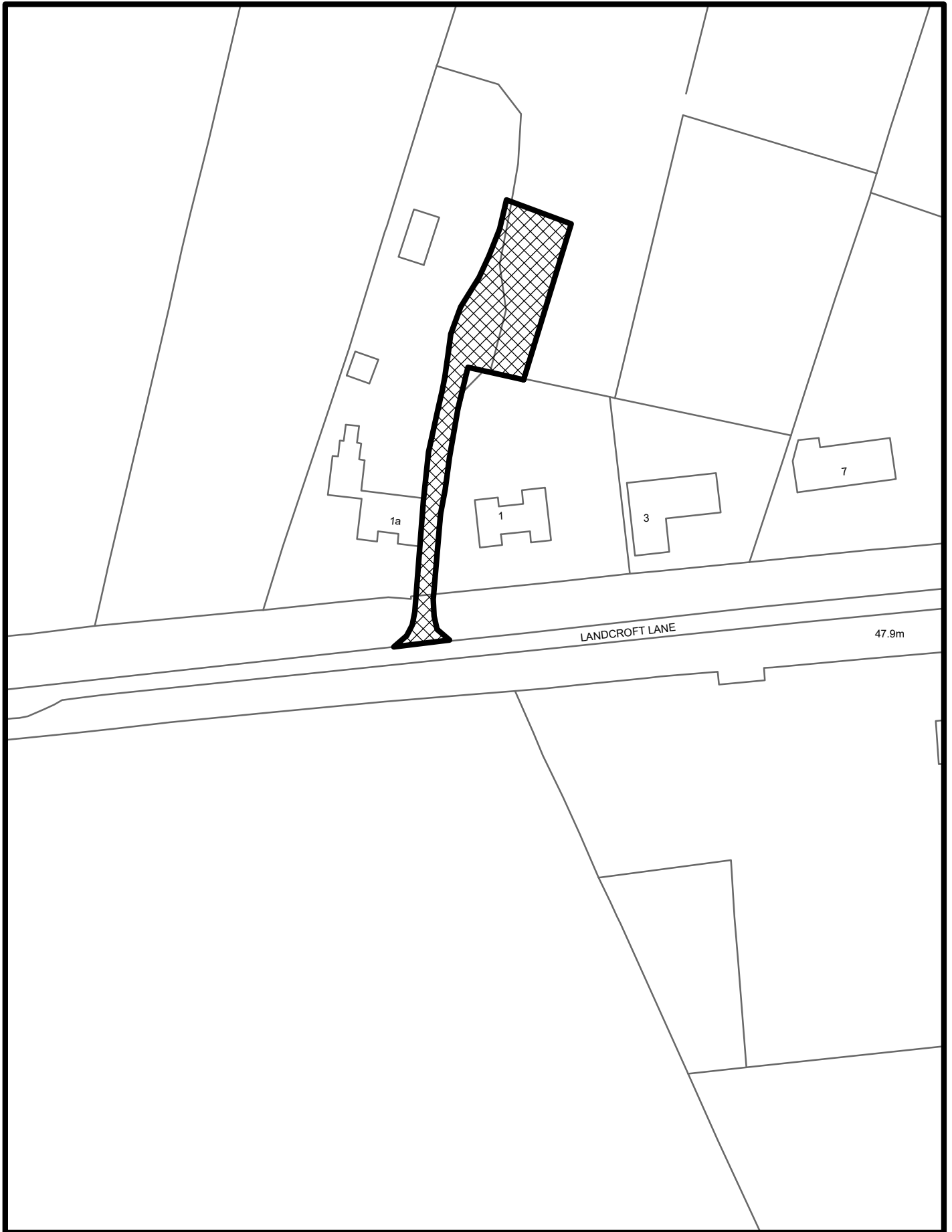
You are advised that the site falls within an area identified to be at risk of flooding in the Environment Agency's Flood Risk Maps. You are advised to seek advice on flood warnings and flood plans which can be found at:

<https://www.gov.uk/government/publications/personal-flood-plan>

The design and construction of the dwellings should incorporate advice with regard to flood resilience and resistance techniques which is available to view on the Environment Agency's website at:

<https://www.gov.uk/guidance/flood-risk-assessment-in-flood-zones-2-and-3#extra-flood-resistance-and-resilience-measures>





**Application Number: 19/00413/REM**  
**1a Landcroft Lane, Sutton Bonington**

**scale 1:1000**



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**Applicant** Mr & Mrs Robinson

**Location** Land At The Croft 1A Landcroft Lane Sutton Bonington  
Nottinghamshire LE12 5PD

**Proposal** Erection of dwelling and associated access arrangements  
(application for approval of matters reserved under planning  
application 18/00660/OUT).

**Ward** Sutton Bonington

## THE SITE AND SURROUNDINGS

1. The application relates to a 0.08 hectare broadly rectangular site located to the rear of 1 Landcroft Lane, with access from Landcroft Lane via an existing gravel drive running between Nos. 1 and The Croft. The site is located to the southern edge of a larger circa 0.98 hectare field that falls within the ownership of The Croft. The Croft is a large two storey detached brick dwelling with an attached single storey granny annex to the rear corner, both granted under a single application in 2002 (reference 02/01044/FUL). To the rear of this property and its residential curtilage is an area of hard surfacing and a collection of stables/outbuildings to the south west corner of the field.
2. The site of the proposed dwelling itself is an informal manege/enclosure consisting of a rectangular area of woodchip enclosed by a post and wire fence. The wider field is currently used for the grazing of horses, enclosed by a post and rail fence with scattered mature trees along the eastern and northern boundaries. There is a dense band of trees, referred to as Domleo's Spinney, running along the west boundary. The immediate streetscene consists of a linear frontage of dwellings along the north side of Landcroft Lane with sporadic development to the south. The cluster of dwellings is detached from the settlement of Sutton Bonington.

## DETAILS OF THE PROPOSAL

3. The reserved matters application follows the grant of outline planning permission at appeal for the erection of a dormer bungalow and associated access, with all matters reserved except for access, which was considered at outline stage (appeal reference APP/P3040/W/18/3205676).
4. The application proposes the erection of a 3 bed, two storey detached dwelling with the first floor accommodated within the roof space. The dwelling would have a footprint of 8 by 18 metres with a pitched roof measuring 7.6 metres to the ridge. The building would be clad in vertical timber boarding with a slate roof. The north elevation would feature a large section of glazing across both floors. The roof would feature roof lights to either side. The dwelling would have a 6.5 metre deep garden to the front, combined with garden space to the side and rear providing approximately 210 sqm of outdoor amenity space. The layout would include a parking and

turning area to the front with access via the existing drive running between No. 1 and The Croft.

## **SITE HISTORY**

5. 18/00660/OUT- Erection of a dormer bungalow and associated access arrangements (outline application with all matters reserved except for access). Refused in 2018. Allowed on appeal.

## **REPRESENTATIONS**

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

6. The Ward Councillor (Cllr Brown) objects to the application on the basis that it would result in an over development of the site

### **Town/Parish Council**

7. No consultation responses received.

### **Statutory and Other Consultees**

8. Nottinghamshire County Council as Highway Authority commented that they do not permit vehicular crossings to be provided with a gravel finish. The applicant is required to apply for a license to carry out the works within the highway extents. The surfacing will be controlled through the license.

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

9. No consultation responses received.

## **PLANNING POLICY**

10. The Development Plan for Rushcliffe consists of The Rushcliffe Local Plan Part 1: Core Strategy (referred to herein as the Core Strategy) and the 5 saved policies of the Rushcliffe Borough Local Plan 1996.
11. The emerging Local Plan Part 2: Land and Planning Policies, which was the subject of a Hearing in November and December 2018, is also a material consideration. Paragraph 48 of the NPPF allows weight to be given to relevant policies in an emerging local plan. The weight that can be given to these policies is dependent on the stage of its preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies to the NPPF. The plan is currently still under examination but on 7 February 2019 the Inspector appointed to examine the plan wrote to the Council to advise that they thought the plan is likely to be capable of being found legally compliant and sound, subject to main modifications. It can, therefore, be afforded some considerable weight subject to the relevant policies not being subject to relevant modifications and providing the relevant policies not being in conflict with the NPPF.
12. Other material considerations include the National Planning Policy Framework (NPPF) (2018), the National Planning Practice Guidance (the Guidance) and the Rushcliffe Borough Non-Statutory Replacement Local

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

13. The relevant national policy considerations for this proposal are those contained within the 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. The proposal falls to be considered under section 12 of the NPPF (Achieving well-designed places) and 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. 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. Under paragraph 197 of the NPPF, the effect of the application on the significance of any non-designated heritage assets should be taken into account in determining the application
14. Section 5 of the NPPF (Delivering a sufficient supply of homes) is of relevance to this application, specifically paragraph 79 whereby planning policies and decisions should avoid the development of isolated homes in the countryside unless the development meets one or more of the circumstances set out in this paragraph.

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

15. The Core Strategy reinforces a positive and proactive approach to planning decision making that reflects the presumption in favour of sustainable development contained in the NPPF. Policy 3 of the Core Strategy identifies the locations where development should be accommodated, these areas being the main built up area adjoining Nottingham and the defined Key Settlements for growth. Outside of these areas, residential development should be for 'local needs' only through small scale infill, exception site development or allocated land through Neighbourhood Plans to meet local needs identified by communities preparing Neighbourhood Plans. Paragraph 3.10 of the emerging Local Plan Part 2 (LPP2) defines small scale infill as "the development of small gaps within the existing built fabric of the village or previously developed sites, whose development would not have a harmful impact on the pattern or character of the area".
16. The proposal falls to be considered under Policy 10 of the Core Strategy (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, specifically 2(b) whereby the 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.
17. Core Strategy Policy 8 (Housing Size, Mix and Choice) states that residential development should provide a mix of housing tenures, types and sizes. Paragraph 7 of this policy states that where there is robust evidence of local

need, such as an up to date Housing Needs Survey, rural exception sites or sites allocated purely for affordable housing will be permitted within or adjacent to rural settlements.

18. Whilst not a statutory document, the policies contained within the Rushcliffe Borough Non-Statutory Replacement Local Plan (NSRLP) 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) of the Rushcliffe NSRLP. GP2d sets out that 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. Also of relevance to this application are GP2a (amenity impacts of traffic generation), GP2b (suitable access and parking), GP2c (sufficient ancillary amenity and circulation space), and GP2g (impact on future occupiers from existing nearby uses).
19. The proposal falls to be considered under policy HOU2 as an unallocated development. The size and location of the site should not detrimentally affect the character or pattern of the surrounding area, and the site should not make a contribution to the amenity of the surrounding area by virtue of its character or open nature. The site should be accessible by a range of services other than by private car. The proposal falls to be considered under EN19 and should ensure that in line with policy EN19a) "there will be no significant adverse impact upon the open nature of the Green Belt or open countryside, or upon important buildings, landscape features or views".

## **APPRAISAL**

20. Outline planning permission was granted on appeal for a dormer bungalow with all matters reserved except for access. The principle of residential development on this site has, therefore, been established and the current application seeks the approval of the reserved matters of appearance, landscaping, layout, and scale.
21. With regard to the effect of the proposal on the character and appearance of the area and the countryside, the Inspector contended that the development would result in some harm to the character and appearance of the area arising from the loss of countryside, however this harm would be limited and localised, thereby not resulting in a 'significant adverse impact' upon the open countryside or landscape views. With regard to the matter of the rural location, the Inspector contended that a small range of services and facilities are available within walking distance in Sutton Bonington, and that the bus stops offer a relatively good bus service by rural standards. As the site adjoins an existing linear development, it cannot be reasonably considered to constitute isolated development.
22. With regard to residential amenity, the proposed dwelling would be situated approximately 33 metres from the closest property at 1 Landcroft Lane. The dwelling would be set back approximately 13 metres from the rear boundary with this neighbour and it is not considered that the dwelling would give rise to an overbearing impact. Given the location of the site to the north of the properties fronting Landcroft Lane, there would not be a direct overshadowing impact.

23. No windows are proposed in the southern elevation of the dwelling. Oblique views from the side-facing windows would not result in a loss of privacy to the properties fronting Landcroft Lane. The largely glazed rear elevation would face onto open fields.
24. The proposal would provide two off-road parking spaces and approximately 210 sqm of usable outdoor amenity space to the front, side and rear. It is not considered that the proposal would result in an over-intensive development of the site and the level of amenity space complies with the advice within the Council's adopted Design Guide.
25. In terms of scale, the first floor of the dwelling would be incorporated within the roof space, thereby limiting the overall height. Whilst not a 'dormer' bungalow the height is not full two storey and the scale of the building would sit comfortably in its context amongst the mix of buildings nearby. The footprint of the dwelling would be akin to other properties fronting Landcroft Lane. It is not considered that the scale of the dwelling would appear at odds with the existing built form on Landcroft Lane.
26. The proposed dwelling would be contemporary in design whilst the proposed vertical timber cladding and the overall proportions would give the visual impression of an agricultural building. The dwellings fronting Landcroft Lane are individual in character and the proposed dwelling would not detract from the character and appearance of the street scene. Views of the dwelling from the public realm would be limited given its backland location.
27. Matters of access were considered at outline stage. It was considered that the driveway would comply with Highways standing advice. The vehicular crossing should be surfaced in a bound material (not gravel). Works to the vehicular crossing itself would require a licence from Highways.
28. It is considered that the details of the reserved matters are acceptable. For the reasons set out above it is considered that the development accords with the general national and local planning policies considered above.
29. The application was not the subject of pre-application discussions. The scheme, however, is considered acceptable and no discussions or negotiations with the applicant or agent were considered necessary, thereby resulting in a recommendation to grant planning permission.

## **RECOMMENDATION**

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

1. The development hereby permitted shall be carried out in accordance with the following approved plans: (10)002 (Proposed Site Plan), and (20)001 (Proposed Layouts and Elevations), received on 16 February 2019.

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

2. No development shall take place above damp 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 policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan].

3. Prior to the occupation of the dwelling, a detailed landscaping scheme for the site shall be submitted to and approved in writing by the Borough Council comprising species, numbers and sizes of trees and plants. 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].

4. Prior to the occupation of the dwelling, the new boundary treatments being post and rail timber fence as indicated on the approved site plan shall be erected in accordance with the approved plans.

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

## **Notes to Applicant**

The development makes it necessary to construct a vehicular crossing over a verge of the public highway. These works shall be carried out to the satisfaction of the Highway Authority. You are therefore required to contact VIA (in partnership with Nottinghamshire County Council) on 0300 500 8080 to arrange for these works to take place.

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.

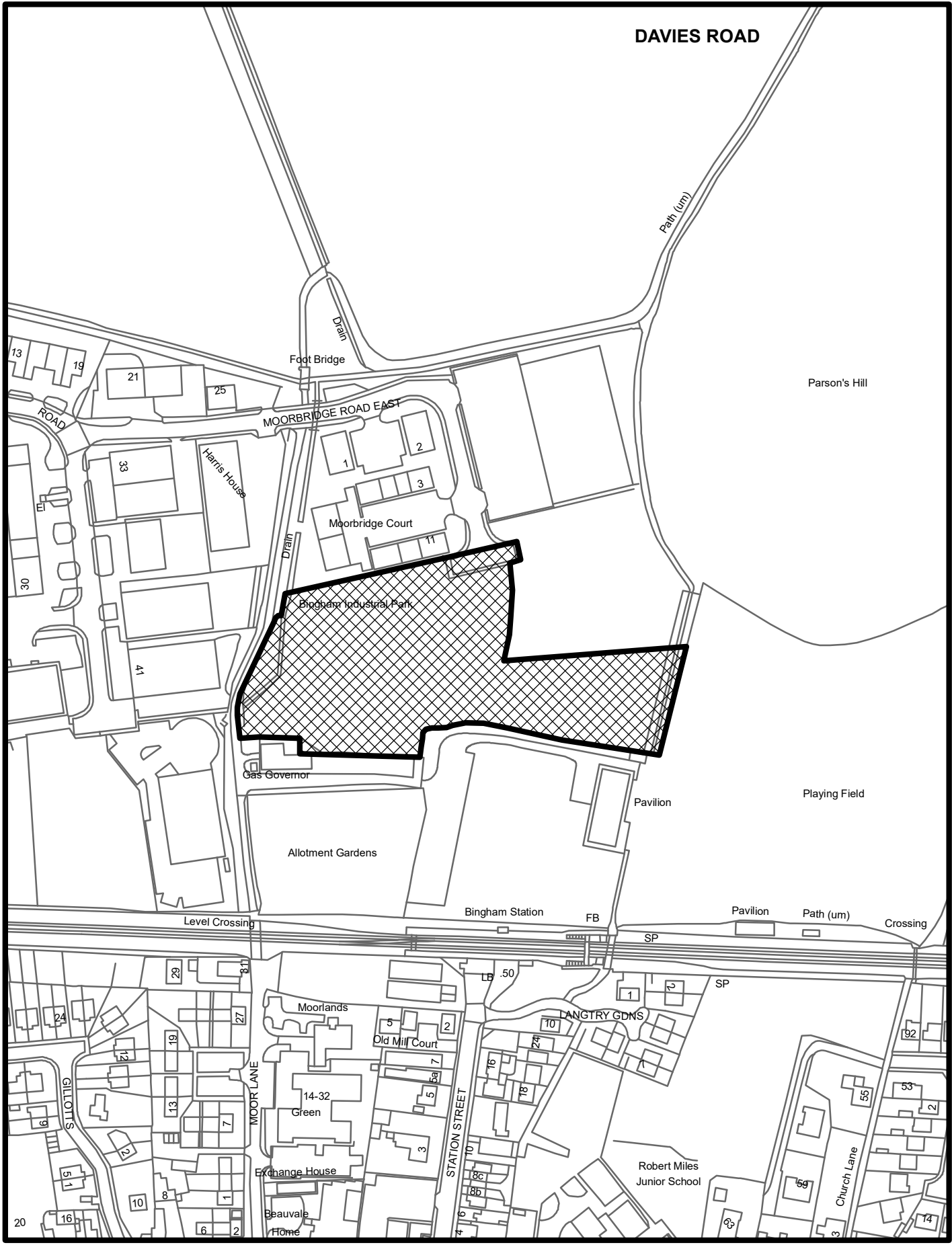
You are advised to ensure disturbance to neighbours is kept to a minimum during construction by restricting working hours to Monday to Friday 7.00am to 7.00pm, Saturday 8.00am to 5.00pm and by not working on Sundays or Bank Holidays. If you intend to work outside these hours you are requested to contact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



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

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

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**Application Number: 18/01750/FUL**  
**Moorbridge Road, Bingham**

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**Applicant** Hofton And Son Ltd

**Location** OS Field 5335 Moorbridge Road Bingham Nottinghamshire

**Proposal** Construction of 34 no. industrial units with associated car parking and new access road.

**Ward** Bingham East

## THE SITE AND SURROUNDINGS

1. The site comprise an area of undeveloped scrubland within an existing employment area with no existing features of great merit, except for areas of mature planting towards the western and southern boundaries. The site is bounded to the north by the existing industrial estate and to the south by 'Butt Field' which hosts a large number of sports pitches including an amenity pavilion that is used by the local community. There is also an access road for Butt Field which runs to the western and southern boundaries, leading to a hard surfaced car park for the users. A bridleway in the form of Bingham BW26 also follows this route to the west boundary of the site.
2. To the southern edge of the site sit a number of more mature category B trees. Over the course of the application however a number of these trees which sat just outside the site on adjacent land were removed by the adjacent land owner.
3. The site is accessed from an existing hammerhead turning to the north of the site named as Moorbridge Road East. A portion of land to the north east has already been built out with a single large industrial unit with a dark grey profile metal sheet finish. This site currently takes access from the hammerhead of Moorbridge Road East.

## DETAILS OF THE PROPOSAL

4. The application for consideration is revised from the original submission. Changes include the schemes reduction from 36 units to 34 units, as well as revised layouts to allow greater protection of boundary hedgerows and altered highway layouts and internal building/parking configuration and mix.
5. The application seeks full planning permission for the development of the land for industrial purposes. The application seeks permission for 34 industrial units with sizes ranging from 1000 square feet to 3400 square feet with all buildings single storey. The applicant has clarified the uses they propose include those falling under B1(b) – 'Research and development of products and processes'; B1(c) – 'Light industry appropriate in a residential area', B2 (General Industrial) – 'Use for industrial process other than one falling within class B1 (excluding incineration purposes, chemical treatment or landfill or hazardous waste)' and B8 – 'Storage and Distribution'. The buildings would be finished in PPC cladding in grey with green or blue flashings dependent on location within the site and as detailed on the submitted plans.

6. The scheme proposes to continue the Moorbridge Road East down into the site to the south, creating 4 private spur roads to serve the individual units. The site plans also show an 'indicatory' link into the sports field car park to the south, however it is stressed that this link element is purely indicative and does not form part of this application. Every unit would be served by private parking areas of between 2 and 4 spaces dependent on unit size, with an additional Heavy Goods Vehicle (HGV) loading bay and access space for deliveries also available at each unit. 4 visitor parking spaces are also shown as well as 5 disabled spaces and a bike store of 11.
7. The scheme proposes bin stores to each unit independently. The boundary hedgerows to the south and west are to be largely retained and enhanced where there are existing gaps, with some of the greater depths of hedgerow extending back into the site to be removed and thinned out. Internal site landscaping is proposed along with palisade fencing to the boundaries, which is indicated to sit inside existing hedgerow boundaries where appropriate.

## **SITE HISTORY**

8. The wider Moorbridge Road industrial park was established throughout the 1970's and 1980's whilst this parcel of land retained outline permission for industrial development until 2006 after the most recent 2003 approved outline permission for a mixed B1, B2& B8 use expired (03/01722/OUT). Land to the north east of this site (formerly part of the site) was granted permission under application reference 18/00523/FUL for a single large warehouse which has been constructed, and is now subject a retrospective application for a number of changes (as built) to the approved scheme (19/00815/FUL).

## **REPRESENTATIONS**

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

9. One former Ward Councillor (Cllr Hull) initially commented raising no objection subject to agreement on the positioning of the central access road onto town council land. Following revised plans received in January 2019 Cllr Hull commented raising no objection. Following further revised plans received in March 2019 the Ward Councillor noted the comments and concerns of the Town Council over parking ratios but suggested they could support the application if these concerns were addressed.
10. One former Ward Councillor (Cllr Davidson) objected to the development and commented that the proposal is over-intensive, and will be likely to cause problems with the vehicular traffic. It may also cause problems with adjoining developments, e.g. Town Council parking.

### **Town/Parish Council**

11. Bingham Town Council initially objected to the development due to the proposed works being over-intensive for the site as well as concerns over the traffic created and that it may have an impact on any long term plans for that area. The Town Council raised concerns about the close proximity of the units adjoining the boundary of the Butt Field site with no planting scheme between.

12. Following revised plans in January 2019 the Town Council confirmed they maintained an objection to the scheme as it would represent overdevelopment of the site. They also commented that the access road that abuts Butt Field had moved eastwards which may impact on future developments, and that Butt Field as long term leasee had not been consulted. The Town Council suggest they may have child safety concerns from the amended road access position. The Town Council also queried the suitability of the turning space within the site and identified a shortage of parking spaces across the Moorbridge Road industrial site, which they consider this site should consider addressing.
13. Following further revised plans received in March 2019 The Town Council raised a further objection that the ratio of parking bays had been reduced by a greater ratio than the reduction in industrial units.

### **Statutory and Other Consultees**

14. The Borough Conservation and Design Officer notes the site forms part of a wider industrial area and that development to the north represents a mixture of short runs of small units with occasional larger sheds. The officer concludes there isn't any particularly consistent scale or form of development beyond the characteristics of its use. The officer noted that the design as originally proposed used the site to its fullest extents, resulting in some less than ideal features such as frontage waste storage areas. The officer concluded their initial comments by confirming they were not overly concerned about the design of the units as they are what would be expected given the proposed use, however the development does seem to result in a more dense layout than the existing industrial area to the north.
15. The Borough Conservation and Design Officer (in their role as Archaeological Advisor) confirmed that the site has been subject to recent archaeological evaluation as part of a wider site, including land to the northeast, which had been identified from aerial photography as having apparent earthwork and building platforms of archaeological interest. The geophysical survey revealed little, however significant areas around the perimeter of the site were obscured by magnetic noise. Trial excavation was undertaken to explore the areas of noise but also to 'ground truth' the apparent absence of features in the north-east of the site (not subject of this application). It appears that the features identified in aerial photography were not archaeological in nature and were likely natural features which had been miss-identified.
16. The site was explored using 3 trial trenches cutting areas of magnetic noise. These trenches revealed shallow linear features devoid of datable finds. The officer concluded that it is not considered that the development would result in the loss of archaeology of any significance or that to the limited extent that some minor interest exists, it is unlikely that further excavation would add to current understanding of the site.
17. Following comments from NCC Planning (as detailed later in this section) regarding the Archaeological findings, and conversations with Historic England, the Borough Archaeological Advisor requested further comments from the applicant's archaeologist. These comments were of a geotechnical/palaeoenvironmental nature and it was requested that the developer give consideration to the potential for earlier archaeological remains

on this site sealed below a lime rich Lacustrine layer beyond which earlier archaeological evaluation on the site did not proceed.

18. Historic England's Science Advisor suggested a prudent first step would be to have existing evaluation data from borehole samples considered by a specialist to determine whether the identified potential for earlier archaeology applied to this site in reality, before it could be determined whether the level of intensive on site evaluation recommended by NCC is justified.
19. The applicant's archaeologist provided further comments by email from which the Borough advisor made the following comments and conclusions; *"From the details below it would appear that this site does not have the same earlier sealed archaeological deposits as sites further north encountered during the A46 improvement works. I am therefore satisfied that the previous archaeological evaluation on this site was neither incomplete nor inadequate. Whilst there is some potential for paleoenvironmental remains beneath the Lacustrine layer these would provide information about the nature of the wider landscape and would be remains not restricted to this site, I also agree with the assessment that investigation of such potential would be limited unless materials suitable for scientific absolute dating could also be recovered. It would be of limited interest to know what the surrounding landscape was like in the past unless it could also be determined at which point in the past this was the case. Borehole sampling for paleoenvironmental purposes would be highly unlikely to recover such datable material reliably. Given the costs involved in such assessment and that it would remain possible to extract such information from neighbouring sites, and even the undeveloped areas of this site, in future I would share the conclusion that further investigation on this site, would not be a proportionate requirement."*
20. The Borough Environmental Health Officer initially commented requesting further information on land contamination. In summary the officer raised no further objection subject to conditions over noises assessments, construction method assessments and an air quality impact assessment.
21. Following submission of revised plans in January 2019, the officer further reviewed the submitted plans and documents as well as the previous comments. They accepted the fundamentals, findings and methodologies of the noise assessment, however note that the southern half of the site may need to be piled. They therefore recommended a condition in place of the original comments relating to the submission of a method statement for any piling works.
22. The Borough Environmental Sustainability Officer commented that a Preliminary Ecological Appraisal had been submitted which was valid and in date, conducted in accordance with best practice. The officer noted that the site impacted by the development consist of tall ruderal herbs, scattered trees, bare ground and species rich hedgerows. Within the report no protected species were identified, however the site presents opportunities for wild bird nests and foraging bats and badgers and potential for reptiles. It is not expected that the conservation status of any European Protected Species will be adversely affected by this application subject to appropriate mitigation. The officer then makes a list of recommendations for conditions and informatives to the applicant.



23. The Officer later confirmed they objected to any scheme that would result in the loss of any 'species rich hedgerow' beyond that necessary to create the access.
24. The Borough Landscape and Design Officer initially responded stating they could not support the application. The officer noted that the boundary vegetation around the site has value both as a wildlife corridor and a visual screen. In visual terms it particularly benefits the users of the byway to the west of the site and the users of the recreational area to the south. Individually many of the trees are of low quality, but they have value as a group and many of them form an over mature hedgerow which provides an effective screen to the north of the pavilion and car park of Butt Field. The officer commented that having visited site it was very difficult to determine the site boundaries and that the trees to be retained and/or removed were difficult to see. The officer also noted the lack of proposed internal landscaping unlike many of the surrounding industrial units forming part of the wider industrial area.
25. Following further revised plans received in March 2019, and a tweak to the masterplan received in May 2019, the Landscape Officer commented that the loss of the trees on the adjoining site to the south was disappointing, but that the scheme is positive in that some replacement tree planting is shown along the southern boundary. The landscape plan details a mix of amenity shrub planting which will take place around the periphery of the site and along the main access road into the site. The officer raised no issue with the proposed shrub planting, sizes or planting density.
26. The officer noted that on the landscape plan 3 Hawthorn trees are proposed within the eastern boundary and 2 Field Maple are proposed on the western boundary, but that no tree species are proposed as replacements on the southern boundary and that as such details will need to be conditioned. The officer further commented regarding the lack of any native hedge to link the existing ones on the southern and western boundaries, and suggested a condition should be used to ensure this is provided.
27. The officer noted that root protection and compaction protection details were broadly provided in the submitted arboriculture report, but that these protective features would need to be secured by condition.
28. Nottinghamshire County Council as Lead Local Flood Authority raised no objections subject to a pre-commencement condition regarding the approval of a detailed surface water drainage scheme.
29. Nottinghamshire County Council as Local Highways Authority (LHA) initially commented submitting a holding objection due to concerns with the road layout. Further comments were received accepting the transport statement but querying the capacity assessments undertaken for the Moorbridge Road/Chapel Lane junction.
30. Following further revised plans received in March 2019, and a tweak to the masterplan received in May 2019, the Highways Authority commented further, removing their previous objections. The LHA noted areas of the existing hammerhead that would require being 'stopped up' with a new access shown for the 'Central Source' business on the land to the north east. The LHA

requested a condition to ensure the hammerhead be stopped up prior to the new access to Central Source being brought into use.

31. The LHA further comment that the swept path analysis is appropriate for the size of vehicle indicated, albeit that they would usually recommend a larger refuse vehicle is used for tracking purposes. They referred back to the Borough's waste collection team on the appropriateness of this tracking but raised no objection.
32. The LHA suggested the amount of parking indicated in table 3.1 of the transport statement would be appropriate, albeit the development would provide a greater level of parking than suggested by the table with some 86 dedicated spaces, 4 visitor spaces and 5 disabled spaces.
33. The LHA concluded by stating they have no objection, subject to 4 conditions regarding the following; The use not to commence until parking provision has been provided; The access to central Source not to be brought into use until the hammerhead is stopped up; Occupation not to commence until a travel plan has been submitted to and approved and construction not to commence until a Construction Method Statement has been submitted and approved. The full wording of the conditions can be found in the recommendation and LHA's full comments on the Borough Council's website.
34. Nottinghamshire County Council Planning Policy provided comments on minerals, waste, public transport and archaeology. Their comments are summarised below as follows:
  - a. Minerals - In relation to the Minerals 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.
  - b. Waste - 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 per Policy WCS10). They note the proposal could generate significant volumes of waste through development and operation and therefore note it may be useful for the scheme to be supported by a waste audit.
  - c. Archaeology - NCC withdrew their archaeological advice service to the Borough Council in 2017. They have however provided comment on this application, raising concerns with the findings of the geophysical investigations and evaluation by trenching. The full comments can be found on the Borough Council's website, however in summary they contest that the described archaeological features could be 'of limited archaeological interest' as they believe they could be prehistoric and there could be links to 'The Henge Monument', a local Scheduled Ancient Monument.
  - d. Public Transport - No bus service contribution would be considered necessary given the scale of the development. Bus stops RU0244 and RU0242 are closest to the site and served by infrastructure that does not meet the level of facilities as specified in the County Council's

Transport Statement for Funding. Funding is therefore requested (£20,000) to bring the bus stops up to standard.

35. Severn Trent Water commented recommending a condition requiring full drainage plans to be submitted prior to the commencement of works, and referencing the possible need for a sewer modelling study due to the scale of the works, to determine the impact this development will have on the existing system and if flows can be accommodated or whether capital improvement works would be required.
36. The Trent Valley Internal Drainage Board commented that the 'Cricket Field Drain' was located to the eastern side of the site to which Byelaws and the Land Drainage Act 1991 apply. They confirmed that the boards consent would be required to erect any building or plant any tree within 9m of the top edge of the culvert. They also confirmed the Boards consent was required for any works that would increase the flow to a board maintained watercourse.

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

37. 2 public comments were received in objection to the proposed development scheme (one of which as leasee for Bingham Town Sports Club, occupiers at Butt Field Sports Ground). The reasons for objection can be summarised below:
  - a. The units are too close to the boundary with Bingham Town Sports Club.
  - b. The development is over intensive for the site.
  - c. It would alter the character and amenity of the area.
  - d. The development would not be sympathetic to the character and appearance of the area, not in keeping with existing buildings on the industrial estate.
  - e. Has the access been discussed as Bingham Town Council or Bingham Town Sports Club as it would result in a loss of land and a congested bottleneck.
  - f. The trees and hedges to be removed would be detrimental in changing the landscape for the sports clubs and any users of the open space.
  - g. Ask what planning permission was granted to allow a foundry and metal work business to open with a large door looking over Butt Field Park and 2 foundry chimneys with wind flow and noise over Church Farm estate.

### **PLANNING POLICY**

38. 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 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 still subject of an examination and have not yet been adopted. Local Plan Part 2 was submitted for examination on 10 August 2018 with the hearing taking place over several weeks in November/December 2018.

39. Other material considerations include the National Planning Policy Framework (NPPF) (Revised 2019), the National Planning Practice Guidance (NPPG) and the Rushcliffe Borough Non Statutory Replacement Local Plan (NSRLP) (2006).
40. Any decision should therefore be taken in accordance with the Core Strategy, the NPPF and NPPG, policies contained within the NSRLP where they are consistent with or amplify the aims and objectives of the Framework, together with other material planning considerations including the LPP2.

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

41. 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.
42. As such, the following national policies in the NPPF with regard to achieving sustainable development are considered most relevant to this planning application:
  - Section 6 Building a strong, competitive economy
  - Section 8: Promoting healthy and safe communities
  - Section 9: Promoting Sustainable Transport
  - Section 12: Achieving well designed places
  - Section 15: Conserving and enhancing the natural environment
  - Section 16: Conserving and enhancing the historic environment
43. Section 12 - 'Achieving Well Design Spaces' states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 127 states that planning policies and decisions should ensure that developments, inter alia:
  - a. Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
  - b. Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
  - c. Are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or

- discouraging appropriate innovation or change (such as increased densities).
44. 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.
  45. Section 15 - Conserving and Enhancing the Natural Environment states that planning decisions should inter alia seek contribute to and enhance the natural and local landscape by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan). Paragraph 175 goes on to state that when determining planning applications authorities should apply the following principles, part 'a' of which states that if significant harm to biodiversity as a result of development cannot be avoided, mitigated or compensated, then permission should be refused.
  46. Section 16 - Conserving the Historic Environment states under paragraph 193 that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

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

47. 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. 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 5 - Employment Provision and Economic development;
  - Policy 10 - Design and Enhancing Local Identity;
  - Policy 11 - Historic Environment;
  - Policy 14 - Managing Travel Demand;
  - Policy 15 - Transport Infrastructure Priorities;
  - Policy 17 – Biodiversity;
  - Policy 18 – Infrastructure; and
  - Policy 19 - Developer Contributions
48. Policy 1: 'The Presumption In Favour Of Sustainable Development', states 'When considering development proposals the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework'.
49. The proposal should also be considered under Policy 5: 'Employment Provision and Economic Development', which states that the Borough Council must Identify and maintain a supply of good quality land to provide for new, and relocating industrial and warehouse uses (in Use Classes B1(c), B2 and B8) across Rushcliffe.

50. Policy 10; 'Design And Enhancing Local Identity' is also relevant and states that all new developments should be designed to make a positive contribution to the public realm, have regard to the local context and reinforce valued local characteristics. The proposal shall be assessed in terms of the criteria listed under section 2 of Policy 10, specifically 2(b) whereby the development should be assessed in terms of its impacts on neighbouring amenity; and 2(f) in terms of its massing, scale and proportion; 2(g) in terms of assessing the proposed materials, architectural style and detailing; and 2(h) the potential impact on important views or vistas including of townscape, landscape and other individual landmarks, and the potential to create new views.
51. Policy 11 discusses the Historic Environment and identifies that proposals will be supported where they conserve and/or where appropriate enhance the historic environment in line with its significance. Policy 17 - Biodiversity states that development affecting non-designated sites or wildlife corridors will only be permitted where it can be demonstrated that there is an overriding need for development and that adequate mitigation measures are put in place.
52. The Rushcliffe Borough Non-Statutory Replacement Local Plan was adopted in December 2006 and although some policies may have been superseded by the Core Strategy, its policies still hold weight as a material consideration in the decision making process. One relevant policy contained within this document is GP2 – 'Design and Amenity Criteria'. This Policy states that planning permission for new development, changes of use, conversions or extensions will be granted provided that the scale, density, height, massing, design, layout and materials of proposals are sympathetic to the character and appearance of neighbouring buildings and the surrounding area; that they do not lead to an over-intensive form of development; and that they are not overbearing in relation to neighbouring properties, and do not lead to undue overshadowing or loss of privacy.
53. The emerging Local Plan Part 2, Land and Planning Policies, has undergone its necessary preparation including the identification of preferred housing sites and extensive consultation. This has now been submitted for examination and the hearing took place in Nov/ Dec. An initial view from the Inspector has been received suggesting minor changes to some of the policies. Some weight should, therefore, be given to this emerging policy document. In particular the following planning policies are considered material to the consideration of this application:
- Policy 1 Sustainable Development
  - Policy 15 Employment Development
  - Policy 18 Surface Water Management
  - Policy 40 Pollution and Land Contamination
  - Policy 41 Air Quality
54. Policy 15 discusses Employment Development and recognises land east of Chapel Lane as an allocated employment site. This encompasses a different undeveloped parcel of land within the Moorbridge Road industrial site but not the application site itself.

## APPRAISAL

55. The main considerations when determining this application relate to the principle of development, whether the proposal would have any material impact on the character and appearance of the site or wider locality, whether the proposal would have any material influence on neighbouring amenity as well as highways, drainage, ecology, heritage and landscaping matters.

### Principle of Development

56. The site is located on an area of unused and little maintained scrub that is situated within the existing industrial zone to the northern edge of Bingham. The site is entirely contained within defensible settlement boundaries and would not represent any extension into the open countryside. It should be noted that the site has historically maintained outline permission for industrial development (B1, B2 & B8) in an area with further allocated employment development land within the emerging LPP2 document under policy 15. Policy 5 of the Cores Strategy also identifies the need to maintain and identify a good supply of land for new and relocating industrial and warehouse uses.
57. As such whilst not directly allocated as employment land, the site is considered to represent a sustainable employment growth area and therefore given the site setting and the nature of the proposed use encompassing B1(b); B1(c), B2 and B8 uses, it is considered that the principle of industrial employment development on this site would be acceptable.

### Noise and Residential Amenity

58. There are no residential properties in close proximity to the site and as such the scale and massing of the building proposed would not raise any concerns of overbearing, overshadowing or overlooking impacts. With regards to noise impacts, the uses proposed include light and general industry, as well as storage and distribution. These types of uses, and the processes they facilitate, generate the possibility of noise impacts.
59. The application was supported by a full noise assessment. The site is located within an existing industrial area where the neighbours are all existing industrial uses or open recreational spaces. The closest residential receptor lies some 110m to the south, beyond the 'The Poacher Line' Railway, which runs between Nottingham and Skegness. The noise assessment finds the proposed B2/B8 use would be unlikely to draw complaints given the existing noise environment surrounding the site. In summary, the report considers that under the present & proposed noise climates, the site is suitable for use as an industrial development.
60. The Borough Environmental Health Officer raises no concerns with the findings of the report and as such has no undue concerns relating to undue noise nuisance.
61. The Borough EHO does, however note the potential for piling to be required on the southern half of the site which would need to be carefully controlled. As such a suitable condition for details of the piling operations would seem appropriate. The EHO does not comment regarding a construction method statement for the general control of noise, dust and vibration, however this

would seem a reasonable and appropriate condition, and could allow for consideration of waste recycling and land movements from any on site works.

62. The wider Moorbridge industrial area does not have any control regarding hours of use, and given the separation from local residential uses in terms of both access and land use it would not be considered necessary to require any restriction on hours of use.

### Design and Layout

63. The design and layout of the site has been subject to revisions through the course of the application. Whilst the scheme does undoubtedly seek to make the most of the site in terms of number of units delivered, the revisions attained relating to the retention of site boundary features helps to ensure the development would sit more sympathetically within the locality. The buildings proposed would all be of a single storey scale with pitched roofs containing eaves at 4.277m and ridges around 5.985m. As a comparison the building on the site to the north east has eaves at 7.5m and a maximum height of 9.5m.
64. Whilst the unit frontages would largely be allocated parking, the different surfaces between paths, parking and road would be distinguishable by different surfacing materials, creating some sense of differentiation. Furthermore, the unit frontages would all include coloured detailing strips around doors and windows to add some element of detailing to break up the visual massing of the structures.
65. The frontage bin stores are also noted, however details of these features could be controlled by condition, and could be appropriately utilised to add some elements of interest to the frontages rather than being seen as a simple and detracting feature.
66. The internal landscaping arrangements largely surrounding the spine road and site boundaries would also be positive in breaking up the built form of the site. Whilst the development would be undoubtedly more intensive than the surrounding Moorbridge Road area, it must also be considered that modern market conditions demand smaller serviced units for starter projects, above and beyond the more widely available larger building stock.
67. It is concluded that the scheme would not be 'over intensive' for the site given the revisions to protect existing boundary features, and that the design and layout of the site would not detract from or cause undue harm to the character and appearance of the locality.

### Landscape and Ecology

68. With regard to landscaping, the applicant has submitted a landscaping plan including areas for landscaping and indicative planting schedules. The site is bounded to the west and partially to the south (south eastern most extent alongside Butt Field) by dense hedgerows that have been unmanaged and unmaintained and have been recognised by the applicants ecologists as a 'species rich hedgerow'.
69. The proposed scheme as now presented seeks largely to retain these hedgerows along the site boundaries. Both existing hedgerows would be



thinned out in terms of their overall depth back into the application site however overall the hedges would be retained, and enhanced with additional structural planting where appropriate. The scheme also proposes new hedgerows to the southern boundary where there is little existing planting, with 3 new trees also to be planted since the neighbouring land owner removed all the features adjacent the southern boundary, which provided some mature screening and setting to the site.

70. The comments of the Environmental Sustainability Officer (ESO) are noted, with their latest comments stating their objection to any loss of the species rich hedgerow beyond that required for access. Given the revisions to the scheme to retain the boundary hedgerows, the development would be considered to achieve the aims of the ESO's comments. The ESO also notes the applicant's consultant report about hedgerows to the eastern boundary, however it was confirmed on visiting the site that there is no hedgerow to this boundary.
71. The ESO raised no other objections but requested a number of conditions and informative regarding appropriate best practice for construction on site, and ensuring the recommendations of the ecologist reports are implemented.
72. With regard to the acceptability of the landscaping scheme the preliminary scheme is considered to show appropriate areas for landscaping and some appropriate planting mixes for the areas to be planted with shrubs. Further work on the nature of proposed hedgerows and new trees will, however be required and as such, it is considered reasonable and appropriate to condition the submission of a full landscaping scheme.
73. The arboricultural report recommends an arboricultural method statement is submitted to agree the exact details and locations of any tree protection fencing, installation of root protection systems and Schedule of works. This would meet with the aims and comments of the Landscape and Design Officer. A condition requiring submission and agreement of details prior to development commencing would seem appropriate and reasonable.
74. It would also seem necessary to condition details of any lighting to be approved prior to its installation, given the sites sensitive location adjacent to the open countryside where light spillage could impact bat, bird, reptile and badger corridors.

#### Heritage Assets and Archaeology

75. With regard to heritage assets, the site would not impact the Bingham Conservation Area which sits south of the Railway Line, with no nearby Listed Buildings. As such the development would not impact any heritage assets.
76. In terms of archaeology the applicant has submitted surveys and further information following comments from NCC Planning. The Borough's Archaeological Advisor is satisfied following this process that the site does not harbour any likely archaeological remains of significance that warrant further more extensive excavation, assessment and understanding. The assessment and consideration aligns with the requirements of policy 29 of the emerging LPP2.

## Flood Risk and Drainage

77. The site is located within Flood Zone 1 on the Environment Agencies Flood Risk Maps and is therefore at low risk of flooding. It is also not necessary to undertake a sequential or exception test. Consideration however needs to be given to surface water management and a Flood Risk Assessment.
78. With regard to surface water drainage, an assessment has been made so as to ascertain the most appropriate form of surface water disposal. Soakaways or infiltration systems are considered the starting point for attaining a sustainable drainage solution, however the drainage survey and report identifies the underlying site geology has very low permeability and that permeable ground conditions and the underlying geology's ability to store water is limited. As such an infiltration or soakaway based drainage system is not considered viable.
79. Part H of building regulations advocates the next priority of discharge would be an open watercourse. The Car Dyke is located to the north of the site, some 100m beyond a number of existing developed sites whilst a shallow dry drain runs to the western boundary. Due to existing developments to the north and the nature of the western drain, neither of these options would again be viable. The Cricket field Drain does however run to the eastern site boundary, which may be suitable to accept some form of discharge.
80. Moorbridge Road to the north sits slightly raised from the site, and as such the southern portion of the site could not drain by gravity system to this sewer. As such the northern portion of the site is proposed to discharge flows at an attenuated rate to the Severn Trent Water surface water sewer located to the north of the site, whilst the southern part of the site proposes to drain to a private culverted watercourse to the east of the site.
81. These methods of discharge would appear to accord with the drainage hierarchy given the limited viability of preferred sustainable drainage options. The Lead Local Flood Authority have raised no objections to the preliminary drainage strategy as discussed above, subject to a detailed strategy being submitted and approved prior to works commencing.
82. The Trent Valley Internal Drainage Board maintain the 'private drain' to the east of the site known as 'The Cricket Field Drain'. The Board do not object but highlight the Board's permission would be required irrespective to any planning permission for any new connections to the drain, and that any structures or planting within 9m of the top of the drain would also require their consent.
83. The proposals will, therefore, require separate permission from the Board given the proximity of planting and buildings to the Cricket Field Drain. The applicant has been made aware of these requirements. The Board have not commented on the adequacy of proposals for their separate processes.
84. Severn Trent Water have also not objected to the proposal. Their comments reference the potential for a sewer capacity survey, however this would fall under the duties of Severn Trent Water as a statutory provider rather than on

the developer to fulfil. A foul water connection would be made to the existing sewer system.

85. Policy 19 of the emerging LPP2 deals with development affecting watercourses and states development will be supported where a 10m buffer is retained to the top of the watercourse where it already exists. The proposed scheme would not achieve this separation to the Cricket Field Drain to the east of the site. The drain is, however, channelised and only emerges from beneath Butt Field at the southern edge of the site. To the eastern side the drain borders open countryside and the feature sits largely dry except for in storm events. This is a similar situation to that which exists to all units to the north of the site. Although not directly in compliance with this policy, it is not considered that the policy was meant to protect urban storm drain features where there is minimal ecological diversity. Landscaping would be included adjacent the feature and overall the development in closer proximity to the drain would not be considered to cause any harm.

### Highways and Parking

86. With regard to access, parking and highway safety, the applicant has submitted a transport statement. This has been subject of modification through the application process to amend modelling at the request of the LHA.
87. The scheme proposes between 2 and 4 dedicated parking spaces per unit, dependent on the floor area of the unit and in line with the requirements for B2 uses as set out in the LHA Design Guide. Each unit would also include a dedicated delivery spot for an HGV, whilst the wider site would also provide 4 unallocated visitor spaces, 5 disabled spaces and an 11 space bicycle parking area.
88. The concerns of the Town Council regarding parking are acknowledged, however most units have at least 3 dedicated parking spaces which represents an oversubscription of parking based on design guidance. The LHA further raise no objection to the parking provision on site and as such there is not considered to be any undue parking concerns. A condition ensuring parking is provided prior to occupation would seem both reasonable and necessary.
89. It is, however noted that the parking figures are based on a B2 use. This requires more than a B8 use but less than a B1(a) office use. Given the compact nature of the site it would therefore be considered necessary to remove any permitted development rights to allow conversion of the units to offices. Similarly it is considered necessary to prevent the installation of any mezzanine floors without prior approval of the local planning authority, as this may impact parking provision and requirements across the site.
90. The bike store proposed is located centrally within the site in a well surveyed location adjacent to the main spine road which would become an adopted highway. This features location is, therefore considered appropriate. The LHA raise no concern with the amount of provision for bicycle provision. It is considered necessary to condition the implementation of the bike store prior to occupation to ensure the feature would be in place to encourage sustainable modes of transport.

91. The LHA have raised no objection to the revised layout of the roads, including the spine road. Comments from the Town Council and public regarding a future access onto land to the south are duly noted, however the plan only shows an indicative link which does not form part of this application. The LHA have requested a condition regarding the new access to the neighbouring site not being brought into use until the existing hammerhead has been stopped up which would seem reasonable and necessary for highway safety reasons.
92. The LHA have requested a travel plan condition. Given the number of units proposed this would seem a reasonable request to support the uptake of sustainable transport methods. The LHA have also requested a construction management plan be submitted relating to highway safety matters. This would seem reasonable and necessary and could be tied into the document as requested by the EHO relating to noise dust and vibration.
93. The LAH have also referenced vehicle tracking which shows a 10.2m refuse lorry can enter and exit the drives in a forward gear. They reference a preference for a larger vehicle to be modelled but do not raise any objection, instead suggesting that the Boroughs Waste Team are consulted on the provision. In this regard, Rushcliffe Borough Council does not collect commercial waste and as such, any collections would be a private trade waste provider. As such, the minor query over the modelled refuse vehicle sizing does not raise undue concerns.

Other Matters:

94. NCC Planning made comments with regard to the provision of bus stop improvements along Chapel Lane at RU0244 and RU0242, close to Moorbridge Road. These bus stops are 0.3miles from the site entrance, approximately a 6 minute walk. The facilities at these stops are limited, one having no infrastructure and the other having a bus stop pole and raised kerb only. These facilities do not, therefore meet the level of facilities as the specified in the County Council's Transport Statement for Funding.
95. 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.
96. In this instance the developer has requested the opportunity to enter directly into obligation with Nottinghamshire County Council to provide the improvements. Given the nature of the employment uses proposed, the proximity of the bus stops to the site and the current infrastructure levels, the proposed contributions would be considered reasonable and necessary to support sustainable transport methods and to make the development acceptable. An appropriately worded condition requiring the improvements to be completed prior to occupation would seem reasonable.
97. NCC Planning raise no concerns with regard to minerals safeguarding but do note that a waste audit may be appropriate given the scale of development

proposed. 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 should make sufficient provision for waste management and promote 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. The handling of waste arising from the construction and operation of development should maximise reuse/recovery opportunities and minimise off-site disposal.

98. 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 should undertake a waste audit. The site proposes 34 smaller scale industrial units on a modest site and it is not considered that the development would be likely to generate significant volumes of waste through either the development or operational phases. As such it is not considered that a waste audit is essential for 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.
99. 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. Adequate waste storage has also been shown to be included within the layout plans.
100. NCC Planning comments regarding archaeology have been considered within the heritage asset and archaeology section of this report.
101. After examining the above proposal and assessing it against the policies set out in the development plan for Rushcliffe, the scheme is considered to be acceptable. Therefore, it is recommended that planning permission is granted.
102. The application was subject of pre-application discussions. Amendments and alterations have been made through the course of the application in response to comments made by officers, consultees and the public. The revised plans have sought to address the aforementioned concerns resulting in the recommendation to grant 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:

17013(PL)02 rev. M - Site masterplan  
17013(PL)03 rev. C - roof plan  
17013(PL)04 rev. B - Units 1-3  
17013(PL)05 rev. B - Units 4-19  
17013(PL)06 rev. B- Units 21-23  
17013(PL)07 rev. B - Units 24-29 and 31-34  
17013(PL)08 rev. B - Elevations 1-20  
17013(PL)09 rev. C - Elevations 21-34  
17013(PL)11 rev. D - Landscaping  
17013(PL)12 rev. A - Unit 20  
17013(PL)13 rev. A - Unit 30

Arboricultural Impact assessment

Ecological appraisal report

Internal turning heads arrangements - option A

Transport statement - P3

Flood Risk Assessment and Drainage Strategy - 18-0010/FRA/DS

Ground Investigation Report - J18046

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

3. No part of the development hereby approved shall commence until a detailed surface water and foul sewerage drainage scheme based on the principles set forward by the approved Flood Risk Assessment (FRA), July 2018, BSP, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority and Severn Trent Water. The final scheme shall be implemented in accordance with the approved details, and the works insofar as they relate to each unit completed prior to the occupation of that unit. The scheme to be submitted shall:

- Demonstrate that the development will use SuDS throughout the site as a primary means of surface water management and that design is in accordance with CIRIA C753.
- Provide site investigation details that demonstrate infiltration is not feasible on site, alternatively testing results to BRE365 standards.
- Limit the discharge rate generated by all rainfall events up to the 100 year plus 40% (for climate change) critical rain storm to no greater than 4.8 L/s, as detailed in the FRA.
- Provision of surface water run-off attenuation storage in accordance with 'Science Report SCO30219 Rainfall Management for Developments' and the approved FRA

- Provide detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- For all exceedance to be contained within the site boundary without flooding new properties in a 100year+40% storm.
- Evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure long term operation to design parameters.
- Detail drainage plans for the disposal of foul water sewerage.

[This is pre-commencement 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.]

4. No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. The parking of vehicles of site operatives and visitors;
- ii. Loading and unloading of plant and materials;
- iii. Storage of plant and materials used in 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 dust and dirt during construction
- vii. A scheme for recycling/disposing of waste resulting from demolition and construction works

[This is pre-commencement 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 manoeuvring for vehicles; inadequate materials storage and to ensure adequate recycling of materials in the interests of highway safety, visual amenity and environmental management.]

5. No development shall take place until a detailed Arboricultural Method Statement for the site has been submitted to and approved in writing by the Borough Council. The approved method statement shall include details of the following:

- Finalisation of the construction exclusion zones including final details and locations of any tree protection fencing.
- Installation and design of root protection systems (including compaction zones).
- Schedule of works.

Works shall thereafter only be carried out in accordance with approved arboricultural method statement.

[This is a pre-commencement condition due to the need to protect existing trees and hedgerows on the site prior to potential damage at construction stage. To ensure existing trees are adequately protected during the development and to comply with policy EN13 (Landscaping Schemes) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

6. The development hereby permitted shall not be commenced until details of the materials to be used on the hard surfaced areas of the site 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.

[This condition is pre-commencement given the industrial design and nature of the development and associated constructions methods. The condition is required 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].

7. The development hereby permitted shall not be commenced until details of the finished levels for the site including context to surrounding sites have been submitted to and approved in writing by the Borough Council and the development shall only be undertaken in accordance with the finished levels so approved.

[This condition is pre-commencement given the agreement of finished levels will be need to be resolved prior to any excavation taking place. The condition is required 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]

8. No part of the development hereby permitted shall commence until a scheme for the provision of improvements to bus stops RU0244 (Moorbridge Road) on Chapel Lane and RU0242 (Moorbridge Road) on Chapel Lane has been submitted to and agreed in writing by the LPA. The scheme shall be implemented in full thereafter and shall be completed prior to the occupation of the first unit unless otherwise approved in writing. For the avoidance of doubt, in respect to RU0242 this shall include details of Install real time bus stop poles & displays including associated electrical connections and polycarbonate bus shelter. For RU0244 the details shall include real time bus stop pole & displays including associated electrical connections, raised boarding kerbs and bus stop clearway markings. The details shall also include a timescale for implementation.

[This condition is pre-commencement to ensure the improvements can be implemented prior to the occupation of the units and in order to promote sustainable travel in accordance with the aims of Policy 14 of Local Plan Part 1 Rushcliffe Core Strategy]

9. If pile driven foundations are to be used for the construction of any part of the development, a method statement detailing techniques for the control of noise, dust and vibration from piling works shall be submitted to and approved by the Local Planning Authority prior to the development commencing in that part of the site to be piled. The method statement shall have regard to the guidance given in:



- BS 5228-1:2009+A1: 2014 - Code of practice for noise and vibration control on construction and open sites. Noise
- The control of dust and emissions from construction and demolition. Best Practice Guidance; Greater London Authority, November 2006.

Thereafter the works shall be carried out in accordance with the approved method statement.

[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].

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

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

11. The use hereby permitted shall not be commenced until a detailed landscaping scheme for the site has been submitted to and approved in writing by the Borough Council. The landscaping scheme shall be carried out in the first planting season following the commencement of the use hereby permitted and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Borough Council gives written consent to any variation.

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

12. The proposed business units shall not be brought into use until their respective off-street parking areas have been provided and surfaced in a bound material as approved under condition 6 of this permission.

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

13. Occupation of the proposed units shall not take place until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall then be implemented in accordance with the approved details.

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

14. Prior to first occupation there shall be submitted to and approved in writing by the Borough Council, as local planning authority, details of cycle stands for staff and visitors. The cycle stands shall be provided in accordance with the approved details before the development is first brought into use and shall be

retained for the lifetime of the development. In the case any scheme is delivered in phases where the main cycle stand cannot initially be delivered, each phase shall include a temporary cycle stand area to be provided in accordance with details first approved by the local planning authority, implemented prior to the occupation of any part of that phase and maintained until such time the main cycle stand and phase is delivered.

[To encourage sustainable modes of transport to the site in accordance with the aims of Policy 14 of the Rushcliffe Local Plan Part 1: Core Strategy.]

15. Prior to first occupation there shall be submitted to and approved in writing by the Borough Council, as local planning authority, details of the proposed bin stores to the site frontages. The bin stores shall be provided in accordance with the approved details before the development is first brought into use and shall be retained for the lifetime of the development.

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

16. The proposed access to the Central Source site shall not be brought into use until the purple areas of redundant highway as shown on drawing 17013(PL)02 Revision M have been formally stopped up.

[To reduce the possibility of vehicular conflicts and in the interest of highway safety.]

17. Prior to the erection of any boundary treatments or means of enclosure on site, the details shall first be submitted to and approved in writing by the Borough Council with the treatments thereafter constructed and maintained only in accordance with the approved details.

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

18. Prior to the installation of security lighting/floodlighting details of any such lighting shall be submitted to and approved in writing by the Borough Council, together with a lux plot of the estimated illuminance. The lighting shall be installed only in accordance with the approved details.

[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].

19. 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, details of noise levels and associated equipment locations and appearance shall be submitted to and approved in writing by the Borough Council. If this information is inconclusive or not complete then the applicant will be required to undertake a full noise assessment in accordance with BS 4142:2014: 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. The plant shall be installed only in accordance with the approved details.

[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].

20. No mezzanine floors shall be constructed within any of the buildings hereby approved without the prior approval of the Borough Council.

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

21. The development hereby permitted shall only benefit from any use falling within the following sections of The Town and Country Planning (Use Classes) Order 1987 (as amended): B1(b); B1(c); B2; and B8. Notwithstanding the provisions of the 'The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)', the units shall not be used for any other purposes.

[To clarify the extent of the permission and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

22. 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].

23. The uses hereby approved shall only take place within the approved buildings, with the external areas only used for parking and/or servicing as identified on the approved plans. No materials, products or waste shall be stored in the external areas except for those areas identified for such use on the approved plans.

[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].

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

[To comply with the requirements of the Wildlife and Countryside Act 1981 and to comply with policies GP2 (Design & Amenity Criteria) and EN12 (Habitat Protection) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

## Notes to Applicant

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

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

Therefore, it is recommended that the developer contact the Highway Authority as early as possible.

b) It is strongly recommended that the developer contact the Highway Authority at an early stage to clarify the codes etc. with which compliance will be required in the particular circumstance, and it is essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the County Council (or District Council) in writing before any work commences on site. Correspondence with the Highway Authority should be addressed to: [hdc.south@nottscc.gov.uk](mailto:hdc.south@nottscc.gov.uk)

It is an offence under S.148 and S.151 of the Highways Act 1980 to deposit mud on the public highway, and as such you should undertake every effort to prevent it occurring.

A pre-works check for badgers should be undertaken immediately prior to works on the site commencing.

Heras security fencing should be erected around the built development site prior to and during development works to prevent badgers from entering the site and injuring themselves.

Excavations to be left overnight are to be covered at the end of each working day, or include a means of escape

Reasonable avoidance measures are recommended to avoid impact to these species, these include:

- Preworks 'Toolbox Talk' provided to staff on the ecology and identification of protected reptiles within the UK.
- Undertake works during the active period for this species and encourage reptiles to leave the development area through management of habitats, e.g. careful strimming of vegetation across the site.

- Seek To retain existing deadwood piles. If works need to be conducted in these areas, works should be sympathetic to the species and should be dismantled by hand.

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.

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.

It is recommended that consideration is given to installing integrated bat and bird boxes / bricks in the buildings and external boxes on retained trees, dead wood piles should be retained.

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

The Trent Valley Internal Drainage Board maintain the Cricket Field Drain to the east side of the site. Byelaws and the Land Drainage Act 1991 apply to this drain. The Board's consent will be required to erect any building or structure (including walls and fences), whether temporary or permanent, or plant any tree, shrub, willow or other similar growth within 9 metres of the top edge of any board maintained watercourse or the edge of any board maintained culvert. The Boards Consent will be required irrespective of any planning permission and will also be required if you require drainage to discharge to the feature.

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**Application Number: 18/02524/OUT**

**Nicker Hill, Keyworth**

**scale 1:5000**

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**Applicant** Tuttey Family And CEG Land Promotions Ltd

**Location** Land At Barnfield Farm Nicker Hill Keyworth Nottinghamshire

**Proposal** Residential development of up to 151 dwellings (including 20% affordable housing) with vehicular access from Nicker Hill, associated open space, allotments, children's play area, surface water attenuation and ancillary works (Outline application with all matters reserved except for access).

**Ward** Keyworth And Wolds

## THE SITE AND SURROUNDINGS

1. The application site is located on Nicker Hill, to the eastern side of Keyworth. Nicker Hill delineates part of the sites south-western boundary, with existing residential beyond, the rest of the south western boundary borders an area of agricultural land that fronts onto Nicker Hill. To the north and north west of the site is Barnfield Farm (a residential property with a group of outbuildings in commercial use, stables and a menage) and the British Geological Survey (BGS) headquarters which is classed as a Centre of Excellence in the LPP1. Agricultural Land lies to the north and south east of the site. Western power overhead lines run along the south-eastern boundary. Keyworth footpath 8 runs to the north east of the application site.
2. The total application site extends to approximately 11.58ha comprised of agricultural land, of which 4.5ha is a former Local Wildlife Site (British Geological Survey Meadow LWS 5/2177 which was de-designated in March 2018).
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 for access, for residential development providing up to 151 dwellings (including 20% affordable housing) with vehicular access from Nicker Hill, associated open space, allotments, children's play area, surface water attenuation and ancillary works.
5. The application is accompanied by:
  - A sketch Layout
  - Application boundary plan
  - Location Plan including land in control of applicant
  - Illustrative Masterplan
  - Illustrative Sections
  - Illustrative Street Typologies
  - Illustrative Refuse Plan

- Illustrative sketch layout showing the indicative housing mix
  - Illustrative Drainage Strategy
  - Parameter Plan Land Use
  - Illustrative Parameter Plan Scale and Massing (building heights)
  - Illustrative Parameter Plan
  - Tree Constraints Plan
  - Design and Access Statement (October 18)
  - Planning Statement
  - Transport Statement
  - Framework Travel Plan
  - Document setting out Very Special Circumstances for development in the Green Belt
  - Flood Risk and Drainage Assessment
  - Utilities Assessment
  - Geo-environmental phase 1 Desk Study
  - Ecological Appraisal
  - Archaeological Statement
  - Arboricultural Report
  - Arboricultural Impact Assessment
  - Noise Assessment
6. Since the submission of the application, the agent has provided a written response to consultee comments and has submitted a revised Transport Assessment, which includes, at Appendix BGH 16, plan ref 11/356/TR/006 Rev C detailing the proposed access to the site; a Travel Plan ref 11-356-006.04 and a Technical Note - Sensitivity Test.
7. The parameters plans and supporting documents submitted indicates 5.89ha of residential development (51% coverage) of up to 151 dwellings (of which 20% would be affordable units), which would include 25 bungalows; a landscape buffer of 0.18ha (along the boundary with BGS); amenity open space of 0.84ha; Suds (proposed to be located within the former Local Wildlife Site (LWS) to the north east of the site which has a total area of 4.50ha and is proposed to be retained for agricultural grazing land and drainage attenuation basins); Allotments to the south east (0.18ha); and a Play Area (0.087ha) located in the north eastern corner of the site. The existing hedgerow to the boundaries would be retained, apart from access for maintenance of the fields/suds. It is proposed to include a footpath connection to the existing public right of way.
8. It should be noted that the application is in outline only but the submitted documentation establishes development parameters and illustrates that a development would comprise a mixture of traditional house sizes and types (ranging from 1 to 5 bedrooms) including semi-detached and detached style properties. The design and access statement indicates 3 height zones:
- Zone 1 – up to 1.5 storeys (+7.5m ridge above existing ground level)  
 Zone 2 – up to 2 storey (+10m ridge above existing ground level)  
 Zone 3 – up to 2.5 storey (+13.5m ridge above existing ground level)
9. The net density for the residential development is proposed to be approximately 30 dwellings per hectare with variations within the site to allow for lower density on road frontage and the south-eastern edge.

10. The submitted Planning Statement suggests that the housing mix would be in line with that in the Keyworth Neighbourhood Plan (KNP):
- 2 bed houses – 42 units (27.8%)
  - 3 bed houses – 36 units (23.8%)
  - 4 bed houses – 36 units (23.8%)
  - 5 bed houses – 12 units (7.9%)
  - 2 bed bungalows – 19 units (12.6%)
  - 3 bed bungalows – 6 units (3.9%)
11. In acknowledgement of the sites location in the Green Belt the planning statement includes a planning analysis of the principle of development on Green Belt Land. This has taken account of the Borough Councils Green Belt Review, the Keyworth Neighbourhood Plan preferred housing strategy and the emerging policy in Local Plan Part 2.
12. 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 Very Special Circumstances report (by Nexus Planning) the content of which is summarised below:
- a) *Green belt harm - The proposed development will cause substantial harm by reason of partial inappropriateness; substantial harm to the openness of the green belt, low harm in respect of urban sprawl, low harm on the merging of settlements, low harm due to encroachment into the countryside, a low level of harm to preserving the setting and historic character, and a low level of harm in relation to the Green belt's purpose to assist with urban regeneration. They acknowledge that these factors represent a level of harm which should be afforded moderate - substantial weight.*
  - b) *Non Green Belt Harm - the proposal constitutes sustainable development and, apart from the Green Belt Status, there are no other significant constraints to the proposal and, therefore, no "other harm" which arises for the purposes of the NPPF paragraph 144.*
  - c) *The Site's (housing element and associated open space) inclusion as a 'Preferred Housing Site' within the KNP (which forms part of the statutory development plan) alongside the new reforms to national planning policy are significant factors in favour of the proposed development which should be given substantial weight.*
  - d) *The Spatial Strategy outlined in the LPP1 coupled with RBC's clear commitment to release enough land at the key settlement of Keyworth to accommodate 450 dwellings is a factor that should be given substantial weight in favour of the proposal.*
  - e) *The precedence that neighbourhood plan policy has over older local plan documents is an important consideration that should be afforded substantial weight in favour of this proposal.*
  - f) *Concerns raised in relation to emerging Policy 4.1 are considered and addressed in respect of:*

- The sites distance from the village centre - There are a number of shops on Wolds Drive some 900m from the centre of the site. Nottingham Road and Main Street are 1.3km. The closest primary school is some 900m and secondary school 800m. All are considered to be within walking and cycling distance. It is considered to be within a sustainable location.
- Loss of Green Belt Countryside - The Rushcliffe Green Belt Review (Part 2(b)) includes an assessment of 17 sites at Keyworth. The application site received an overall score of 11 with only one site scoring lower when assessed against the 5 purposes of the Green Belt. The overall conclusion was that the site is of low medium green belt importance. Further the harm to the Green Belt (by both inappropriateness or actual harm and any other harm is clearly outweighed by the material considerations which fall in favour of the proposed development.
- Public Transport Services - The nearest existing stop is on Nicker Hill. The stops on Wolds Drive are 600m from the centre of the site. Trent Barton have confirmed that they would be willing to consider additional bus services to facilitate the site in the future if appropriate.
- Impacts on Landscape - The assessment by AECOM for the LLP under 'Landscape and Visual Analysis of Potential Development Sites' concludes that whilst the site's landscape sensitivity is low, the overall sensitivity of the visual amenity is medium. It is important to note that this assessment refers to land beyond the Application Site and due to its topography it is less contained and more sensitive. Due to the intervening topography and vegetation, the site is contained and will not be visible from the A606 that borders the south west of the site. Measures to reduce impacts to visual openness include a landscape buffer and the provision of a clear defensible boundary. The site's emerging allocation within the LLP2 supports the fact that the residential development of the site is acceptable in landscape terms. Impacts are considered to be low.
- Impacts on Neighbouring Local Wildlife - No development is proposed on the BGS Meadow due to the proposed location of SUDS. There is no public access to this area. It is to be retained as agricultural grazing land. It is officially de-notified as a Local Wildlife Site.
- Impact on and from activities of the British Geological Survey - A Noise Assessment has been submitted that considers the potential impact on future residents from the BGS site and Barnfield Farm and concludes that there will be no significant impact upon proposed dwellings. Additional buffers mitigate so as to not detrimentally impact on the future of the BGS site.

- Increase in Traffic - The Transport Assessment concludes that the traffic likely to be generated by the development can be accommodated in a safe and satisfactory manner subject to junction improvements at Main Road/A606 Melton Road.
  - Concerns in relation to Water Management - A Flood Risk Assessment and Drainage Report including a Suds Strategy has been submitted. Two detention basins are proposed within the BGS Meadow to the north of the site and the strategy ensures that there is no increase in surface water run-off from the development. This is an outline application and a detailed drainage design will be submitted as part of the reserved matters application.
  - Summary of Concerns Raised in Relation to Policy 4.1 - The Very Special Circumstances submission demonstrates that the individual concerns raised in relation to policy 4.1 have or can be successfully addressed and as such are 'insignificant' when assessed against para 48)b) of the NPPF.
- g) The emerging Development Plan evidence base is a material consideration since it forms the basis for judgements regarding the need for development, its form and location. This includes the SHMA, SHLAA, Housing Selection Background Report, Additional Settlements Background paper, the LPP2 Sustainability Appraisal and various Green Belt Reviews. The broad conclusions from the evidence base are:
- There is a substantial need for market and affordable housing to be met within the plan period.
  - The only means by which the development needs of Rushcliffe can be delivered in a sustainable manner is to allow for the release of Green Belt land in sustainable locations on a significant scale.
  - As a 'Key Settlement' Keyworth is a sustainable location for new development.
  - In order to maintain Keyworth as a thriving and sustainable rural community, new development is required to meet its current and future needs (including housing).
  - There is insufficient land available in the existing settlement boundary of Keyworth to accommodate the required development in a sustainable development.
  - The proposed site at Nicker Hill is identified as a suitable location for Green Belt release.
- h) The weight given to the emerging LPP2 in considering whether VSC's exist is a matter for RBC's judgement. It is submitted that it should be afforded substantial weight.
- i) The present need for sustainable development is a material consideration in the overall planning balance, which may weigh in favour

or against the proposed development. The weight to be attached depends upon the nature and extent of present need and the weight to be given to it. RBC acknowledges that it is currently unable to demonstrate a 5 year land supply. Based on the target over the plan period RBC has a total land supply of 3.1 years. Whilst the NPPG states that 'unmet housing need... is unlikely to outweigh the harm to the Green Belt' it is widely acknowledged that this is a contributing factor that can be afforded some weight. Furthermore, the recent appeal for land at Asher Lane, Ruddington the Inspector confirmed that this lack of housing is 'significant' and should be attributed considerable weight.

- j) There is a significant retired population in Keyworth, with low numbers of young people and working age people. RBC's Housing Background Paper (December 2012) notes that Keyworth is the only settlement in Rushcliffe to experience population decline. Therefore, there is an urgent need to provide new housing in order to support local businesses and ensure that schools and leisure facilities remain viable. The KNP sets out in Policy H2 and its supporting text the strong desire for medium sized bungalows where the older population wish to downsize. Balance has to be had with family housing to attract young people to the village. The housing mix in the proposed development meets the needs of the local population.

13. In conclusion:

- It is recognised that in advance of the adoption of LLP2, the proposal constitutes inappropriate development in the Green Belt, which is harmful by definition. It is therefore accepted that the proposal should not be approved, except in Very Special Circumstances (VSC). VSC will only exist if such considerations outweigh the potential harm to the Green Belt by reason of inappropriateness.
- It is acknowledged that substantial weight must be given to the harm to the Green Belt the proposal will have by definition of being inappropriate, and also in terms of its impact upon openness. However, when assessed against the 5 purposes of the Green Belt, the proposal will have a low impact on 4 out of the 5 criterion and low –moderate impact on urban sprawl.
- Moreover, the proposal will not result in any other (non-Green Belt) harm.
- Against this harm, the site's recognised 'preferred location' for housing development in the KNP as part of the statutory development plan and emerging allocation in the Submission Draft LPP2 (supported by the RBC Green Belt Review which concludes that the application Site is of 'low-medium' Green Belt importance) fully acknowledges that the application site is an appropriate location for housing development. Any harm also needs to be considered against the chronic local need for market and affordable housing, which the development will help to address, and the positive enhancements to the Green Belt, which the proposal will bring about.

- *In terms of the considerations in favour of the proposed development as a whole, substantial weight should be given to the considerable sustainability benefits of the scheme and that substantial weight should also be afforded to RBC's development plan (KNP and LLP1) and various other material considerations in favour of the scheme (outlined in chapter 6)*
- *The question to be asked is whether, when taken all together, all of these considerations in favour of the proposed development would clearly outweigh the harm to the Green Belt and any other harm such that VSC will be shown to exist to justify the granting of planning permission.*
- *Weighing these considerations, it is evident that the harm to the green belt (by both inappropriateness or actual harm) and any other harm is clearly outweighed by the considerations which fall in favour of the proposed development when taken together. The detailed exercise of weighing each of the relevant material considerations in favour of the proposed development is set out below:*
  - i. *The allocation of the housing element of the site as a 'preferred location for development' within the adopted Keyworth Neighbourhood Plan (May 2018) which forms part of the statutory development plan – substantial weight.*
  - ii. *The Spatial Strategy outlined in the adopted Rushcliffe Local Plan Part 1 coupled with RBC's clear commitment to release enough land at the Key Settlement of Keyworth to accommodate 450 Dwellings – substantial weight.*
  - iii. *The NPPF's support for Neighbourhood Planning – substantial weight.*
  - iv. *The sites allocation within the emerging LLP2 which has now been submitted to the SOS for Examination, coupled with the Council's evidence base (including RBC's Green belt Review) which provides clear support for the sites Green belt release – substantial weight.*
  - v. *The chronic need for proposed development (economic need, housing need and local need) – substantial weight.*
  - vi. *Positive enhancements to the green belt by providing opportunities for recreation, net biodiversity gains and access to the wider landscape – moderate weight.*
  - vii. *Recent appeal decisions in favour of the proposal – moderate weight.*

## **SITE HISTORY**

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

## **REPRESENTATIONS**

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

15. No comments have been received from the Ward Councillors.

### **Town/Parish Council**

16. Keyworth Parish Council does not object but have made the following comments:
- a. Access – they see no reason for access to the North of the site. The area above borders a LWS and as such should remain in the greenbelt as per the Keyworth Neighbourhood Plan.
  - b. The current access for agricultural machinery is via the bridleway which is perfectly fit for purpose. They are concerned that both the planned access routes that open into the greenbelt could essentially act as Trojan horses for future development in the greenbelt.
  - c. Noting this application is outline only, but to ensure our silence is not interpreted as tacit agreement to the additional detail provided, they made further comments and suggestions regarding reservations around the additional detail provided, ahead of a full application being submitted:
    - The plans lack provision for the elderly. They would be delighted if provision for an extra care facility could be made on the site, as per early discussions and identified local need.
    - The site would benefit from provision for charging for electric cars and solar panels on houses.
17. They object to a small number of elements where the plans are not in line with the Keyworth Neighbourhood Plan (KNP) and request that they are amended:
- The plans contain additional land that the developers propose to take out of the greenbelt, over and above that stipulated in the KNP, namely the proposed draining (SUDS) areas and the area identified as allotments. We were told the latter would be a play area, not allotments as there is no identified need for allotments. This should be within the area designated for removal from the greenbelt, as per the KNP, not additional, as per developer outline plans.
  - As above, the land containing the drainage areas borders a LWS and which should remain protected from further development as per the KNP.



- The number of affordable houses is just below the KNP minimum stipulation of 20% therefore we request at least one additional affordable house.

### **Adjacent Town/Parish Council**

18. Normanton on the Wolds Parish Council has two areas of concern regarding this application:
  - i. Traffic - The Council is concerned by potential increased traffic flows as a result of the cumulative impact of developments in Keyworth including the impact of this proposed development. At rush hour there are frequent traffic tail backs along the A606 Melton Road from the Wheatcroft roundabout to Stanton on the Wolds. It becomes increasingly difficult to turn out of Old Melton Road, Normanton on the Wolds onto the A606, particularly turning right, resulting in queueing traffic through the village. These difficulties will only be exacerbated by further development. In addition, the parish council has concerns about the impact of the increased volume of traffic on Platt Lane following the development and potential difficulties around the Platt Lane/A606 junction. Platt Lane is a narrow rural road and unsuitable for a large amount of traffic. It is used by residents of Normanton on the Wolds to walk to Keyworth and has no footpath in the section to the east of the railway bridge.
  - ii. Water Management – At times of high rainfall the watercourses, Willow Brook and Polser Brook, which run through Normanton on the Wolds are subject to flooding. Willow Brook runs from Keyworth into Normanton on the Wolds where it passes through several gardens to join up with the Polser Brook at Clipston Lane. The brook regularly floods downstream in gardens along its route and across Clipston Lane. Concern is raised that the impact of this development will exacerbate this problem.

### **Statutory and Other Consultees**

19. RBC Planning Policy Manager advises 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 Keyworth 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. Local Plan Part 2 was submitted for examination on 10 August 2018 and the hearing sessions took place during November and December 2018. The Inspector's interim findings are expected during January 2019 and a positive response regarding policies pertinent to this proposal (i.e. the distribution of housing and the land's allocation as a housing site) will increase their weight.
20. 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).

21. Notwithstanding the land's identification as a proposed allocation within the emerging Local Plan Part 2, until its adoption, the site remains within the Green Belt. Paragraph 143 of the NPPF states that inappropriate development (such as new open market housing) is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
22. It is considered that, as part of the planning balance, the following matters are pertinent when assessing whether very special circumstances exist:
  - The principle of greenfield (Green Belt) development at Keyworth has been established upon the adoption of Local Plan Part 1: - Core Strategy. Policy 3 (spatial strategy) establishes Keyworth as a key settlement for growth, and that provision will be made for a minimum of 450 dwellings through Part 2 of its local plan. The emerging LAPP proposes a total of around 600 homes within 4 allocations. This application site is one of these allocations.
  - 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 4.1 of the publication draft LAPP for around 150 homes, and the Council should be satisfied that the application complies with the criteria contained within the policy, which require: Green Infrastructure (that connect to and improve the local rights of way network and net-gains in biodiversity); improvements to nearby junctions at Platt Lane, Nicker Hill, Normanton Lane and Station Road; and the protection of residential amenity against disturbance from the British Geological Survey.
  - The proposed allocation is supported by evidence produced by, or on behalf of the Borough Council. This includes the Green Belt Review which determined that this land was of low-medium Green Belt importance and landscape analysis that concluded the land was of low landscape and medium visual sensitivity.
  - The land is recommended to the Borough Council for allocation within Appendix 3: Development Strategy of the Keyworth Parish Neighbourhood Plan for around 150-160 new homes. Whilst the recommendation does not form part of the development plan itself as it is contained within an appendix, the principle of development (albeit for a lesser amount of housing) has been supported through a referendum.
  - The site is available now 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 subsequent decision by the Secretary of State not to 'call in' the Council's recommendation to grant planning permission for 400 homes on land of Shelford Road, Radcliffe on Trent, endorses the release of Green Belt sites on the edge of key settlements where the Core Strategy has established the principle of this release and the emerging LAPP has identified the land as an allocation (supported by an extensive evidence base).
  - The granting of planning permission would contribute towards the Borough Councils 5 year land supply sooner than anticipated.
23. Having regard to the above, and subject to compliance with other policies within the development plan and other material planning considerations (including emerging policies in the LAPP), whilst housing need does not by itself comprise very special circumstances, the above considerations may cumulatively establish that these circumstances do exist and that planning permission could be granted for the release of this Green Belt site for housing development.
  24. Strategic Housing Officer advise that the site lies within the 'Keyworth' housing submarket area. Under Policy 8 (Housing Size, Mix and Choice) of the Rushcliffe Local Plan Part 1: Core Strategy there is a requirement to seek the provision of 20% affordable housing on the site. This would equate to 30 affordable units on a scheme for 151 units overall. The level of provision is evidenced in the Nottingham Core Strategic Housing Market (SHMA) Needs Update (2012). As indicated by the SHMA update, Core Strategy paragraph 3.8.9 states that 42% should be intermediate housing, 39% should be affordable rent and 19% should be social rent. This equates to 12 intermediate units, 12 affordable rent and 6 social rent units. A table with the breakdown of units was provided.
  25. 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.
  26. 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.
  27. An Affordable Housing Scheme that identifies the Registered Provider and includes a plan showing the layout of affordable units by type and tenure should be submitted to and approved by the Council before commencement of development.
  28. The provision of 20% affordable housing on this site will assist the Borough Council in meeting its strategic aims to address housing need in the Borough whilst reducing the number of households in temporary accommodation by increasing the supply of permanent affordable housing.

29. Design and Conservation Officer provided comments on archaeology, non-archaeological historic environment and design, as set out below.
30. Archaeology – *“Archaeology is addressed via a Desk Based Assessment. The HER records few finds or archaeological features in the vicinity of the site, the nearest being relatively modern 19th century features known from early OS maps and being a well and a clay pit, both outside of the site area being considered. There are no reports of any archaeological discoveries associated with the modest clay pit but any features which did exist in that area will have been removed by the clay extraction, beyond this there has been little formal investigation within the site in the past.*
31. *The desk based assessment concludes a low potential for archaeology for all periods. The assessment is essentially an informed estimate based upon available information from the surrounding area and cannot rule out the presence of archaeology on the site. As such to ensure that no archaeological information of value is lost I would recommend that the site should be subject to geophysical survey, such a requirement would not be disproportionate and given the low potential identified within the desk based assessment I would be satisfied with this requirement being covered by condition.*
32. *At present only access is to be considered in detail and as layout is a reserved matter I would suggest that the geophysical survey would need to be undertaken prior to determination of reserved matters.”*
33. Non-Archaeological Historic Environment: - the officer advises that; *“the planning statement confirms that there are no designated heritage assets within the site, and I would go beyond this to highlight the lack of any structures or features which could be considered to be non-designated heritage assets. The statement also explains that there are no designated heritage assets within the vicinity of the site which could have their settings affected by the proposed development. I would concur with the assessment and conclusion at paragraph 3.19 of the Orion report that the proposal does not affect heritage assets. The map of designated and non-designated heritage assets at appendix 1 does show the BGS site as a "local interest enhancement", however the other historic maps show clearly that nothing existing on this site before the mid-20th century, none of the buildings are of historic interest and the buildings on site which have a degree of architectural interest are some of the more recent additions to the site. Whilst not wishing to diminish the value and significance of BGS to the local area and to geological science I would not consider any of its buildings to represent non-designated heritage assets.”*
34. Design - although only access is included in this application, with the submitted layout plans being indicative at this stage, the officer has made some observations which may assist at the more detailed design stage.
35. *“The proposed visitor parking is mostly near areas of open space, play areas and at the perimeter of the site. However some of the visitor parking is closely associated with particular dwellings, sometimes even alongside a dwelling. Most visitors will likely try to park as close as possible to the property which they are visiting, ignoring visitor parking spaces located further away in favour of on-street parking, whilst some residents will unavoidably assume ownership of the ‘visitor’ parking spaces alongside their home and use them full time. If*

*this is intended to avoid on-street parking I can see that it might not be entirely successful, although it may still be an approach at least worth trying. Beyond that the layout appears reasonable and the density not dissimilar to that found to the southwest of the site.'*

36. Design and Landscape Officer has confirmed that; *"the site falls within the Nottinghamshire Wolds regional character area and forms part of the Widmerpool Clay Wolds. The site is largely in keeping with this character area in that it is an undulating landscape which falls away from Nicker Hill to a riparian landscape with scattered Willows along the eastern boundary of the site. These willows have little wider screening value as the ground rises to the east screening them from longer distance views. The hedgerows on the site vary in quality some have a number of gaps. Views in this landscape character area vary from long distance from high ground to short distance from low ground, this is reflected in the site with views from Nicker Hill to the raised ground east of the A606 and Clipston in the far distance. The BGS meadow area within the application site is hidden in a dip and can only really be viewed from the adjacent right of way.*
37. *The development will change the character of the landscape, but only over a limited area and will not harm the wider character of the area which is already influenced by the large BGS buildings and the existing edge of the village.*
38. *In terms of visual impact the most sensitive receptors will be users of the right of way at the east of the site. When walking the route you are influenced by the large buildings at the BGS site and there are views to the existing properties on Nicker Hill, but these are sometime partially screened from view. The proposed housing will be more prominent and I would like to see more landscaping along the eastern edge of the housing, this would screen users of the right of way and would have some screening value from longer distance views from the east. Tree planting could be incorporated into the hedgerow. I understand the value of the eastern field may be its grassland, but some scattered trees or a narrow strip of denser planting could also be considered.*
39. *The arboricultural report suggests the hedge and trees alongside Nicker Hill will need to be removed along with the hedge which borders the proposed housing at the eastern side of the site. I'm not sure this eastern hedge needs to be removed and presume it is a mistake in the arboricultural report, it seems to be retained on layout plans, but this should be clarified. Ideally the hedge on Nicker Hill would be retained, I presume there is a need to improve visibility plays for the driveway, if this is the case suitable replacement planting would be needed. I don't object to the tree removal on Nicker Hill as they are fairly poor quality, but again would expect some high quality replacement planting.*
40. *I don't see any specific landscape proposals or strategy, the masterplan has some indicative tree planting, but there seems more potential for tree planting around the aforementioned field eastern hedgerow close to the proposed houses, the play area, the southern corner of the site and along the roads which run parallel with Nicker Hill, planting on these roads would help break up the roofline from views outside of the village."*
41. *In respect of the revised Transport Assessment submitted on the 6 February 2019 which indicated the highway access works the officer confirmed that; "It looks reasonable and I would hope that it could be achieved through pruning*

*rather than removal. Obviously if any sections to the side of the new entrance did need to be removed I would expect them to be replanted as part of a landscape scheme.”*

42. The Environmental Health officer has raised no objection subject to conditions.
43. The Community Development Officer has advised that, based on 151 dwellings and an average of 2.3 residents per dwelling, this equates to 347 new residents which will create additional demand for leisure/recreational activities which can't be met by existing provision.
44. Children's play – *“For Children's play on site provision of equipped play space equivalent of 0.25 hectares per 1,000 = 0.087 hectares in size. It is noted that an equipped play space containing natural play features is to be provided on site which is supported. However, there are very limited details regarding the amount and type of play equipment. There will need to be sufficient variety as well as inclusive play opportunities, seats, bins and signage. Furthermore as the proposed location of the play area is close to a road a means of deterring children running onto the road will be required.”*
45. Indoor Leisure - 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 Keyworth. The Sport England Facility Calculator run on 03/12/2018 provides the following commuted sums (records attached); Sports Halls - £59,038 and Swimming Pools - £63,553, total indoor leisure contribution of £122,591
46. Sports Pitches - the Rushcliffe Playing Pitch Strategy 2017 identifies a current shortfall of pitch provision that this development would worsen. The nearby sports pitch site at Platt Lane which caters for football and cricket is identified within the Rushcliffe Playing Pitch Strategy and Action Plan 2017 as a 'Key site' within the site hierarchy. Actions identified are to improve changing facilities and provide a 3G synthetic turf pitch which the sports clubs based from the site are seeking funding to deliver.
47. The Sport England Playing Pitch Demand Calculator (with Rushcliffe specific data) provides the following commuted sum for offsite provision:  
Total = 0.63 pitches at a capital cost of £59,449 and a total life cycle cost per annum of £11,133.
48. Allotments - provision of on-site allotments has the required infrastructure of car access/parking. A water supply and means of securing the site will also be required.
49. RBC Recycling Officer asks that the developers are made aware of the Council's policy to charge developers for the first provision of refuse containers.
50. The submission highlights through the inclusion of drive over corner strips that there is a concern of how a refuse vehicle will navigate around this development. This should be factored out and highway provided with clear separation of highway and pedestrian walkways, there is the likelihood that

these will become parking spaces for inconsiderate motorists which will then cause vehicle manoeuvring hazards on collection days.

51. To the Northern edge of the proposal there are 7 x 3B properties that are on a secondary level street, which look like they have no off street parking or a shortened space in front of a garage, some of which are opposite a junction where a Refuse Collection Vehicle will struggle to make any turns. Consideration should be given to these properties having 2 cars per household, He would like to see a swept path analysis of how the developers propose a refuse collection vehicle would navigate past those parked cars, without mounting pedestrian walkways. The parking bays opposite are also likely to have cars parked in them but not necessarily from those 7 properties.
52. The Sustainability Officer has confirmed their acceptance of the submitted ecological appraisal findings and recommendations and has advised conditions and notes to secure the recommendations.
53. Nottinghamshire Wildlife Trust although confirming that they have not looked at any of the details, provide broad views as follows:
  - i. Determination of all 3 applications (this being one of three current submissions for sites in Keyworth) is premature, given that the LPP2 hasn't been adopted. They would not wish to see all approved with the result that Keyworth exceeds its housing 'targets' (as happened in East Leake). They would therefore like to see the LPA refuse all 3 applications, or delay determination until the Local Plan has been adopted.
  - ii. In relation to the emerging local plan (including the 'additional sites' consultations) NWT highlighted that KEY10 (now application ref 18/02515) contains some ridge and furrow, which is an increasingly scarce feature and could be of archaeological and biodiversity interest, along with prominent hedgerows. Although they haven't looked at any of the ecological appraisals, they are of the general view that if sites towards the east of the village are taken forward (Especially Key 8, which is currently arable) these will be less ecologically damaging than those on the west, especially Key 18, which does contain the well-established network of hedgerows and historic pasture.
  - iii. They would expect any recommendations for 'additional surveys' in the ecological report to be fulfilled prior to any determination and any mitigation or 'biodiversity enhancements' are secured by an appropriately worded planning condition.
  - iv. They normally expect and recommend that all features of ecological interest, such as field hedgerows, scrub, species rich or permanent grasslands, ponds etc are retained and sensitively incorporated into any public open space. Ponds, ditches and watercourses need to be adequately buffered (i.e. set back) from any development and long-term maintenance of any such habitats must be secured through Section 106 (or similar) agreements.

- v. Given issues encountered on other sites locally, conditions must be used to safeguard breeding birds (ideally no vegetation to be removed during the breeding season, March to Sept inclusive).
54. Environment Agency have no formal comment to make. The site is located within flood zone 1 and there are no other environmental constraints which fall within their remit. They recommended that the LLFA (Nottinghamshire County Council) be consulted for surface water matters associated with this site.
55. Sport England have confirmed that the proposed development does not fall within either their statutory remit (Statutory Instrument 2015/595), or non-statutory remit (National Planning Policy Guidance (PPG) Par. 003 Ref. ID: 37-003-20140306), therefore Sport England has not provided a detailed response but provided advice to aid the assessment of the application.
56. The advice covered: if the proposal involves the loss of any sports facility; if the proposal involves the provision of a new sports facility; if the proposal involves the provision of additional housing (then it will generate additional demand for sport. If existing sports facilities do not have the capacity to absorb the additional demand, then new and/or improved sports facilities should be secured and delivered in accordance with any approved local policy for social infrastructure, and priorities set out in any Playing Pitch Strategy or Built Sports Facility Strategy that the local authority has in place).
57. They also advise that; *“in line with the Government’s NPPF (including Section 8) and PPG (Health and wellbeing section), consideration should also be given to how any new development, especially for new housing, will provide opportunities for people to lead healthy lifestyles and create healthy communities. Sport England’s Active Design guidance can be used to help with this when developing or assessing a proposal. Active Design provides ten principles to help ensure the design and layout of development encourages and promotes participation in sport and physical activity.”*
58. Highways England have advised that the applicant should be made aware that there is currently an improvement scheme being implemented along the A52, under the A52/A606 Improvement Package Developer Contributions Strategy Memorandum of Understanding, June 2018.
59. Highways England take responsibility for delivering infrastructure improvements required to support growth on the A52 whilst seeking appropriate local contributions proportional to the scale of impact through a developer contribution strategy. This approach is supported in Rushcliffe Core Strategy Policy 18.
60. Highways England reviewed development proposals at the scoping stage in May of this year. Their checks using the TRICS database and Census Journey to Work data showed that the most significant impacts will be on the A52 seeing approximately 40 vehicles in each peak period. Regarding distribution onto the A46, they expect approximately 12 two way vehicle trips in each peak period.
61. As part of the contribution strategy, sites which generate an impact of 30 trips or more are to be considered. For developments at Keyworth a sum of £2,016.37 on a cost-per-dwelling basis has been identified, amounting to a



contribution of £304,472 for this application. However, they confirm that no assessment of traffic impacts or delivery of improvements on the SRN will be required.

62. Therefore, Highways England has no objections to this application subject to a condition to ensure that the developer enters into an agreement under section 278 of the Highways Act 1980 with Highways England to facilitate improvements in accordance with the improvement package developer contributions strategy memorandum of understanding.
63. The Ramblers Association has raised no objection to the application.
64. Nottinghamshire County Council as Lead Flood Risk Authority (LLFA) have advised that, based on the submitted information, they have no objections subject to a condition requiring the approval and implementation of a surface water drainage scheme, incorporating sustainable urban drainage (SuDS), with infiltration testing, calculations for the run-off rate and proposals for the ongoing maintenance and management of the system for the lifetime of the development. The full wording for this condition is included in the recommendation.
65. In light of comments made by the adjacent Parish Council regarding flooding, they offered the following additional comments; *“further to the developments discharging to the Polsner Brook and Willow Brook consideration should be given to the cumulative impacts of their development on the wider catchment. Where there are existing flooding issues all efforts should be made to reduce flooding however, the development proposals must ensure that they do not increase flood risk.”*
66. Severn Trent have raised no objection subject to a condition. They advise that a sewer modelling study may be required to determine the impact this development will have on the existing system and if flows can be accommodated. Severn Trent may need to undertake a more comprehensive study of the catchment to determine if capital improvements are required. If Severn Trent needs to undertake capital improvements, a reasonable amount of time will need to be determined to allow these works to be completed before any additional flows are connected.
67. Planning Practice Guidance and section H of the Building Regulations 2010 detail surface water disposal hierarchy. The disposal of surface water by means of soakaways should be considered as the primary method. If this is not practical and no watercourse is available as an alternative other sustainable methods should also be explored. If these are found unsuitable, satisfactory evidence will need to be submitted before a discharge to the public sewerage system is considered.
68. Nottinghamshire County Council (Planning) commented on a number of issues, which are summarised in the following paragraphs.
69. Minerals Local Plan - NCC advised that a gypsum Minerals Safeguarding and Consultation Areas cover the site. There is the possibility that underground extraction areas may be present throughout this MSA/MCA due to the safeguarding area being associated with the Marblaegis Mine in East Leake and, therefore, the County Council would advise that in the first instance

contact is made with British Gypsum regarding the history and future of gypsum working in the vicinity of the proposed site. The County Council does not wish to raise any objections to the proposal from a minerals perspective.

70. 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.
71. Highway matters - The applicant is proposing to signalise the A606/Melton Rd junction and has included a sketch plan in an appendix to the supporting Transport Assessment. The applicant's Transport Assessment concludes that this is required to mitigate the impact of the traffic generated by the application site in isolation. However, there are a number of other proposed developments in Rushcliffe district which will add to the traffic demands on the A606/Melton Road junction. As a consequence, the applicant should be made aware that a cumulative traffic impact assessment has been undertaken to support the overall growth in Rushcliffe district and as a consequence there are proposed improvements to the A52 (T) junctions (between the A453/A52 junction Wilford and the A52/A46 junction at Bingham), and the A606 junctions in Tollerton. The improvement of the A606/Main Road junction is currently being designed by Highways England/Nottinghamshire County Council and this is likely to involve constructing a larger traffic signal-controlled junction than that proposed by the applicant. In which case the signalisation proposed by the applicant will not be required but rather a financial contribution from the applicant instead.
72. Attention is drawn to the Memorandum of Understanding (MOU) between Highways England, Rushcliffe Borough Council and Nottinghamshire County Council regarding improvements required to the A52 and A606. As this development is expected to lead to a significant impact on the A52/A606 junctions a financial contribution in accordance with the MOU will be a requirement.
73. Ecology - NCC has commented on the application and note that:
  - The application is supported by an Ecological Assessment, based on surveys carried out in 2016 and 2018, which indicates that the majority of the application site is improved grassland of low ecological value, bounded by hedgerows;
  - A grassland of higher value abuts the site to the north, formerly a Local Wildlife Site (BGS Meadow LWS 5/2177), although this is not recognised in the Assessment (which indicates that the grassland does in fact still qualify as an LWS). Unfortunately, there appears to be a requirement to use parts of the (former) LWS to manage surface water from the development. With reference to the Flood Risk and Drainage Assessment, it is not clear why surface water cannot be managed within the development site. Sites of county-level importance for their wildlife

should not be impacted in this way, especially when alternatives which avoid such impacts may be available. Further justification for the proposed approach to managing surface water from the development therefore needs to be provided.

- Bat activity surveys recorded low levels of bat activity associated with boundary hedgerows, with the majority of activity attributable to Common Pipistrelles; one tree (TN11) was considered to have moderate bat roost potential, although no bats were seen to emerge from this during surveys. This tree is earmarked for removal.
- A badger main sett is present within the site. The site layout avoids development in immediate proximity to the sett.
- Grass Snakes were recorded out with the application site, on the northern boundary of the LWS grassland to the north.
- eDNA surveys for Great Crested Newts carried out at two nearby ponds produced negative results.
- Birds surveys indicate that the site supports a small range of typical and widespread species.
- Notwithstanding the comments above regarding the former LWS grassland, a detailed method statement should be produced, prior to any works taking place within the grassland, to accord with the measures outlined in sections 6.3.6 to 6.3.9 of the Ecological Assessment. This must be conditioned.
- A working methodology should be produced, via a condition, for any works taking place within 30m of the badger sett, as outlined in section 6.3.13 of the Ecological Assessment. Additionally, a further condition should ensure that the requirements of section 6.3.14 are adhered to.
- A working methodology should be produced, via a condition, to protect reptiles, based on section 6.3.16 of the Ecological Assessment.
- Removal of the ash tree identified as TN11 should be preceded by a further bat roost assessment; this should be conditioned.
- A standard condition should control vegetation clearance during the bird nesting season, which runs from March to August inclusive.
- A bat-sensitive lighting scheme should be developed and submitted via a condition to accord with Conservation Trust (2014) 'Artificial lighting and wildlife – Interim Guidance: Recommendations to help minimise the impact of artificial lighting'.
- A condition should require the incorporation of integrated bird and bat boxes (the former targeting house sparrow, starling and swift) into the fabric of a proportion (c.20%) of the proposed dwellings/their garages.

- Mitigation for badgers should be provided as per the recommendations of the Ecological Assessment.
  - An Illustrative Masterplan has been submitted. A condition should require the submission of a detailed Landscaping Scheme, to provide details of species mixes, establishment methods and maintenance regimes. Species of tree and shrub should be selected with reference to the relevant Landscape Character Areas species list.
74. Rights of Way - Footpath no 8 – Keyworth is within the application site, although the path appears to retain its character as a rural headland footpath and is not directly affected by the associated development. Therefore, the County Council currently have no objections but would like the applicant to observe the following:
- The footpath should remain open, unobstructed and be kept on its legal alignment at all times.
  - There should be no disturbance to the surface of the footpath without prior authorisation the rights of way team.
75. Should the applicant wish to create an access link to connect the main development with footpath no 8 - that extends beyond a permissive access agreement, then under s.257 of the Town and Country Planning Act 1990, a public path order to create a public right of way is required. This process is administered through the planning authority.
76. Transport and Travel Services - An indicative bus service contribution of £90,000 would provide service enhancements to serve the development for at least two years, subject to review, based on usage and revenue. At this time, it is envisaged that Transport & Travel Services will wish to negotiate with the developer and Highway Development Control regarding provision of appropriate bus services to serve the site.
77. Transport and Travel Services request a contribution of £30,000 via a Section 106 agreement for Bus Stop Improvements/Installations. This will be used towards improvements to bus stops and/or the installation of new bus stops within the development site to promote sustainable travel.
78. Transport and Travel Services have also sought a Bus Taster Tickets Contribution of £24,000 that will provide new occupants with a bus pass for use on the local bus network, to encourage use of sustainable modes of travel.
79. Education - there are sufficient places to accommodate the additional 32 primary places but a contribution will be required for the 24 secondary places in order to create additional capacity in existing secondary schools as there is no projected capacity available. A section 106 contribution is therefore sought of £426,072.
80. Nottinghamshire County Council as Highways Authority initially recommended the application be deferred pending receipt of additional information. They stated that *“Paragraph 5.5 of the Transport Assessment refers to the proposed development being served from a priority controlled T-junction comprising of a 6.75m wide carriageway, with a 3m wide footway/cycleway and 2m wide*

*footway. Whilst the reasoning behind the provision of a shared cycleway is understood, there is no corresponding feature on the public highway in which to connect into. Providing such a facility will therefore have limited benefit and should be omitted from the layout.”*

81. They also noted that the access drawing does not reflect the prescribed measurements in the text, although it was acknowledged this could be a scaling issue. Nonetheless, the drawing should be re-produced with the correct dimensions (annotated) for the avoidance of doubt.
82. The applicant's own speed survey has determined that visibility sight lines of 2.4m x 60m are required at the access in both directions. Based on the readings, the highway engineer's calculation suggests a splay of 2.4m x 65m should be provided. This can be achieved within the highway extents and should be shown on the access drawing.
83. Pedestrian connectivity to the site will be facilitated by the introduction of a footway along the site frontage. There is however a sub-standard footway on the opposite side of Nicker Hill that should be widened to 2m so that pedestrians (particularly parents with pushchairs) can reach Willow Brook Primary School, and the facilities/amenities in and around the village centre. Such provision should be accompanied with suitable crossing points to ensure the route is easily accessible, and to encourage alternative modes of travel to the motor car which is a theme promoted by the NPPF.
84. There is a level difference that slopes from the carriageway towards the site. The vertical alignment of the new road should not exceed 1:40 for the first 10m from the junction, and 1:30 thereafter. Any works to culvert the ditch may need separate Land Drainage Consent. Further information can be obtained from Nottinghamshire County Council's Flood Risk Team.
85. With regard to the junction modelling, the TA advises the development will generate up to 109 and 117 trips in the AM and PM peaks respectively. The traffic has then been distributed on the network by using Journey to Work data from the 2011 Census, which suggests the majority of traffic will route north along Nicker Hill. The County's own Census research would suggest a heavier weighting of traffic could travel south towards the Browns Lane/A606 junction which has not been included within the model and is known to experience queuing at peak times. It will therefore need to be included for further assessment.
86. They are mindful this proposal is being considered alongside two other live submissions where their cumulative impacts may also contribute towards queuing at junctions. An assessment in this regard has not been made and so a sensitivity test should be undertaken to establish whether any remedial works are required.
87. Whilst a scheme to signalise the Main Road/A606 junction has been put forward by the developer to mitigate their own traffic impacts, a more comprehensive arrangement is currently being designed by Highways England to improve links on strategic routes and help support future growth in the Rushcliffe District. The design, which accounts for all development within Keyworth is likely to be more substantial than that put forward by the applicant, and is funded, in part, by developments that contribute to additional demands

on the network. They therefore request that the developer provide a financial contribution towards the Highways England scheme, with contributions being collected in accordance with the Memorandum of Understanding between Highways England, Nottinghamshire County Council and Rushcliffe Borough Council.

88. Although the internal road layout is a matter to be determined through reserved matters, the following issues should be addressed in any future submission:

- The alignment of the roads are too linear and are likely to encourage speeds in excess of 20mph. The presence of traffic calming features is noted to curb excessive speeds, but vertical deflections should not be relied on as the only means of achieving this.
- On-street parking for visitors appears generous, with some spaces being provided at the expense of a dedicated footway adjacent to the carriageway. Highways are unlikely to adopt pedestrian links that do not run alongside the carriageway, and the view may be taken as to whether their absence represents a highway safety risk.

89. The Travel Plan has been reviewed by the Transport Strategy Team but cannot be approved. It will therefore need to be updated to reflect the below:

- The timing of the first surveys is inconsistent (para 4.3 and 7.1).
- The primary target should be based on the trip generation values in the accompanying Transport Assessment (i.e. include one table showing the values used in the TA, and a further table showing the target trip generation with the Travel Plan in place (i.e. lower than the TA)). Mode share can be used as a secondary target.
- No targets should be amended without the written agreement of NCC.
- Additional measures could include the cooperation in national promotional events (e.g. Cycle to Work day etc).
- Although this is briefly mentioned, no remedial measures have been identified should the TP fail to meet its targets. At minimum, the lifespan of the TP should be extended, and a review of existing/potential measures undertaken.

90. Following the submission of a revised Transport Assessment and Travel Plan further comments were received which are detailed in the following paragraphs.

91. Table 1 of the Technical Note shows that the identified junctions will operate within capacity when the additional traffic from the two live sites nearby (18/02412/FUL and 18/02515/FUL) are loaded onto them which is acceptable.

92. Whilst the same table identifies development traffic is likely to increase queue lengths at one of the identified junctions, Highways reiterate their comments regarding the Highways England (HE) improvement scheme that is currently being designed to improve links on strategic routes to promote growth within

the District. The HE's junction arrangement is likely to be more comprehensive than that put forward by the applicant and so a financial contribution is requested towards its delivery in accordance with the memorandum of understanding between Highways England, Nottinghamshire County Council, and Rushcliffe Borough Council.

93. With regard to the Browns Lane junction, Highways have reviewed their methodology and conclude the development will only result in a nominal amount of additional use and so no further assessment is required in this location.
94. Highways maintain their request to widen the footway along the south-west side of Nicker Hill to provide an appropriate link to the local facilities/amenities in the area, and to encourage a modal shift in traffic patterns. The applicant has offered to improve the footway up to Meadow Drive in anticipation of trips routing through the residential area. However, this will result in longer journey times to the nearby school, and is more likely to result in pedestrians negotiating a narrow strip of footway to reach their destination, which is not considered appropriate given the scale of development. Promoting lower carbon forms of transport is an objective of Nottinghamshire County Council's Local Transport Plan, and a footway improvement scheme provided in its entirety up to Willow Brook will help to achieve its aims.
95. As a result of the additional information submitted, Highways no longer have any highway objections subject to conditions. They also confirmed that the revised Travel Plan is approved.
96. Western Power advise that there is an 11,000V overhead line along the eastern boundary of the site, defined as a strategic section on their distribution network. The proximity and usage type of the adjacent land to the line will dictate whether the line remains overhead. HSE GS6 defines both vertical and horizontal clearances to the line. If these are to be breached it will contravene HSE and WPD Safety clearances. All electricity apparatus must be legally secured on private land.
97. The Clinical Commissioning Group (CCG) advised that their standard formula would have generated a contribution request of £138,920. However, given that there is some potential capacity at Keyworth Primary Care Centre they have requested a contribution that would enable them to convert the underutilised space to clinical consulting rooms complying with all infection control regulations. As a consequence they have requested a section 106 contribution of 25% of the full amount for the conversion costs, which equates to £34,730.

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

98. Representations have been received from 2 residents raising the following issues:
  - a. This and other developments will exacerbate traffic on the A606 and the A52 corridor.
  - b. Without an overall Infrastructure Delivery Plan to cater for the increased traffic load, the application should be refused.

- c. The land proposed to be developed is excessive.
  - d. This outline planning application applies to an area of 11.58 Hectares of Green Belt land. The adopted Keyworth Neighbourhood Plan recommends that 7.6 Hectares of land in this part of Keyworth be removed from the Green Belt. The draft Rushcliffe Local Plan part 2 and Green Belt review currently being examined proposes to remove the same 7.6 Hectares of Land from the Green Belt. Therefore any planning application proposing to use more than 7.6 Hectares of land on this site should be rejected.
  - e. There is also a proposal for some allotments. There is currently an excess supply of allotments. Would building on those unused allotments then be allowed?
99. A petition has also been received from Vale consultant on behalf of the occupiers of 22 properties of Nicker Hill. Fundamentally, the objection relates to the following key issues (expanded upon in the subsequent paragraphs):
- The principle of the proposed development in this location, which remains part of the designated Nottingham-Derby Green Belt; in particular;
  - Proposed retention of access to north-east of Site;
  - Lack of structural landscaping and lack of defensible boundary to the proposed development and Green Belt;
  - Increased Site Area compared to that proposed for allocation within the Local Plan Part 2;
  - Detriment to character and appearance of the landscape setting;
  - Poor sustainability credentials; and
  - No demonstrable need for the Proposed Allotments.
100. The Application Site remains within the Nottingham-Derby Green Belt and is, therefore, afforded a high level of protection through the NPPF, which confirms that the Government attaches great importance to Green Belts. Whilst it is acknowledged that land within the Green Belt will need to be released and allocated for residential development in order to meet the ongoing housing needs of the Borough during the Local Plan period, Paragraph 136 of the NPPF makes it clear that Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified.
101. In this case, the emerging Local Plan Part 2 and Green Belt Review is still the subject of significant unresolved objection and may need to be altered following the forthcoming Examination process. With this in mind, we remain of the view that the site makes a strong contribution to the importance of the Green Belt in this location, particularly given that this landholding forms an important break between Keyworth and the village of Stanton-on-the-Wolds to the south-east. The proposed development of this site would therefore, lead to unrestricted sprawl of Keyworth into the open countryside beyond and would thus fail to safeguard the countryside from encroachment.



102. Paragraph 136 of the NPPF stresses that strategic policies should establish the need for any changes to Green Belt boundaries, having regard to their intended permanence in the long term, so they can endure beyond the plan period. In this case, the Masterplan submitted in support of this application indicates no provision of structural or strategic landscaping around the boundaries of the development and the proposed residential development of this site would not form a logical 'rounding off' of the existing built form to Keyworth. Given the lack of defined visual or physical boundaries to the proposed site, it is of grave concern that the Green Belt boundary would not be defensible, leading to further proposals for the development of surrounding land, which would be extremely difficult to resist.
103. Furthermore, the provision of an access link from the proposed development into the adjacent agricultural land to the east and south-east (ostensibly as a retained agricultural access), causes significant concern that future proposals will be advanced for the development of this land in due course. The inclusion of this access does not accord with Paragraph 136 of the NPPF, which seeks to ensure the long term permanence of new Green Belt boundaries, which will endure beyond the plan period. The spur of road leading to the boundary of the Site automatically allows the future vehicular access of this adjoining land and therefore does not allow a permanent or defensible boundary to the Green Belt to be secured. Indeed, there seems no requirement to include this 'spur', given that agricultural vehicles are highly unlikely to access this agricultural land through the proposed residential development, a situation which would be both dangerous and highly undesirable.
104. Similarly, the inclusion of land referred to as the 'BGS Meadow', which lies to the north of the proposed built development on this site, causes significant concern. The proposed allocation, as depicted within the Publication Draft Local Plan Part 2 (as well as within the made Keyworth Neighbourhood Plan), indicates an area of land measuring approximately 7.8 hectares, which is envisaged for release from the Green Belt and as a residential allocation. The current Application Site measures 11.58 hectares, and includes the agricultural land to the north for use as part of the sustainable drainage solution for this proposed development, but which does not form part of the proposed Local Plan Part 2 allocation.
105. The inclusion of this additional land within the Planning Application area extends the site further into the Green Belt, over and above that which was assessed as being suitable for allocation through the Local Plan process. Indeed, it is our belief that (notwithstanding our 'in principle' objection to this proposal), any drainage solution for the development should be accommodated within the site envisaged for allocation through the Neighbourhood Plan and Local Plan Part 2.
106. The inclusion of this additional parcel of land has not been adequately assessed and there are no very special circumstances to demonstrate why this agricultural land should be removed from the Green Belt. Indeed, if, through this Planning Application, this additional piece of land is removed from the Green Belt designation, then this provides a future opportunity for further built development on the portion of land not being utilised as a drainage basin, which would be very difficult for your Authority to resist.

107. The proposal will have a detrimental impact on the character and appearance of the landscape setting. The application site is identified within the 2010 'East Midlands Regional Landscape Character Assessment' (EMRLCA) as lying within landscape character area SA 'Clay Wolds'. The character of the area is dominated by small villages and farms, arable and pasture farming, expansive views and prominent ridges close to villages. The EMRLCA states that the aim should be to protect the character of this countryside and that 'care should also be taken to prevent coalescence, ensuring separation is maintained between the urban fringe and surrounding settlements'. In rural areas, village expansion should also generally be avoided in open, elevated areas where development would 'damage the sense of remoteness and expansive views'
108. It is considered that due to the site's topography which rises from east to west and due to the landform of the surrounding landscape, the site is within a prominent position and will be highly visible from the east, south-east and north-east of the site. Any development would therefore be highly visible and could not successfully be sensitively screened within the landscape in order to protect the existing landscape character.
109. Given the lack of space provided around the perimeters of the site for structural landscaping, there are genuine concerns that the proposed development of this landholding will appear incongruous and visually intrusive within the landscape setting and will have a harmful impact upon the character and appearance of the countryside in this location, which should be preserved for its own intrinsic value.
110. Whilst it is noted that the submitted Design and Access Statement includes a page in respect of 'Landscape and Visual Sensitivity', it is of some concern that the application is not supported by a full Landscape and Visual Impact Assessment, which would more comprehensively address the landscape impacts of this proposed development and which would provide a more robust mitigation strategy, including more structural landscaping to reduce the visual impact of the development upon the landscape setting, whilst also providing a defensible boundary to the development within the Green Belt.
111. The proposal has poor sustainability credentials. The Planning Statement which supports this application highlights the accessibility of this site to local facilities and services. However, the existing residents of Nicker Hill would disagree with this assessment and wish to stress that this location is poorly related to the two main areas of facilities within Keyworth. This is one of the key reasons that the residents of Nicker Hill have sought to have this site removed as a proposed residential allocation within the local Plan Part 2.
112. The Site is located at the far north-eastern side of the settlement of Keyworth, which is situated a significant distance away from the village centre and the local facilities and services located therein. The site is approximately 20 minutes' walk from the village centre, including one of the existing primary schools and therefore reliance on the private car is highly likely, even to access existing community facilities, which one would normally expect to access on foot. The alternative primary school, located on Willow Brook is just over 1km from this Site, which would be accessed up a relatively steep walk along Nicker Hill. The lack of immediate access to fundamental services is further exacerbated by the steep incline of the route from the site to the village centre, which includes a steep ascent or descent at the end of Meadow Drive or

Highview Avenue. In addition, access to public transport facilities the site is very limited, given that the closest bus stop will be located at least 800 metres from the proposed dwellings on this site. Given that a significant proportion of the properties envisaged on this site are to be aimed at the elderly population, this distance to walk to a bus stop seems excessive and incredibly unrealistic.

113. Proposed Allotments - The Masterplan submitted in support of this proposal includes an area at the eastern edge of the built development, which is envisaged for community allotments. The need or desirability for this element of the scheme is questioned, which again extends rather intrusively and incongruously into the open countryside beyond the site's natural boundary. Given that the Community Consultation events carried out by CEG Group indicated a lack of desire, support or need for community allotments, there are concerns that the inclusion of this land for this purpose may allow the future change of use of this land to additional residential development.
114. The most recent 'Keyworth News' publication, which is distributed to all local residents, highlights that there are already vacancies on existing allotments within the village and that there is no waiting list for this facility; this further reinforces the concern that there is no demonstrable need for this element of the proposal.
115. In conclusion, the 'in principle' objection to this proposed development is stressed, particularly owing to its location within the Green Belt and in advance of a full and proper assessment of changes to Green Belt boundaries through the Local Plan Part 2 Examination process. In any event, it is maintained that the development of this site will be detrimental to the character and appearance of the surrounding landscape setting and is not well placed to deliver the three inter-linked strands of sustainable development.
116. Notwithstanding this 'in principle' objection, should the Council be minded to grant planning permission, amendments are sought in respect of the Masterplan for this development, which removes the spur road to the eastern boundary of the site; which provides greater space for structural landscaping buffers, particularly to the north and east of the built development; and which removes the proposed area for community allotments.
117. The consultant also requested a copy of the 'Very special Circumstances' report. (30 November 18 - confirmation was given that this had been made available online no further comments received).

## **PLANNING POLICY**

118. 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 Keyworth Neighbourhood Plan was adopted in May 2018 and now forms part of the development plan for Rushcliffe.
119. 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 whilst they have been the subject of an examination, they have not been yet been adopted. The Inspector's interim letter was received by the Council on the 5

February 2019 and consultations on additional modifications are yet to be undertaken.

120. 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: 16/03123/OUT for outline planning permission for 175 dwellings, which is located within the Green Belt and which was granted permission on 23rd May 2018. In addition, a recent outline planning permission for up to 400 dwellings, which is in the Green Belt, and identified in the emerging Local Plan Part 2 on land off Shelford Road, Radcliffe on Trent (13/02329/OUT) was granted permission on 27<sup>th</sup> November 2018, following referral to the National Planning Casework Unit.

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

121. The National Planning Policy Framework (NPPF) (updated in 2019) 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.
122. 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.”*
123. 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.
124. 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.”*

125. 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.
126. Paragraph 143 states that, *“Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.”*
127. 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.”*
128. 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**

129. 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.
130. 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.
131. 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.
132. 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

133. 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
134. 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 Keyworth 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.
135. The Keyworth Neighbourhood Plan was adopted 30 May 2018 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 CF1 – Protection and enhancement of community facilities;
  - Policy CF2 - New Community Facilities
  - Policy LR1(A) – Local Green Spaces;
  - Policy LR1(B) – Provision of new open spaces;
  - Policy LR2 – Improved pedestrian and cycle access
  - Policy E1 – Green and Blue Infrastructure;
  - Policy E2 – Environmental and Habitats; and
  - Policy HC4 – Heritage Assets.
136. Policy LR2 states that; *‘Proposed residential and commercial development should seek to deliver new walking and cycling routes, specifically where there are no or limited routes between existing and future community assets (as set out in Policy CF1) and bus stops. Where it is necessary to mitigate the impact of new development and subject to viability consideration, contributions may be sought to ensure that these routes are delivered.’*
137. Policy SR2 – Public Realm Strategy for Retail Areas identifies that *‘contributions towards achieving elements of the Public Realm Strategy through specific schemes may be sought, where appropriate and subject to negotiation and viability considerations, from developments on allocated sites, and those providing more than 10 residential units or 500 sq.m. of commercial floorspace.’*
138. Policy TA1 – Sustainable modes and Policy TA2 – Highways and Access (Where necessary to mitigate the impact of new developments (residential and non-residential), and subject to viability considerations, contributions will be sought towards the following improvements:
- Carriageway and crossing improvements to Platt Lane including the delivery of appropriate safe footpaths on either side of the road.
  - Improvements to the junction of Platt Lane, Nicker Hill, Normanton Lane and Station Road to reduce speeds and increase visibility.

- Enhancement to the junction of Nottingham Road and Debdale Lane to improve access for larger vehicles and to enhance the pedestrian environment.
- Gateways into the settlement, including speed reduction treatment (not including carriageway narrowing (pinch points) or speed humps, which interrupt the free flow of traffic), at Bunny Lane, Station Road, Platt Lane, Stanton Lane, Selby Lane and Wysall Lane.
- Contributions will only be sought for improvements where a specific scheme has been identified by the appropriate statutory body.

139. Policy TA3 – Parking Standards sets out the parking standards for developments over 10 Dwellings:

- For dwellings of 3 bedrooms or fewer – a minimum of 2 spaces to be provided.
- For dwellings of 4 bedrooms or more – a minimum of 3 spaces are to be provided.
- Include appropriate parking and safe storage of up to 2 bicycles.
- Visitor parking should be provided at a rate of 1 space for every four dwellings proposed and parking needs should be met within the confines of the site.
- Affordable housing schemes should demonstrate that sufficient car parking has been provided on site for occupiers and visitors.
- Developers will be encouraged to provide garages of a scale to accommodate modern larger vehicles.)

140. Policy H1 – Housing Strategy (delivery of between 450 and 480 residential dwellings). *‘Housing delivery is divided between the east and west of the settlement, to ensure that impacts on the landscape setting of the settlement are minimized and that traffic generation is spread throughout the network. The development of sites should ensure that through detailed design they relate well to the existing built form and deliver an appropriate new settlement edge and transition to the wider landscape.’*

141. *‘Deliver the broad mix of housing types set out in policy H2 and appropriate landscape and open space requirements in line with other policies within the Development Plan. Where housing for older people (regardless of tenure) is proposed, applicants should demonstrate how these ensure safe and commodious access to shops, services and public transport. Where necessary to mitigate the impact of development, and subject to viability considerations, contributions for improvements to local road junctions and pedestrian and cycle links to the shopping areas will be negotiated. Developments on allocated sites will be encouraged to make provision for localised convenience retail needs and appropriate highways and access arrangements, both on and off-site.’*

142. Policy H2 – Type and Tenure requires that *‘The following mix of market housing types will be sought from all new developments in excess of 10 dwellings, subject to viability considerations:*

<b>Dwelling Type and Size</b>	<b>Percentage Mix</b>
Two-bed homes	25 - 30
Two bed Bungalows	15-20
Three Bed Family Homes	20 - 25

<i>Four or more Bed Family Homes*</i>	<i>30-40</i>
<i>* No more than 10% of the total market homes should be larger than 5 or more bedrooms</i>	

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

*20% affordable housing*

*Affordable housing should be designed and delivered to be indistinguishable from market housing.'*

143. The Policy '*strongly supports the provision of elderly person's accommodation in a variety of forms including, but not limited to, bungalows, retirement apartments, sheltered housing and warden controlled housing in locations within 400m of shops and services, including public transport. Specialist elderly persons accommodation (nursing homes, extra and palliative care) will be supported where there is an identifiable need.*'
144. Policy H3 – Design requirements for new development
- *Deliver a strong network of green and blue infrastructure, improving biodiversity, accommodating sustainable urban drainage systems and appropriate public and private spaces, including recreation spaces.*
  - *Reinforce character and identity through locally distinctive design and architecture.*
  - *Present a layout for new development which integrates well with the surroundings.*
  - *Establish a clear hierarchy of streets and spaces that includes the use of shared surface and pedestrian priority routes, where it is safe and practicable to do so.*
  - *Deliver appropriate densities commensurate with the surrounding townscape and local built character. Where sites are green field or create a new settlement edge, density should not exceed 30dph with densities at the urban edge being no more than 20dph. On, brownfield sites or sites adjacent to or within the Conservation Area, they should not exceed 40dph.*
  - *Ensure that buffer planting is provided adjacent to existing properties where appropriate and that this is retained and managed in accordance with an agreed management plan.*
  - *Minimise carbon emissions through the use of sustainable construction techniques, reuse of materials and promotion of integrated renewable and low energy design solutions.*
  - *Use sustainable drainage and water management, to avoid increasing surface water run-off into watercourses.*
145. 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.



146. The emerging Local Plan Part 2 Land and Planning Policies 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 Keyworth bearing in mind it is an inset village. This has now been submitted for examination and the hearing sessions took place in Nov/Dec 2018. An initial view from the Inspector has been received suggesting minor changes to some of the policies. Some weight should therefore be given to this emerging policy document, in particular site specific policy 4.1 which relates to a proposed housing allocation – Land off Nicker Hill, Keyworth. The following planning policies are considered material to the consideration of this application.

147. Policy 4.1 Housing Allocation – Land off Nicker Hill, Keyworth states:

*‘The area, as shown on the policies map, is identified as an allocation for around 150 homes. The development will be subject to the following requirements:*

- a. the neighbouring Local Wildlife Site should not be adversely affected;*
- b. Green Infrastructure should improve connections to the right of way network and deliver net-gains in biodiversity;*
- c. improvements to the junction of Platt Lane, Nicker Hill, Normanton Lane and Station Road to reduce speeds and increase visibility;*
- d. significant impacts on the amenity of new residents resulting from the activities of the neighbouring British Geological Survey should be avoided or adequately mitigated; and*
- e. it should be consistent with other relevant policies in the Local Plan.’*

148. Other relevant policies include:

- Policy 12 Housing Standards
- Policy 13 Self-Build and Custom Housing Provision
- Policy 18 Surface Water Management
- Policy 19 Development affecting Watercourses
- Policy 20 Managing Water Quality
- Policy 21 Green Belt
- Policy 29 Development affecting Archaeological Sites
- Policy 32 Recreational Open Space
- Policy 37 Tress and Woodlands
- Policy 38 Non-designated Biodiversity Assets and the wider Ecological network
- Policy 39 Health Impacts of Development
- Policy 40 Pollution and Land Contamination
- Policy 42 Safeguarding Minerals
- Policy 43 Planning Obligations Threshold

149. 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.

150. 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 provide for the derogation from these prohibitions in certain circumstances. Natural England is the body primarily responsible for enforcing these prohibitions and is responsible for a separate licensing regime that allows what would otherwise be an unlawful act to be carried out lawfully.
151. 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.
152. 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.
153. 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.’
154. 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.
155. 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.

156. 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.

157. 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.

158. 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.

159. Environmental Impact Assessment Regulations - The proposed development was screened under the Environmental Impact Assessment Regulations 2018 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**

160. 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.

161. It is considered that the main planning considerations in the determination of this application relate to the principle of development in this location, including any conflict with Green Belt Policy and whether 'very special circumstances' have been demonstrated, 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 4.1 (Housing Allocation – Land off Nicker Hill, Keyworth) of the Local Plan Part 2, together with any other material planning considerations.
162. 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

163. 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.
164. 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.
165. 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.
166. However, in considering this application, it has to be borne in mind that the Council does not currently 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 are engaged.

167. 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.
168. 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' (VSCs). 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.
169. 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 they consider are the very special circumstances which are outlined above (under Details of the Proposal).
170. As set out above, at the present time the Borough Council is unable to demonstrate a five year supply of housing sites 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.
171. The Rushcliffe Core Strategy (CS) 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 Plan Part 2 document (LPP2) 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.
172. The Core Strategy identifies Keyworth as a key settlement where housing growth is required and anticipated, and sets a target of a minimum of 450 new homes that need to be built on greenfield sites within the existing Green Belt surrounding Keyworth up to 2028. The Local Plan Part 2 is proposing site allocations in Keyworth for around 600 dwellings (including land that forms part of the current application site (excluding the allotment and former wildlife site indicated for suds). This application is, therefore, considered to accord with the

spatial strategy as set out in the development plan. The Keyworth 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 development strategy for the distribution of new dwellings across the Parish is set out in Appendix 3 of 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 substantially in favour of the proposal.

173. 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 the minimum targets for key settlements 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 increasing the number of houses within the key settlements and identifying other settlements that could accommodate some level of housing growth above that expected by infill development. Keyworth is a key settlement where increased housing provision is considered appropriate, justified and supported by substantial evidence.
174. In balancing sustainability, Green Belt, settlement capacity, the availability of suitable sites for development and other relevant planning considerations, 4 sites are proposed to be allocated for housing development which would deliver around 600 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 substantially in favour of the proposal.
175. Whilst Part 2 of the Local Plan has not yet been adopted and, as such, full weight is unable to be given to this plan, it is at a very advanced stage and has gone through extensive examination and scrutiny as part of the identification of preferred sites documents. This site scores low-medium Green Belt importance and the landscape analysis concluded the land was of low landscape and medium visual sensitivity in the green belt review that has been undertaken. To address the Core Strategy Spatial Strategy, Green Belt release at Keyworth 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 Keyworth.
176. 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.

177. 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.
178. Whilst it is considered that full weight cannot be attached to the LPP2, as set out above the Core Strategy Spatial Strategy acknowledges Green Belt release at Keyworth is inevitable and the evidence base supporting the Core Strategy and LPP2, and the Councils reasons for its preferred allocation sites at Keyworth, 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 4.1

179. As set out above, whilst the final Inspector's report for the LP Part 2 examination have not been issued, it does carry considerable 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 4.1, which proposes this site as an allocation for around 150 homes. The policy sets out that any development will be subject to the following requirements:
  - a. the neighbouring Local Wildlife Site should not be adversely affected;
  - b. green Infrastructure should improve connections to the right of way network and deliver net-gains in biodiversity;
  - c. improvements to the junction of Platt Lane, Nicker Hill, Normanton Lane and Station Road to reduce speeds and increase visibility;
  - d. significant impacts on the amenity of new residents resulting from the activities of the neighbouring British Geological Survey should be avoided or adequately mitigated; and
  - e. it should be consistent with other relevant policies in the Local Plan.
180. It should be noted that in respect of criterion a) above the Local Wildlife Site is no longer registered as such. This element is likely therefore to fall away as the plan moves forward. Furthermore, in responding to the consultation on the LPP2, the Highway Authority commented that consideration would need to be

given to impact on Platt Lane and Melton Road junction. Having considered the current application, they do not now seek these improvements.

181. Emerging LPP2 policy 4.1b. requires that; *'Green Infrastructure should improve connections to the right of way network and deliver net-gains in biodiversity'*. Although the application is submitted in outline, the illustrative masterplan outlines a new connection to the existing PROW (Keyworth FP8) and access to the wider countryside for recreation and leisure. Furthermore, the applicant is also agreeable to a condition to provide a 2m wide footway along Nicker Hill, between its junctions with Meadow Lane and Nicker Hill and footway improvements along the south-west side of Nicker Hill between the application site and Willow Brook (a request made by NCC Highways), which will improve pedestrian accessibility across the wider area.
182. In respect of net-gains in biodiversity the application is supported by an Arboricultural Assessment and Ecological Appraisal, the latter concludes that the design will result in biodiversity gains and with mitigation there will be no adverse impacts upon ecological features. There is a potential for positive impact upon nesting birds and bats, and green space and hedge buffers provide opportunities for Wildflower planting. Hedgerow mitigation including planting broken sections, the protection of hedge from gardens and the planting of new also has the potential to provide net gains. The application proposes drainage basins within the BGS meadow as part of a SuDS scheme. These are to be undertaken so that there would be no net loss of biodiversity value to the grassland in the long term and the rest of the area is to be retained as agricultural land. A comprehensive site wide planting scheme is also included retaining existing hedgerows to the east and north of the site together with tree planting. The Statutory Consultees accept the reports and do not object to the proposals subject to conditions. This weighs in favour of the scheme.
183. Emerging LLPS Policy 4.1c. requires *'improvements to the junction of Platt Lane, Nicker Hill, Normanton Lane and Station Road to reduce speeds and increase visibility'*. This has been requested in line with the improvements sought in the Neighbourhood Plan. These highway matters are considered by the Local Highways Authority later in this report.
184. Emerging LLPS Policy 4.1d. requires that; *'significant impacts on the amenity of new residents resulting from the activities of the neighbouring British Geological Survey should be avoided or adequately mitigated'* At an outline stage it is impossible to fully assess the impact this neighbouring development will have on specific properties, until individual dwelling locations and the associated separation distances and window locations are known. Nevertheless, and notwithstanding the commentary above, the submitted noise assessment has considered the potential noise implications on residential occupiers from Nicker Hill, Barnfield Farm and BGS. It advises that the noise associated with the British Geological Survey and Barnfield Farm will not have a significant impact upon the proposed dwellings. Recommendations are made for mitigation measures for dwellings adjacent Nicker Hill. The Environmental Health Officer concurs with the recommendations, it is therefore considered that this site can accommodate the quantum of development suggested without significantly adversely impacting the amenity of the proposed neighbouring properties. The illustrative framework plan shows a



landscape buffer/ green margin along the boundary with BGS, along an existing land drain. Further consideration will be given at reserved matters stage to the boundary treatments to the proposed properties (landscaping is a reserved matter).

185. It should be noted that Barnfield Farm does not form part of the current outline planning application, but does form part of both the emerging LLP2 policy 4.1 site and that indicated in the KNP. The proposal illustrates a vehicular access to Barnfield Farm to the west of the site which is intended to demonstrate that, by virtue of its inclusion within the allocation in the LLP2 policy to come forward as a second phase to this application, the delivery of this adjoining site would not be prejudiced. The application 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. Drainage considerations will need to be considered to ensure a scheme which satisfies Severn Trent's requirements and this can be secured by way of planning conditions, should permission be granted.
186. It is therefore considered that, in relation to the specific site requirements set out in the Emerging Local Plan policy 4.1 this application accords with this policy and, therefore, this weighs in favour of the proposal.

#### Keyworth Neighbourhood Plan.

187. 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; *"To sustain a safe, friendly, inclusive environment in Keyworth."*
188. Eight key objectives have been developed to assist with the delivery of the policies and strategies that form the plan and are as follows:
- i. Economic development - Protect the existing businesses of Keyworth, whilst promoting new opportunities, specifically encouraging entrepreneurial activity and businesses in the high-skills, knowledge-based and tourist sectors.
  - ii. Community facilities - Retain and enhance existing services and facilities whilst identifying opportunities to build on the village's role as a rural hub through responding to local need.
  - iii. Leisure and recreation - Improve the quantum and quality of, and access to, all types of recreation and leisure provision, including access to the countryside, for all ages and abilities.
  - iv. Shops and retail - Retain, improve and promote retail opportunities within identified areas and encourage new, limited retail development to meet the needs of new housing schemes.
  - v. Transport and access - Reduce reliance on the private car by supporting proposals which encourage sustainable travel, including improvement and promotion of new and existing walking and cycling routes, and to deliver high quality targeted transport infrastructure improvements.

- vi. Housing - Deliver 450 to 480 homes in order to meet the housing growth requirement for Keyworth up to 2028 whilst helping to create a sensitively designed and sustainable community.
  - vii. Environment - Protect and enhance environmental assets and biodiversity; supporting sustainable community led schemes and new development that relates well to the landscape and natural environment.
  - viii. Heritage and conservation area - Value and conserve the Keyworth Conservation Area and heritage assets through contextually responsive and sensitive design which reinforces Keyworth's unique character.
189. The Neighbourhood Plan includes a Development Strategy, which whilst not allocating specific housing sites, indicates the broad locations where housing may be considered acceptable in meeting the need identified in the Core Strategy. A key consideration is to ensure walkability of the village is maintained and it proposes the majority of the release to the east and west. As set out above it is considered that the site accords with the broad strategic direction of growth to the east of the village.
190. It is considered that the site will assist in the continued vitality and viability of the village. Whilst the site is further from the village centre than other locations that were discounted in the Housing Site Selection Report, that supports the LPP2, it concludes that the Wolds Drive Local Centre is within a shorter walking distance. The site is identified in the KNP as one of the community's preferred sites. Policy H1 of the KNP recommends that *'sites should be delivered (either as a result of planning permissions or allocated through the Local Plan: Part 2) to ensure that housing delivery is divided between the east and west of the settlement, to ensure that impacts on the landscape setting of the settlement are minimised and that traffic generation is spread throughout the network'* and *'Where necessary to mitigate the impact of development, and subject to viability considerations, contributions for improvements to local road junctions and pedestrian and cycle links to the shopping areas will be negotiated'*. It is considered that the proposal broadly accords and that where the Highways Authority have deemed necessary, the applicant will ensure highway/pedestrian and cycle links are achieved.
191. Policy CF1 supports development that results in improvements to community assets including the Leisure Centre on Bunny Lane, the Leisure Centre and swimming pool (Church Drive) and Rectory Field and Bowls, Tennis Clubs, Platt Lane Playing Fields and pavilions. Policy CF2 relates to new community facilities including Indoor Leisure facilities. The policy acknowledges that it may be appropriate to secure financial contributions. The neighbourhood plan, within policy LR1(B) supports the provision of formal and informal open space in accordance with RBC Leisure Facilities Strategy and Playing Pitch Strategy, as an integral part of the new developments.
192. 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 illustrative plans show the provision of a Local Equipped Area for Play (LEAP) located in a logical and efficient manner, which will allow for a variety of play equipment for children. An area of open space is provided in the centre of the site, surrounding the Play Area, and along

the south east and western edges of the site. The Neighbourhood Plan supports the provision of small scale play and ancillary open space as an integral part of new developments. Maintenance of these areas would be secured through a S106 Agreement and provided by way of a management company or other nominated body.

193. 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 to the south west of the site. The Parish Council has objected to the allotments considering that this would remove the land from the Green belt and on the basis that there is no identifiable need for them. The area of land proposed for the allotments is not within the emerging LPP2 site allocation or the site area suggested in the KNP, however, such a use is not considered an inappropriate use in the Green Belt as per paragraph 145 b) of the NPPF '*as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including the land within in.*' The land would not be taken out of the Green Belt. In addition the applicant has agreed to review the matter of need at an appropriate stage of the development and should it be proven that no need exists, the proposed provision of the allotments would fall away. In this regard, the provision of allotments on land that would remain in the Green Belt is not inappropriate development and it is considered that, whilst they may be viewed from the users of the PROW, this aspect of the proposed development would not materially harm the character and openness of the Green Belt. Despite limited impact, the GB is not harmed and considered to be preserved.
194. Policy SR2 of the KNP sets out a number of desirable improvements within shopping areas including: Shared surfaces and crossings, where appropriate; Improved parking provision, in particular short stay; Improved accessibility including disabled bays, ramped access to shops and additional seating areas. Contributions will normally be sought towards achieving elements of the Public Realm Strategy from developments on allocated sites, and those providing more than 10 residential units. No such request has been sought by the Parish Council and a Public Realm Strategy has not been identified. Therefore, such contributions are not being sought from this development.
195. KNP Policy TA1 relates to how new, or where appropriate improved existing, connections to facilities from the site will be provided and how, through good design, their use will be encouraged. Financial contributions have been sought and agreed for improvements to the existing bus services and bus stops in the vicinity of the site. A Travel Plan has also been submitted which includes initiatives to promote public transport.
196. KNP Policy and Policy TA2 relates to suitable measures to accommodate traffic entering and leaving the development taking into consideration the overall safety and attractiveness of the highway network and rubbish and recycling. It identifies a number of off-site highway network improvements for which contributions will be sought, where a specific scheme has been identified by the appropriate statutory body. These include footpaths and crossing

improvements to Platt Lane, the junction of Platt Lane, Nicker Hill, Normanton Lane and Station Road to reduce speeds and increase visibility, enhancements to the Nottingham Road and Debdale Lane junction and gateways into the settlement including speed reduction treatment. The Highways Authority has not requested any contributions for such works as part of this planning application. The illustrative plans within the Design and Access Statement provide for a hierarchy of road structure and includes the provision of cycle and pedestrian routes which will be considered further at reserved matters stage. It is, therefore, considered that the proposal accords with the main aims of this policy.

197. Policy TA3 of the KNP relates to on-site parking standards. The proposed layout has been designed to demonstrate that the development can accommodate the specified requirements.
198. In respect of Policy H1 (Housing Strategy) it is acknowledged that, at the time of preparation of the Neighbourhood Plan, the numbers of residential dwellings envisaged by the Parish Council was lower (although the number identified was as a minimum of 450) and the plan sought to avoid a single site of 400 dwellings requiring the development to be on a number of sites so that the direct impacts of development are spread across the village. The 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 housing to the east and west of the village being preferred and, therefore, as set out above the development is considered to be in general accordance with the housing strategy.
199. Policy H2 (Type and Tenure) should be applied to residential schemes in excess of 10 dwellings. This seeks (subject to viability) 25%-30% of 2 bed homes, 15-20% of 2 bed bungalows, 20-25% 3 bed family homes and 30-40% of 4 or more bed family homes, on the basis that no more than 10% of the total market homes should be larger than 5 or more bedrooms. The policy states that this mix will be sought. The submitted documents suggest compliance can be achieved and a planning condition is suggested to ensure that any reserved matters scheme satisfies this policy. This policy also requires 20% affordable housing to be achieved on the site and the applicant has confirmed his intention to provide this level of provision. The Parish Council has indicated that, based on the submitted documents, one additional unit is required to achieve this requirement. The development is for up to 150 dwellings and, therefore, the precise numbers and mix will be determined at the reserved matters stage. The section.106 Agreement would ensure the appropriate affordable housing provision and scheme is secured.
200. Policy H3 relates to issues of design, layout and architectural styles and requires planning applications to demonstrate how the design of the new development will make a positive contribution towards the identity and character of the village, setting out criteria for consideration. As set out elsewhere in the report, the information supporting the application and the 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. 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 policy.

201. Proposals which include the provision of new green space and provide high quality landscape solutions will be supported under Policy E1 of the KNP. This includes development that takes opportunities to include bird nests, bat roosts and wildflower meadows. Proposals have to demonstrate how they will contribute to, and restore the overall biodiversity and green and blue infrastructure network and mitigate against loss. As already indicated above the submission identifies where losses, mitigation and enhancements will be achieved as a result of the development and appropriate conditions would ensure that this is accomplished.
202. Policy E2 of the KNP relates to the protection and enhancement of landscape that surrounds the village. At the time the NP was produced the BGS Meadow was designated as a Local Wildlife Site. This has subsequently been de-designated. The proposal identifies this area for the attenuation basins. Concern has been raised that this would result in the land being removed from the Green Belt and that these features should be located within the boundaries of the site shown in the Emerging LLP2 and the KNP proposals plan. The area would in fact remain within the Green Belt and would be subject to the more restrictive policies that apply to this designation. The NPPF, at para 146, indicates that *'Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it'*. These include engineering operations. It is therefore considered that these elements could be appropriate provided that the openness is preserved and there is no conflict with the purposes of including the land in the Green Belt. Such development would not result in the removal of the land from the Green Belt.
203. In this regard, the applicant has confirmed that the BGS Meadow is only included within the planning application boundary due to the proposed location of the SuDS and the land will remain within the Green Belt. At the early stages of the design process several different options were assessed for addressing surface water drainage at the site. The proposed location was considered the best 'option' to provide an acceptable size and volume (as agreed by Baker Consultants and Weetwood) whilst also allowing for a 5m easement (for maintenance) to be included along the north-west boundary. There will be no public access to this area which would be retained as agricultural grazing land. A gravity-fed surface water drainage system is considered to provide a more sustainable system than one which is pumped. Locating SuDS features within the BGS Meadow allows for a gravity system to be implemented. The Site forms part of RBC/KEY/004 which was reviewed in the 'Landscape and Visual Analysis of Potential Development Sites' carried out by AECOM which informed the emerging site allocations within RBC's LPP2. This assessment concludes that, whilst the site's landscape sensitivity is low, the overall sensitivity of the visual amenity is medium. This assessment however, refers to land beyond the application site and, due to its topography, is less contained and more sensitive in landscape terms. Due to the intervening topography and vegetation, the site is well contained. Notwithstanding this, the proposal (as submitted in October 2018) embodies measures to reduce impacts to visual

openness including a landscape buffer and hedgerow enhancement to provide clear defensible boundaries.

204. The impacts to the landscape are considered, therefore, to be low. The land would remain in the Green Belt and it is considered that this aspect of the proposed development would not materially harm the character and openness of the Green Belt. Despite limited impact, the GB is not harmed and considered to be preserved. SuDS also provide other benefits, in addition to minimising flood risk, they also improve the quality of watercourses and, by offering attractive and biodiversity-rich green and blue areas within developments, SuDS can be an environmentally sound drainage solution, protecting and enhancing the natural landscape and provide net biodiversity gains through the creation of SuDS ponds and buffer planting. The general advice that planning should make effective use of land in meeting multiple uses is now contained in paragraph 118. Paragraph 118b states that policies and decisions should *'recognise that some undeveloped land can perform many functions, such as for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage or food production'*. The use of green infrastructure and SuDS schemes has been bolstered. Major development is required to *'incorporate sustainable drainage systems, unless there is clear evidence that this would be inappropriate'* (paragraph 163), and paragraph 165 requires the sustainable drainage systems used for major developments to, *'where possible, provide multifunctional benefits'*.
205. Policy HC4 of the KNP requires regard to be had to the impact of development on designated heritage assets and seek their protection and enhancement. In addition it requires the significance of non heritage assets to be taken into account. The submission includes an assessment of the impact of the proposal on heritage assets (listed buildings, archaeology) and non heritage assets. The Design and Conservation Officer concurs with the report and had advised an appropriate condition. It is therefore considered that this policy has been appropriately considered by the submission.
206. It is considered that the proposal is in general accordance with the overall vision, objectives and 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

207. 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.
208. The application is supported by a Transport Assessment (TA), a Travel Plan and the details of the access to the site. These documents were revised in February 2019 in order to address initial comments made by the Highways

Authority. An additional Technical note was also submitted looking at the sensitivity of the highway networks in light of cumulative impacts resulting from other residential developments currently being considered. The application has been assessed by the relevant technical consultees in relation to its potential impact on both the local and strategic road network. 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.

209. Whilst concerns have been raised by residents in relation to increased traffic to the highway network and highway safety issues, it is considered that, with the submission of the additional 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.
210. The impact of housing growth in the area on the wider highway network, has also been considered as part of the background studies which support the emerging Part 2 local Plan. Criterion c) of the emerging policy requires improvements to the junction of Platt Lane, Nicker Hill, Normanton Lane and Station Road to reduce speeds and increase visibility. Highway improvements are also sought under KNP policy TA2. The TA considers these matters and concludes that; *“With respect to the specific policy matters detailed within the Rushcliffe Draft Local Plan 2, the impact of the development upon the junction of Platt Lane, Nicker Hill and Normanton Lane has been reviewed with regard to vehicle speeds and visibility. A speed survey was undertaken on Nicker Hill and the resulting speeds were not found to be excessive. The visibility at both of these junctions has also been reviewed and has been found to be appropriate. No improvements to these two junctions are required. Furthermore the PIA review did not identify any existing highway safety concerns. With respect to the Keyworth Neighbourhood Plan, the operation of the local highway network has been reviewed in this TA and appropriate mitigation is proposed at the A606 Melton Road/Main Road junction. No other improvements to the local highway network are considered to be required as a result of the development proposals.”*
211. A Technical Note -Sensitivity Test has also been submitted which takes into consideration the cumulative impact of the development proposals alongside two other live planning applications, the Platt Lane application for 187 dwellings (reference: 18/02412/FUL) and the Bunny Lane application for 222 dwellings (reference: 18/02515/FUL). The results show that, as part of the sensitivity assessment, all junctions are expected to continue operating within operational capacity and with acceptable levels of queuing. No improvements to the referred to junctions are therefore considered to be justified as a result of this development. This is contrary to the emerging LLP2 policy, however, this is based on up to date survey information and on the basis that the Highways Officer agrees with the findings, it is not considered justifiable to seek improvements to the junctions referred in the emerging policy or seek financial contributions in this regard.

212. As detailed in para 71 of this report it is, however, necessary to mitigate the impact of the development (together with the other developments proposed in Keyworth) on the Main Road/A606 Melton Road junction and the A52. A financial contribution is therefore sought in accordance with the Memorandum of Understanding between Highways England, Rushcliffe Borough Council and Nottinghamshire County Council.
213. Consideration has also been given to the impact of the access arrangements on the amenity of nearby residents and the visual amenity of the area. Whilst it is acknowledged that the access arrangements onto Nicker Hill would result in some visual change, the provision of the access and associated visibility splays will be short lived and landscaping is proposed, no highway concerns are raised by the County Council and the Landscape and Design officer has raised no objections.

### Design and Amenity

214. 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 Keyworth 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 details and the information within the Design and Access Statement (at section 5 Design) relating to development and design principles would ensure that the amenity of neighbouring properties is not unduly or unacceptably affected. Thus it is considered that the applications accord with Policy 10 of the Core Strategy, Neighbourhood Plan policies and emerging Policy 4.1 of LPP2, and the updated NPPF which acknowledges at Section 12 (Achieving well designed places) that good design is a key aspect of sustainable development, and that acceptable standards of amenity will be maintained and achieved.
215. The illustrative plans indicate farm accesses from within the proposal and concern has been expressed that this will facilitate additional development in the Green Belt. Whilst this is included to allow for agricultural access, it should be noted that the layout shown is illustrative only. The provision of access does not establish a principle of future development of the BGS meadow. In any event, these matters are within the control of the Borough Council as Local Planning Authority.
216. The Parish Council has raised concern in respect of the indication of allotment provision and that the land is in the Green Belt, outside of the emerging LPP2 policy allocation and KNP. Policy LT1 (B) 'Provision of New Open Spaces' of the Keyworth Neighbourhood Plan outlines that proposals over 25 units must be in accordance with Rushcliffe Borough Council's Open Space Standards. It is therefore considered to be in accordance with this. However, the applicant discussed this matter with the Parish prior to the submission of the application and, should there be no demand for the allotments at the time of development



then the applicant is happy for them not to come forward. This mechanism will be outlined in the section 106 agreement. In addition they referred to the lack of provision for the elderly. In response to this the applicant has commented that 19 two bed bungalows and 6 three bed bungalows are proposed which will provide suitable accommodation for independent elderly residents. Whilst original drafts of the Keyworth Neighbourhood Plan included the requirement for 'extra care accommodation' at Land off Nicker Hill, this was later removed. This is evidenced in minutes of the Keyworth Neighbourhood Plan Advisory Committee Meeting (15th November) at Paragraph 3.1. Furthermore, there is no requirement for this to be included through the allocation Policy 4.1 of the emerging LPP2.

### Noise

217. 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."*
218. The principal noise sources associated with the development post construction are anticipated to be related to road traffic and the proximity to Barnfield Farm and BGS. 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 Nicker Hill and BGS by a buffer of green space along an existing land drain, which could effectively also provide a noise mitigation barrier.
219. The submitted noise impact assessment has established the existing 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 Environmental Health Officers subject to a condition. It is considered that noise matters at construction stage can be adequately considered by way of the Construction Management Plan, in any event such impacts would be temporary and relatively short lived. 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

220. 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. The application was supported by Geo-Environmental Phase 1 Desk Study by Brookbanks. This confirmed that the site has been used as agricultural land and that further assessment of soils may be required. Off site they identify that an Old Clay Pit was located approximately 50m east of the site and conclude that contamination risk is considered to be very low from this. In addition a Railway line was located around 600m north of the site, again they consider it to have

a very low contaminative risk. They advise further assessment of the sites soils may be required at the detailed design stage to confirm the baseline ground conditions. No objections have been received from the Borough Council Environmental Health Officers to the principle of residential development on the site. As a result they have not requested any further contamination investigations. The officer has, however, advised that a condition should be imposed regarding the testing of existing soils and any soil or forming materials brought to site for use in garden areas, soft landscaping, filling and level raising for contamination and suitability for use on site. A condition is, therefore, recommended. The condition would ensure that soils for these purposes are suitable for the proposed use. This is not an unusual circumstance and it is not considered that this prevents residential development on the site, and will ensure compliance with the requirements of emerging Policy 14 (Environmental Protection) of LPP2 - Land and Planning Policies, and with para 178 of the NPPF.

### Landscaping

221. No LVIA has been submitted with the application. Instead reliance is had on the supporting documents of the Green Belt review and emerging LPP2.
222. The application is supported by a comprehensive Arboricultural Report and Impact Assessment . This has been undertaken to assess the trees present on the site. The proposal incorporates the provision of 0.84 ha of amenity open space, 0.16ha Landscape Buffer (which largely follow existing structural tree and hedgerow planting, 0.18ha allotments and 4.50ha BGS Meadow to be retained as agricultural/grazing land as well as space for sustainable Drainage. Six category 'C' trees and sections of two category 'B' hedgerows will require removal to facilitate the development (the hedgerows are also recommended to be reduced in height to around 2.5m). The majority of the hedgerows around 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 hedgerow along Nicker Hill to facilitate the site access but new hedgerow provision is proposed. No specialist construction or foundation methods are considered necessary for the protection of trees, however they do advise that specialist foundations may be required for other reasons and reference is made to a group of off-site Poplar trees that have a high water demand.
223. The development proposals provide an opportunity for mitigation for the tree loss, in particular to the south and eastern edges, visual benefits and increase tree cover across the site. 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

224. An ecological appraisal of the site has taken place, which assesses the likely effects of the development on the ecology and nature conservation of the site and its surroundings. It describes the methods used to assess the likely effects, and presents the baseline conditions currently existing at the site and the value of the features. Detailed surveys have been undertaken to confirm the presence of species protected under the Wildlife and Countryside Act 1981(as amended), The protection of Badgers Act 1992 and the Conservation of

Habitats and Species Regulations 2010 (as amended). The report has been considered by the Borough Councils Sustainability Officer and the County Councils Ecologist.

225. The Ecological report has concluded that, with mitigation there will be no significant adverse impacts upon ecological features, that there is potential for a positive impact on nesting birds and bats once new roost features have been integrated into the design of the development, that Green Space and hedge buffers provide opportunities for wildflower planting schemes, that hedgerow mitigation will ensure it is protected from development and will provide net gains. Avoidance measures are proposed to prevent harm to the Grass Snake population. Enhancement measures proposed include replanting and additional hedgerow and new areas of open green space. New nesting and roosting features will bring opportunities that are largely currently absent. The report advises that the overall residual effect of the proposed development will be a net gain in biodiversity.
226. 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, and its ongoing management are considered to be able to be achieved by way of the reserved matters applications and secured by planning condition.
227. The applicant has undertaken a range of ecological surveys and proposed mitigation measures, which are considered appropriate in the context of the Framework and CS Policy 17 (Biodiversity). No objections to the proposals are raised however it has been queried why surface water cannot be managed within the development site thereby avoiding such impacts on the former LWS. Further justification for the proposed approach to managing surface water from the development has been provided. 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.
228. 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.
229. As there will potentially be a need for a license from Natural England under the Conservation of Habitat and Species Regulations 2010, Rushcliffe Borough

Council are obliged under the Habitat Regulations, to consider whether a license is likely to be issued and the 3 tests under the Regulations (set out earlier in this report) are satisfied. Information has been submitted to allow the tests to be undertaken. With regard to the first two tests it is considered that the provision of market and affordable housing are an overriding public interest and that Keyworth is identified as a key settlement to take a substantial level of growth. The site has been 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 raised no objection to the proposal, subject to the recommendations in the ecological assessments being conditioned.

## Waste

230. 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."*
231. 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.
232. 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.
233. 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.

234. 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.
235. 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.

#### Gypsum Minerals Safeguarding

236. The County Council has highlighted that the Gypsum Minerals Safeguarding and Consultation Area covers the site. The submitted Geo-Environmental Phase 1 Desk Study (Brookbanks) submitted as part of the application indicates that British Gypsum were consulted as to whether the proposed development site is affected by current or potential future Gypsum mineral workings. The report confirms that there are no British Gypsum or mineral interests on site or within Keyworth. No comments were sought directly as part of the planning application.

#### Economic Impact

237. 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

238. The NPPF, Policy 12 of the Core Strategy (Local Services and Healthy Lifestyles), Rushcliffe's Sustainable Community Strategy and Nottinghamshire Health and Wellbeing Strategy support the promotion of healthy communities

through the creation of safe and accessible environments; high quality public spaces, recreational space/sports facilities, community facilities and public rights of way. Consideration also needs to be given to access to community facilities and services as lack of these can lead to people being isolated and suffering from mental health conditions, therefore adversely affecting their health and wellbeing.

239. 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. Improvements to the existing bus services also support the ability of less mobile members of the population visiting community facilities and to access facilities within the Village Centre. Improvements to footpaths in the vicinity of the site are sought by NCC Highways as are contributions towards improvements to bus stops and services to encourage access to alternative sustainable modes of transport to the car.
240. 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.

#### Loss of Agricultural Land

241. The development site comprises a total area of approximately 11.58 hectares of agricultural land, of which 5.89ha is proposed to be developed for residential purposes, the majority of which, approximately 8.58 hectares, is grade 3b land with 3 hectares of 3a (BGS meadow and the north east corner of the proposed residential area) in the Agricultural Land Classification. The area of land known as the BGS Meadow (former LWS) would, apart from the attenuation basins, remain in agricultural use. The proposed allotment area of 0.18 ha would remain classed as agricultural use.
242. 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 best and most versatile land is defined as Grades 1, 2 and 3a by policy guidance. 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 Keyworth 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 Keyworth 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

243. In relation to undesignated heritage assets, buried archaeological assets will potentially be permanently damaged or destroyed during the construction phase. Initial investigation was undertaken in 2013 and an updated consultation with Nottinghamshire Historic Record was undertaken in June 2018. The Written Assessment submitted with the application concludes that the potential for significant buried archaeological remains within the site is low. There are two recorded archaeological monuments within the study area with the former clay pit likely to be impacted on by the residential development and a 19<sup>th</sup> Century well within the open space area which may be affected by the formation of the new wetland area. The Statement concludes that the 'heritage significance of these two assets is not sufficient to require conservation or measures to ensure their survival.' It also notes that 'hedgerows within the site would qualify as Historic Hedgerows under the 1997 regulations.
244. The Design and Conservation Officer has not objected to the application but has recommend that the site should be subject to geophysical survey, that such a requirement would not be disproportionate and, given the low potential identified within the desk based assessment, they are satisfied with this requirement being covered by condition. A planning condition is, therefore recommended to require further archaeological investigation evaluation by geophysical investigation, analysis and publication. Should the survey reveal archaeological features considered to be worthy of further investigation a Written Scheme of Investigation would be required. They also suggest that as, at present only access is to be considered in detail and as layout is a reserved matter, the geophysical survey would need to be undertaken prior to determination of reserved matters.
245. 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. The Written Statement of Investigation submitted with the application however concludes that there would be no impact on the setting of designated assets and it would have no impact on the setting of non- designated heritage assets. The Design and Conservation Officer concurs with the assessment and conclusion of the Orion report that the proposal does not affect heritage assets. The officer also advises that he does not consider any of the buildings at the adjacent BGS site to represent non-designated heritage assets.

#### Drainage

246. 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.
247. A site specific Flood Risk Assessment and Drainage Strategy has been submitted with the application. The site is within Flood Zone 1 (lowest risk of flooding) on the Environment Agency Flood Zone Maps, their surface water flooding maps indicate that the majority of the site is at Very Low risk of surface water flooding. There are two existing flow routes present within the site - one through the western area and the other along the south-eastern boundary. Flooding would only be expected in extreme storm events during which the potential depth of flooding would be expected to be less than 300mm.
248. Following the re-profiling of the site it is proposed to set finished floor levels at a minimum of 0.15m above adjacent ground levels. No built development would be located within 5m of the two watercourses referred. The Drainage Assessment demonstrates that a surface water drainage strategy is feasible on the basis of detention basins within the area of semi-improved neutral grassland within the northern area of the site. Additional features such as filter strips/drains and swales may be incorporated into the surface water drainage strategy at the detailed design stage.
249. 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 a 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.
250. 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 foul water from the development would discharge to the foul sewer in Nicker Hill at a maximum rate of 5 l/s. Although a response from Severn Trent had not been received at the time of writing this report, the Utilities Assessment submitted with the application (written by Weetwood) advises that Severn Trent had been consulted directly by the applicant and confirmation has been provided to demonstrate that 'foul water may be discharged to the foul sewer in Nicker Hill at a maximum rate of 5 l/s'. Severn Trent advised them that additional storage may be required at the local sewage pumping station to ensure that the risk of pollution does not increase as a result of the development.



251. 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 will be undertaken by Severn Trent under their separate legal obligations.

### Utilities

252. The Utilities Assessment by Weetwood referred to above also advises that the site can be serviced by electricity, gas, telecommunications and water infrastructure.

### S106 Planning obligations

253. 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. At the time of writing the report the triggers and potential phasing for the contributions were under discussion and are therefore not set out within the table. The applicants have agreed the Heads of Terms that have been put to them.
254. 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. In relation to the S106 contributions sought, consideration has also been given to the potential pooling of contributions.

### Conclusion

255. The site is located within Keyworth, one of the Borough Council's identified key rural sustainable settlements identified for growth, where a minimum of 450 houses is proposed in the Core Strategy. The Core Strategy has been designed and found to be sound on the basis that it would achieve a sustainable distribution of development across Rushcliffe. As Keyworth is an inset Green Belt village, it was always envisaged that such development would necessitate development in 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 Keyworth is now proposed to deliver has been increased to around 600 new homes. This site (excluding the area for storage basins and allotments and including Barnfield Farm) 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 substantially in favour of the development.

256. 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 the 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 substantially in favour of the development.
257. 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 in accordance with 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.
258. 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.
259. The site is considered to be deliverable. 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.
260. 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 provisions of 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.

261. This application has been subject to pre-application advice. Further 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) (England) 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 for approval of reserved matters must be made not later than three years beginning with the date of this permission and the development must be begun not later than the expiration of two years from the final approval of reserved matters, or in the case of approval of reserved matters on different dates, the final approval of the last such matter to be approved.  
  
[To comply with Section 91 of the Town and Country Planning Act 1990, as amended by the Planning & Compulsory Purchase Act 2004 and to ensure appropriate early delivery of the development.]
  - 2. No development shall take place without the details of the following having first been submitted to and approved in writing by the local planning authority:-
    - (a) appearance (including details of facing, roofing and hardstanding the materials to be used in the construction of the external elevations, roofs and surfaces);
    - (b) landscaping (including means of enclosure)
    - (c) layout; and
    - (d) scale (including details of floor levels of the dwellings in relation to an existing datum point, adjoining land) (hereinafter called "the reserved matters").

The development shall be carried out in accordance with the approved 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 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 4.1.)]

3. The development shall be carried out broadly in accordance with the parameters set in the following:

- 28693 310 revision P (Illustrative Masterplan)
- 28693 350 revision P (Parameter Plan - Land Use)
- 28693 351 revision P (Illustrative Parameter Plan Scale and Massing-Building Heights)
- 28693 352 revision P (Illustrative Parameter Plan - Density) o
- Design principles and scale and density as set out on pages 62 - 76 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 4.1.)]

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;
- the timing of the provision of on-site recreation/open play space provision in relation to the provision of any new residential units; and
- the timing and provision in relation to the provision of allotments 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. No development shall take place until the technical approval under S38 (or equivalent) has been agreed with Nottinghamshire County Council for the construction of the roads and associated works within the site. The development shall thereafter be implemented in accordance with the approved details and no dwelling shall be occupied until the roads necessary to serve

that property have been constructed to base level.

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

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

[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. This is a pre commencement condition to ensure that funding for necessary wider highway improvements required as a result of the development is made available so that the works can be implemented in a timely fashion.]

7. No dwelling shall be occupied until the site access arrangement has been completed in accordance with the Proposed Access Plan 11/356/TR/006 Rev C (contained within Appendix BGH16 of the Bryan G Hall Transport Assessment dated February 2019).

The tree shall be removed from the radii and the area within the visibility splays shall thereafter be kept clear of all obstructions, structures or erections exceeding 0.6 metres in height for the life of the development.

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

8. There shall be no excavation or other groundworks, except for archaeological investigative works in respect of condition 22, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority:

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

The development shall be carried out in accordance with the approved details and no dwelling shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved under this Condition for that dwelling:

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

[To ensure an adequate form of development in the interests of highway safety.  
This is a pre commencement condition

9. 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 8. 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]

10. No dwellings shall be occupied until a footway improvement scheme has been completed within the existing boundary of the adopted highway in broad accordance with Bryan G Hall Drawing No. 11/356/TR/009.

[To promote sustainable travel and in the interests of pedestrian safety.]

11. The development shall be carried out and operated in accordance with the approved Travel Plan (Bryan G Hall dated February 2019) which shall be implemented in accordance with the details and timetable as set out therein.

[To encourage alternative methods of travel and to comply with policy MOV6 (Facilities in New Developments of the Rushcliffe Borough Non-Statutory Replacement Local Plan)].

12. The number of residential units within the developable area of the site as identified on 28693 350 revision P - Parameter Plan Land Use shall be limited to 151 dwellings.

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

13. No development shall take place until details of the following have been submitted and approved:

- i. A detailed layout plan of the phase in context with the whole site;
- ii. Cycle and bin storage facilities;
- iii. Sections and cross sections of the site showing the relationship of the proposed development to adjoining land and premises;
- iv. The means of enclosure to be erected on the site;
- v. The finishes for the hard-surfaced areas of the site;
- vi. The layout and marking of car parking, servicing and manoeuvring areas;
- vii. 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;
- viii. The means of access within the site;
- ix. 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;
- x. Details of how renewable/ energy efficiency, climate change proofing has been incorporated into the proposal to include for the provision of electric vehicle charging points and measures to conserve and recycle water;

- xi. 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 H1 - (Housing Strategy), Policy H2 (Type and Tenure) Policy H3 (Design Requirements for New Development) of the Keyworth Neighbourhood Plan and include an assessment the development against the Building for Life Standards;
- xii. Details of onsite 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;
- xiii. Details of the means of protection of existing hedgerows and trees whilst construction works are being undertaken; and
- xiv. 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 is taking place and the approved construction method statement shall be adhered to whilst works are taking place.

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 H1 - (Housing Strategy), Policy H2 (Type and Tenure) Policy H3 (Design Requirements for New Development) of the Keyworth Neighbourhood Plan. This is a pre-commencement condition to ensure details are satisfactory and avoid abortive works at a later stage.]

- 14. No development shall take place until a detailed landscape scheme has been submitted and approved in writing by the Local Planning Authority. The scheme shall include the following details:
  - a) the treatment proposed for all ground surfaces, including hard areas;
  - b) full details of tree planting;
  - c) planting schedules, noting the species, sizes, numbers and densities of plants. Including measures to provide habitat enhancements including: the use of native fruiting species within landscaping, the retention and gapping up of hedgerows, creation of new hedgerows, retention of mature trees, and the use of bat and bird boxes / tubes).
  - d) finished levels or contours;
  - e) all existing trees, hedges and other landscape features, indicating clearly those to be removed;
  - f) details of all boundary treatments including height, design, location, materials and finish;
  - g) details of the means of protection of existing hedgerows and trees whilst construction works are being undertaken;
  - h) details of how the landscaping scheme will be phased; and
  - i) details of how the landscape proposals comply and compliment with the ecological requirements under condition 23- 28.

The landscaping shall be carried out in accordance with the details approved

unless otherwise agreed in writing by the local planning authority. If 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. This is a pre commencement condition to ensure that existing features to be retained are identified and protected.]

15. No development shall take place until the existing trees and/or hedges which are to be retained have been protected in accordance with the measures approved under condition 17, 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

[Pre commencement condition 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. Required to protect vegetation.]

16. No development shall take place until the details of a Construction Method Statement is submitted and approved in writing by the Local Planning Authority. The Statement shall have regard to the CEMP and LEMP under condition x and x and 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 in constructing the development
  - iv. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
  - iv. Wheel washing facilities
  - v. Measures to control the emission of noise, dust, dirt and vibration during construction
  - vi. A scheme for recycling/disposing of waste resulting from construction works
  - vii. Hours of operation (including demolition, construction and deliveries)
  - viii. A scheme to treat and remove suspended solids from surface water run-off during construction.
  - ix. An earthworks strategy to provide for the management and protection of soils.
  - x. The siting and appearance of contractors compounds including heights of stored materials, boundaries and lighting together with measures for the restoration of the disturbed land and noise mitigation
  - xi. Scheme for temporary signage and other traffic management measures, including routing and access arrangements. The agreed access shall be provided before development commences.

The development shall be carried out in full accordance with the approved



Construction Method Statement 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 manoeuvring for vehicles; inadequate materials storage and to ensure adequate recycling of materials in the interests of highway safety, visual amenity and environmental management. This is a pre commencement condition to ensure that the amenity of existing occupiers are protected during construction and to ensure regard is had to the existing on-site wildlife]

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

[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].

18. The existing soils and any soil or forming materials brought to site for use in garden areas, soft landscaping, filling and level raising shall be tested for contamination and suitability for use on site. Contamination testing should take place within UKAS and MCERTS accredited laboratories, certificates shall be submitted to and approved in writing by the Local Planning Authority prior to any soil or soil forming material being imported onto the site. Details of the source and type of the imported materials and the estimated amount to be used on the site are also required to be submitted. Only the approved materials shall be used.

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

19. No development shall take place until a detailed surface water drainage scheme, based on the principles set forward by the approved Flood Risk Assessment (FRA) and Drainage Strategy v1.4, October 2018, Weetwood Ltd., has been submitted to and approved in writing by the Local Planning Authority. The scheme to be submitted shall:

- Demonstrate that the development will use SuDS throughout the site as a primary means of surface water management and that design is in accordance with CIRIA C753.
- Provide infiltration testing results to BRE365 standards to demonstrate that infiltration is not feasible on site.
- Limit the discharge rate generated by all rainfall events up to the 100 year plus 40% (for climate change) critical rain storm to the QBar Greenfield rates for the developable area.
- Allow for the provision of surface water run-off attenuation storage in accordance with 'Science Report SCO30219 Rainfall Management for Developments' and the approved FRA
- Provide detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2

year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.

- For all exceedance to be contained within the site boundary without flooding new properties in a 100year+40% storm.
- Evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure long term operation to design parameters.

The reserved matters application should build upon the submitted Flood Risk Assessment and Sustainable Drainage Statement and should provide a more detailed layout plan clearly showing the provision for above ground drainage features in accordance with the submitted document. The scheme shall demonstrate that the future development needs of the adjacent Barnfield Farm site have been considered and can be accommodated. Such information shall include evidence that a formal agreement has been entered into to permit connection with the neighbouring land to the West (Barnfield Farm).

The approved drainage strategy shall thereafter be implemented in accordance with the surface water drainage scheme.

[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. To prevent the increased risk of flooding and to comply with policies WET2 (Flooding) and WET3 (Ground Water Resources) of the Rushcliffe Borough Non Statutory Replacement Local Plan. This is a pre commencement condition in ensure that flood risk is mitigated.]

20. No development shall commence until a detailed foul water drainage scheme has been submitted and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the works have been carried out in accordance with the approved scheme.

[To ensure that adequate drainage facilities are provided in connection with the development as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution and to comply with policy WET3 (Ground Water Resources) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

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

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

22. No development shall commence until: a geo-physical survey has been carried out and submitted to the local planning authority.

Should further investigation be required as a result of the geophysical survey then a programme of archaeological work under a Written Scheme of Investigation, drafted in accordance with ClfA published standards shall be submitted to and approved by the local planning authority in writing.

No development shall take place other than in accordance with the Written Scheme of Investigation as approved (if required).

Any post investigation assessment (including any analysis, publication, dissemination and archiving of results) required by the Written Scheme of Investigation shall be undertaken and completed in accordance with the programme set out in the Written Scheme of Investigation.

[To ensure that items of archaeological interest are recorded in accordance with para 199 of the NPPF. This is a pre-commencement condition required to ensure that any archaeological items are recorded from the onset of any intrusive operations and to comply with policies GP1 (Sustainable Development), GP2 (Design & Amenity Criteria) and EN7 (Sites of Archaeological Importance) of the Rushcliffe Borough Non Statutory Replacement Local Plan. This is a pre-commencement condition required to ensure that if archaeological interest is identified it is recorded or in order to influence the reserved matters layout in order to avoid harm to].

23. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) will be carried out in accordance with the mitigation, enhancement measures and recommendations of Section 6 of the Ecological Assessment (Baker Consultants) dated October 2018 and shall include the following:

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

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

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

24. No development shall take place (including ground works, site clearance) until a method statement for:
- 1) the protection of the badger sett in accordance with the mitigation measures set out in paragraph 6.3.13 of the Ecological Appraisal has been submitted to and approved in writing by the local planning authority.
  - 2) the SUDS creation in the northern BGS field (to include grass snake precaution) has been submitted to and approved in writing by the local planning authority.

The content of the method statement shall include the:

- a) purpose and objectives for the proposed works;
- b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
- c) extent and location of proposed works shown on appropriate scale maps and plans;
- d) timetable for implementation,
- e) persons responsible for implementing the works;
- f) initial aftercare and long-term maintenance (where relevant);
- g) disposal of any wastes arising from works.

The works shall be carried out in accordance with the approved details.

[To ensure the appropriate wildlife protection is provided during development. To ensure that the proposed development contributes to the conservation and enhancement of biodiversity within the site and for the wider area in accordance with paragraphs 174-175 of the NPPF and Policy 17 of the Local Plan Part 1: Rushcliffe Core Strategy and to comply with policies GP2 (Design & Amenity Criteria) and EN12 (Habitat Protection) of the Rushcliffe Borough Non Statutory Replacement Local Plan. This is a pre-commencement condition due to the need to ensure adequate mitigation is in place before any intrusive site works take place.]

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

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

Plan].

26. 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 including great crested newts shall be carried out and submitted to and approved by the Local Planning Authority in writing. Any mitigation measures recommended by the survey shall be implemented in accordance with approved details and in line with other conditions.

[To ensure that the proposed development contributes to the conservation and enhancement of biodiversity within the site and for the wider area in accordance with paragraphs 174-175 of the NPPF and Policy 17 of the Local Plan Part 1: Rushcliffe Core Strategy 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. This is a pre-commencement condition due to the need to ensure adequate mitigation is in place before any intrusive site works take place]

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

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

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

- Details of habitat creations and enhancement of hedgerows
- Bird and bat boxes shall be integrated into the building fabric (the former targeting house sparrow, starling and swift) into the fabric of a proportion (circa 20%) of the proposed dwellings/their garages
- Vegetation clearance shall not occur during the bird nesting season, which runs from March to September inclusive
- Wooden fence panels to create a 2m buffer between the development and the hedgerow on the north eastern boundary
- Ongoing management of the SUDS for wildlife
- The plan will detail the formal management agreement, aftercare and monitoring of the retained and newly created habitats on the site and shall their the ongoing maintenance

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

[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. The mix of market housing within the site shall comply with the housing mix set out in Keyworth Neighbourhood Plan Policy H2 - 'Type and Tenure' unless otherwise agreed in writing with the Local Planning Authority.

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

30. 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].

31. No development shall take place until a scheme to demonstrate that the internal noise levels within the residential units will conform to the guideline target values for internal ambient noise levels specified in BS 8233 2014 - Guidance on Sound Insulation and Noise Reduction for Buildings has been submitted to and approved in writing by the Borough Council. This may include the installation of passive ventilation for properties fronting onto Nicker Hill to the southwest of the site as identified in Figure 5g on Page 12 of the supporting noise assessment from Brookbanks Consulting Ltd. (Document Ref: 10558 NM01 Rv2 dated 22nd October 2018). The work specified in the approved scheme shall then be carried out and thereafter retained in accordance with the approved details.

[To ensure that acceptable noise levels within the development and its curtilage are not exceeded. This is a pre commencement condition to ensure that the dwellings are adequately mitigated from noise.]

32. The reserved matters shall include details of any field accesses, if required to be taken from the residential development, such details shall include methods of limitation to use by agricultural vehicles and SUDS maintenance vehicles only. Prior to the commencement of construction of the spine road details of the design, layout and means of restricting vehicular access shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be completed prior to the road connection being made to the fields and shall be retained for the life of the development.

[To prevent unrestricted access to areas of land that will remain in the green belt under Local Plan Part 2 on which residential development would be inappropriate]

33. The area of land totalling 4.50ha (former Local Wildlife Site) to the north east of the application site shall only be used for SUDS drainage basins and the land retained as agricultural grazing and attenuation basins. No other development, including residential, shall be undertaken in this area as part of a reserved matters or other form of planning application.

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

## **Notes to Applicant**

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

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

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

It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such you should 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](mailto: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 ecological appraisal has confirmed that there is evidence of Bats, Grass Snakes and Badgers and no work should, therefore, be undertaken until mitigation measures have been submitted and approved by the Local Planning Authority and, if required, a licence has been obtained from Natural England.

The application should note that if there future aspirations to develop the adjoining parcels of land (including Barnfield Farm) with a single point of access from Nicker Hill, then the spine road will need to measure at least 6.75m in width. Should this not be the case then the overall development will be restricted to 150 units.

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

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.

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 during works, work should cease until a suitable qualified ecologist has been consulted.

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

The use of external lighting (during construction and post construction) should be appropriate to avoid adverse impacts on bat populations and a wildlife sensitive lighting scheme should be developed and implemented.

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

Where possible, new trees/hedges should be planted with native species (preferably



of local provenance and including fruiting species) and existing trees/hedgerows should be maintained and hedgerows gapped up if necessary. If removal of trees is necessary, they should be replaced with new native trees (preferably of local provenance). Root protection zones should be established around retained trees/hedgerows so that storage of materials and vehicles, the movement of vehicles and works are not carried out within the zones.

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

Swifts are now on the Amber List of Conservation Concern. One reason for this is that their nest sites are being destroyed. The provision of new nest sites is urgently required and if you feel you can help by providing a nest box or similar in your development, the following website gives advice on how this can be done : <http://swift-conservation.org/Nestboxes%26Attraction.htm> Advice and information locally can be obtained by emailing : [carol.w.collins@talk21.com](mailto:carol.w.collins@talk21.com)

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

Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the Highway Authority as early as possible.

In order to satisfy the requirements of condition 7 the Highway Authority will need to undertake a full technical design check of the your detailed design drawings. Discharge of any reserved matters conditions relating to highway layouts will not be recommended until this process is complete and full technical approval of the highways drawings has been granted. We therefore strongly recommend technical approval for your drawings is obtained from the Highway Authority prior to any formal reserved matters submission.

The applicant is encouraged to incorporate bird and bat boxes into the fabric of buildings where practicable.

Severn Trent have advised that a sewer modelling study may be required to determine the impact this development will have on the existing system and if flows can be accommodated. Severn Trent may need to undertake a more comprehensive study of the catchment to determine if capital improvements are required. If Severn Trent needs to undertake capital improvements, a reasonable amount of time will need to be determined to allow these works to be completed before any additional flows are connected.

Severn Trent Water advises that there is a public sewer located within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003 and you may not build close to, directly over or divert a public sewer without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development. You may obtain copies of Severn Trent's current guidance notes and application form from

their website ([www.stwater.co.uk](http://www.stwater.co.uk)).

Western Power advises that:

There is an 11,000V overhead line along the eastern boundary of the site; defined as a strategic section on our distribution network. That the proximity and usage type of the adjacent land to the line will dictate whether the line remains overhead. HSE GS6 defines both vertical and horizontal clearances to the line. If these are to be breached it will contravene HSE and WPD Safety clearances and that all electricity apparatus must be legally secured on private land.

The Rights of Way Officer has advised that the reserved matters application shall have regard to the following:

- The footpath (Keyworth No. 8) should remain open, unobstructed and be kept on its legal alignment at all times.
- There should be no disturbance to the surface of the footpath (Keyworth No. 8) without prior authorisation the rights of way team.

Item/Policy	Detail/requirement	Developer proposes	RBC proposes	Trigger
<b>Public Open Space and SUDS</b>	<p>Incidental open space at the development</p> <p>Those areas to be laid out and permanently maintained as a drainage area to accommodate surface water run-off and land drainage outfalls attributable to the development</p> <p>Open Space Scheme Layout, provision and maintenance (Amenity Open Space, s Children's Play, Allotments, and Sustainable Urban Drainage) -</p>	<ul style="list-style-type: none"> <li>• Amenity open space of 0.84HA</li> <li>• BGS Meadow 4.50HA (suds)</li> <li>• Landscape Buffer 0.18HA (along boundary with BGS shown on the development schedule)</li> </ul>	Maintenance to be provided by management company or nominated organisation – funded through service charge on properties	TBC
<b>Equipped play space</b>	<p>RBC Leisure Facilities strategy requires 0.25 HA of equipped play area per 1000 population.</p> <p>Therefore on site provision of equipped play space equivalent of 0.25 hectares per 1,000 = 0.087 hectares in size is required.</p>	Masterplan indicates this within the amenity open space area of 0.84HA	Provision and then maintenance to be provided by management company or nominated organisation – funded through service charge on properties	TBC

Item/Policy	Detail/requirement	Developer proposes	RBC proposes	Trigger
	Shown in illustrative masterplan and required on site.  Maintenance details needed			
<b>Allotments</b>	RBC Leisure Facilities Strategy requires 0.4hectares per 1000 population. On site provision of 0.18HA required. Shown in masterplan, would require perimeter fencing, planting, haulage way, water supply and car parking	Onsite provision of allotments comprising a minimum of 0.13ha (including a water supply, infrastructure of car access/parking, and means of securing the site) to eastern side of 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	Dependent on demand TBC
<b>Education</b>	NCC request for Secondary school capacity improvements only : £6424 x £17,753 = £426,072		Secondary school contribution to go towards providing extra capacity at Southwolds School	TBC
<b>Affordable Housing</b>	Core Strategy Policy 8 requires 20% affordable housing – 30 units required	Up to 151 units 42% intermediate, 39% affordable rent and 19 % social rent.  Which equates to 12 Intermediate units	Breakdown of affordable housing based on current information and 151 dwellings is:-  Social rent 6 1 bed flats 2 no.	TBC

Item/Policy	Detail/requirement	Developer proposes	RBC proposes	Trigger
		12 Affordable rent 6 Social rent	<p>2 bed houses 1 no. 3 bed houses 2 no. 2 bed bung (older persons) 1no.</p> <p>Affordable rent 12 1 bed flats 4no. 2 bed flats 1 no. 2 bed houses 1no. 3 bed houses 3no. 1 bed bung (older persons) 1no. 2 bed bung (older persons) 2no.</p> <p>Intermediate 12no.</p> <p>2bed bung (older persons)1 no. 2 bed houses 5no. 3 bed houses 6 no.</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. Flats can be in the form of maisonettes so as to be tenure blind .The bungalows (for elderly needs) should</p>	

Item/Policy	Detail/requirement	Developer proposes	RBC proposes	Trigger
			<p>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.</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>	
<b>Health</b>	<p>CCG standard formula require contribution of £920 per dwelling (2bed+)</p> <p>151 dwellings Keyworth £138,920</p>	Payment of £34,730 as per the CCG request	Discounted rate of the standard CCG formula to be applied towards improvements. Contribution is necessary and justified	TBC

Item/Policy	Detail/requirement	Developer proposes	RBC proposes	Trigger
	<p>Given the potential capacity at Keyworth Primary Care Centre they require a contribution that would enable the conversion of underutilised space to clinical consulting rooms complying with all infection control regulations. As a consequence they seek 25% of the full amount for the conversion costs. Details of this could be provided to the developer upon planning consent being granted and the development starting and any uncommitted funding could be returned within an agreed expiry period.</p> <p>Amount sought £34,730</p>			
<b>Leisure</b>	Indoor leisure - The RBC Leisure Facilities Strategy 2017-2027 and associated Strategic Assessments of provision for sports halls and swimming pools identifies the need for	A sum of £63,553 Towards the improvement of the swimming pool at Keyworth Leisure Centre	Contribution is necessary and justified	TBC

Item/Policy	Detail/requirement	Developer proposes	RBC proposes	Trigger
	modernised facilities which would serve Keyworth. Swimming Pool = Contribution of £63,553 required to go towards Keyworth Leisure centre			
	Sports Hall = contribution of £59,038 – improving the quality of provision in Keyworth	A sum of £59,038 Towards the provision and/or improvement of the sports hall facilities and associated sports classes at Keyworth Leisure Centre.		TBC
	The Rushcliffe Playing Pitch Strategy 2017 identifies a current shortfall of pitch provision that this development would worsen.  The nearby sports pitch site at Platt Lane which caters for football and cricket is identified within the Rushcliffe Playing Pitch Strategy and Action Plan 2017 as a 'Key site' within the site hierarchy. Actions identified are to improve changing facilities and	A sum of £59,449 Towards the provision of a new 3G sports pitch and improvement of changing room facilities at Platt Lane, Keyworth in accordance with the Rushcliffe Playing Pitch Strategy 2017  A sum of £11,133 per annum for a period of 15 years (totalling £166,995) Towards the management and maintenance of the new 3G synthetic sports pitch	On site provision not required. Contribution is necessary and justified	TBC

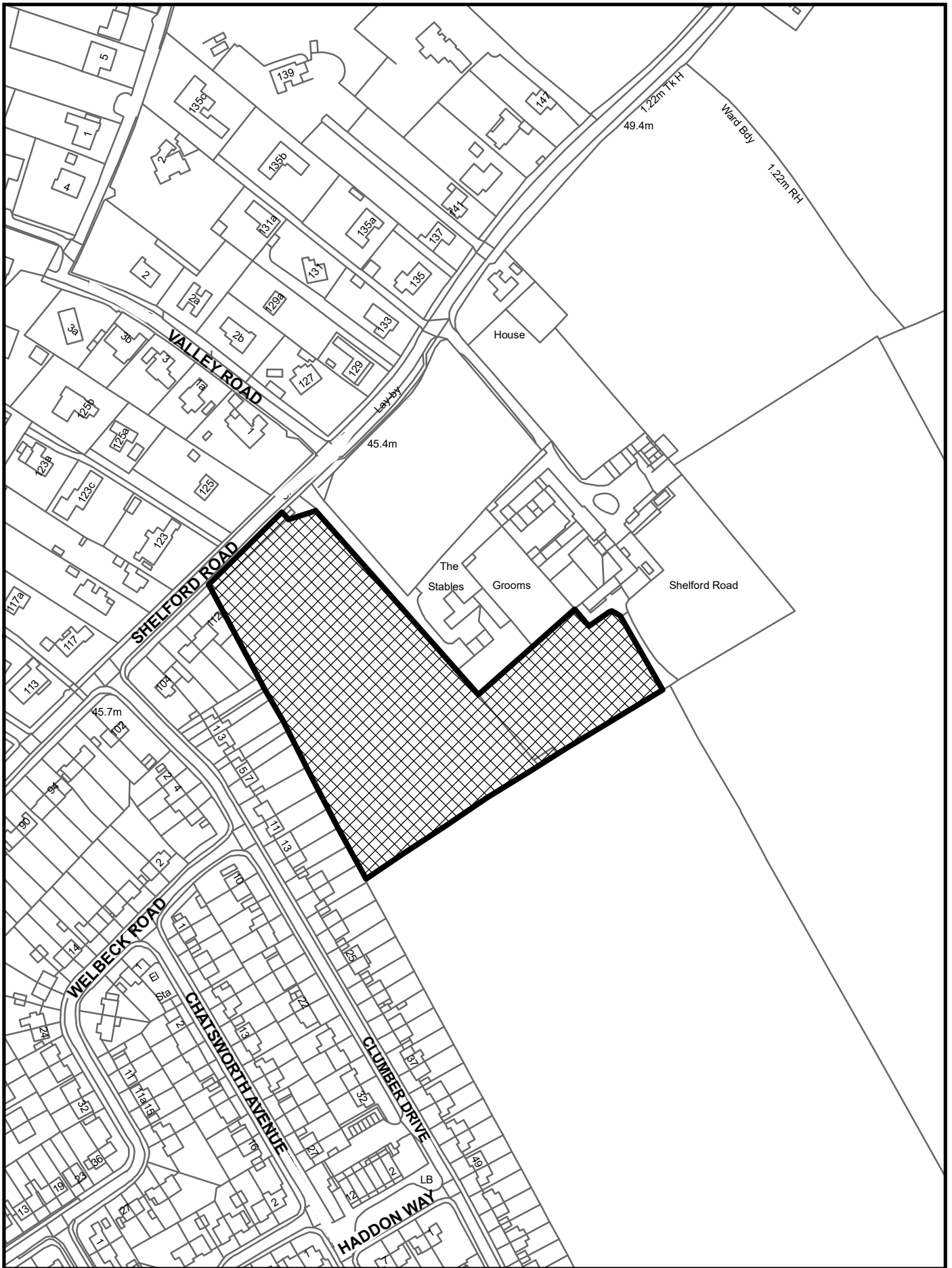


Item/Policy	Detail/requirement	Developer proposes	RBC proposes	Trigger
	<p>provide a 3G synthetic turf pitch which the sports clubs based from the site are seeking funding to deliver</p> <p>Sports pitches commuted sum for off site provision £59,449 and a total lifecycle cost of £11,133</p>	and improved changing facilities at Platt Lane, Keyworth (final sum still subject to consideration and negotiation).		
<b>Highways</b>	<p>Policy 14 of the Core Strategy Managing Travel Demand</p> <p>Contributions towards Passenger</p> <p>A sum of £90,000 Towards the enhancement to bus services 853 and 863 to serve the development for a minimum of two years.</p> <p>A sum of £30,000 Towards the provision of improvements to existing bus stops and/or installation of new bus</p>	<p>£90,000 towards provision of improved bus services to serve the site</p> <p>£30,000 index linked to be made towards improvements to bus stops (RU0432 High View Avenue RU0842 High View RU0431 The Paddock RU0843 The Paddock RU0433 British Geological Survey RU0841 British Geological Survey RU0443 Covert RU0743 Covert Close.)to the site to provide enhanced</p>	Contribution is necessary and justified	Bus Stop contribution – 100% on occupation of 100 dwellings.

Item/Policy	Detail/requirement	Developer proposes	RBC proposes	Trigger
	<p>stops within the vicinity of the development site.</p> <p>Bus Taster Tickets Contribution of f £24,000 that will provide new occupants with a 2 month smartcard bus pass for use on the existing local bus network, and encourage use of sustainable modes of travel.</p>	<p>public transport infrastructure</p> <p>£24,000 for Bus taster Ticket Contributions</p>		
<b>Highway Contribution to Strategic Road Network via S278 with Highways England</b>	<p>Policy 15 of the Core Strategy ( Transport Infrastructure Priorities )</p> <p>Financial contribution under requirements of Memorandum of Understanding £2,016.37 per dwelling (based on 151 this would equate to £304,472 based on the 2018 document</p>	<p>Condition to require accepted. Query over status of 2018 Memorandum being referred to by HE</p>	<p>Not to be included in S106 - Contribution to be sought via S278 with HE. Query whether 2015 or subsequent Memorandum figures</p>	NOT IN S106
<b>Monitoring Fee</b>	<p>S106 monitoring costs of £273 per principal obligation X by the number of years over which monitoring will be required</p>			Prior to commencement of development.

Item/Policy	Detail/requirement	Developer proposes	RBC proposes	Trigger
<b>Indexation</b>	All financial contributions subject to indexation using Retail Price Index or the BCIS All-in Tender Price Index as appropriate			
<b>Legal Costs</b>	TBC			.

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**Application Number: 18/02269/OUT**  
**Grooms Cottage, Shelford Road**  
**Radcliffe-on-Trent**

scale 1:2500

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**Applicant** Mr & Mrs Martin and Linda Oglesby

**Location** Land At Grooms Cottage Shelford Road Radcliffe On Trent  
Nottinghamshire NG12 1BA

**Proposal** Outline planning application for the development of 55 residential dwellings with all matters reserved with the exception of access.

**Parish** Radcliffe On Trent

## THE SITE AND SURROUNDINGS

1. The application site is located to the north east of Radcliffe on Trent and extends to approximately 1.75Ha. It sits to the south of Shelford Road and is currently a mixture of grazing land and paddocks associated with Grooms Cottage, a farm and stables.
2. The rear gardens of existing properties along Clumber Drive lie to the west of the western site boundary. At the north the site adjoins the side garden area of no. 172, an end terrace property, which has a two storey extension to the side incorporating side windows.
3. The site is bordered by mature hedges to the west, south and north. To the east the site is bounded by a track and existing farm buildings and residential properties.
4. To the east and south of the site is Shelford Road Farm, which has been subject to an Outline planning application 13/02329/OUT for residential development. The site presently lies within the Nottingham and Derby Green Belt.

## DETAILS OF THE PROPOSAL

5. The application seeks outline planning permission, with all matters reserved except access, for the development of 55 dwellings. The application is accompanied by:
  - Illustrative layout plan
  - Design Framework
  - Design and Access Statement
  - Planning Statement
  - Statement of Community Involvement
  - Transport Statement with Travel Plan Chapter
  - Flood Risk Assessment
  - Sustainable Drainage Statement
  - Foul Water and Utilities Assessment
  - Energy and Sustainability Statement
  - Preliminary Ecological Appraisal
  - Bat Survey Report
  - Geo Environmental Assessment

- Information to support Very Special Circumstances
6. The application proposes that 30% of the dwellings would be affordable homes.
  7. Vehicular access to the proposed development would be via a new access from Shelford Road at the north end of the frontage of the site. This would provide the single vehicular access point to the site leading to an internal road that culminates in a turning head in the south eastern corner of the site.
  8. The proposed development would comprise 55 dwellings, which gives a gross density of approximately 30 dwellings per hectare. The illustrative masterplan has been designed to comprise a mix of detached and semi-detached properties of 2, 3 and 4 bedrooms. Additional sketch layout information has been submitted to show a proposed green buffer to the site boundaries together with information to demonstrate that garden sizes and length can potentially satisfy guidelines within the Rushcliffe Residential Design Guide.
  9. It is envisaged that 0.93 ha of open space would be provided along with the incorporation of existing hedgerows where possible into the development. Some hedgerow would be lost by the creation of the vehicular access into the site and potential internal arrangements.
  10. The applicant has set out in his submission what is considered to be the 'very special circumstances' to support the grant of planning permission on the site, currently within the Green Belt. This includes the agreed Housing Strategy in the Core Strategy, housing requirements, settlement hierarchy, draft allocation of the site, neighbouring William Davis site approval, site will be surrounded by development and will be unable to perform a green belt function, provision of affordable housing, contribution to community facilities and economic and environmental benefits.

## **SITE HISTORY**

11. There is no site history in respect of the application site which is relevant to this application.
12. The neighbouring land to the south and east known as Shelford Road Farm has the benefit of outline planning permission for 400 dwellings and a reserved site for a primary school and health centre if needed. This application was reported to the planning committee in October 2018 where it was resolved to support a grant of outline planning permission, subject to the Secretary of State not calling in the application and a S106 agreement being signed. The Planning Casework Unit confirmed that the Borough Council was able to decide the application and outline planning permission has been granted. A Reserved Matters application for 103 dwellings (18/02068/REM) has been submitted for the first phase of the development and is presently being considered.



## **REPRESENTATIONS**

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

13. One Ward Councillor (Cllr Upton) does not object to this outline planning application and makes the following points:
14. Although this site is in the green belt, Radcliffe has been identified as a "sustainable key settlement" and following detailed studies and public consultations, the Neighbourhood Plan and the Local Plan Part 2 both promote this site as a "preferred housing site".
15. Raises concerns about the increased traffic this development will create on Shelford Road, and suggests that a new eastern relief road from Shelford Road to the A52 should be planned to take through traffic out of the village centre and "safeguarded" now.
16. He accepts that this project cannot be expected to fund this road, but a section 106 contribution would be appropriate. He would also like some developer financial contribution for improvements to Radcliffe Railway Station car park to encourage greater use of this sustainable form of transport.
17. Planning approval has recently been given for the adjoining site, and he requests that good pedestrian and cycle "connectivity" is provided between these two sites.
18. At least 30% of the dwellings should be "affordable homes" and he asks for a condition that these will be pepper-potted around the site. Finally, he asks that significant landscaping is provided to screen existing dwellings from the proposed development.
19. The former Councillor for the Adjacent Ward (Cllr Lawrence) did not object

### **Town/Parish Council**

20. Radcliffe on Trent Parish Council does not object and makes the following observations:
  - a. The Parish Council broadly supports the comments made from Cllr Upton.
  - b. The Traffic assessments have not demonstrated that the traffic generated by this development, the adjacent William Davis development and the developments proposed at neighbouring Bingham, Newton and East Bridgford has been assessed properly to determine if Traffic on Shelford Road will exceed its capacity.
  - c. Neighbourhood Plan Policy 10 makes clear that traffic is a key issue for the community.
  - d. Concerns that there are no vehicular links to the adjacent William Davis development

## Statutory and Other Consultees

21. Nottinghamshire County Council as Highways Authority have raised no objection to the application. The proposed development will be served from a 5.5m wide carriageway with 6m radii on both sides and they consider that refuse vehicles are able to manoeuvre out of the site without encroaching into the opposite footway. They acknowledge that the access is located opposite a series of private drives that will create a crossroads type junction but do not envisage that the location of the access will change the existing situation. They consider that the visibility splays are achievable within the highway extents, which are acceptable and that the development traffic will not result in any material impact on queue lengths at the Main Road/Shelford Road roundabout.
22. They acknowledge that this is an outline application with all matters reserved apart from access. They, however suggest that the following points should be incorporated into any future reserved matters submission:
  - Permeability should be encouraged to the neighbouring site by providing a through route for pedestrians/cycles only. It would be advantageous for a connection to be made available for emergency vehicles.
  - Private drives with five or more dwellings should be served from an adoptable road layout that is offered for adoption.
  - Point out that the use of sustainable drainage systems can pose a greater liability to the Highway Authority than a piped system. The use of such provision attracts a heavy commuted sum which may be prohibitively expensive. The lack of a positive drainage system to drain highway water is likely to compromise future road adoption.
23. A development of this scale will increase public transport patronage which they would expect an upgrade of the existing public transport infrastructure.
24. The travel plan has been reviewed and lacks sufficient detail to be assessed. A condition is recommended to secure the submission of a travel plan, which accords with Nottinghamshire County Councils guidance.
25. Nottinghamshire County Council (Strategic Planning) makes general policy comments in relation to Minerals, Waste, Ecology, Transport, Education provision, healthy communities and concludes:
  - a. Minerals - There are no current or permitted minerals sites close to the application site and, therefore, the County Council does not wish to raise any objections to the proposal from a minerals perspective.
  - b. Waste - There are no existing waste sites within the vicinity of the site whereby the proposed development would cause an issue in terms of safeguarding existing waste management facilities. The development should be designed, constructed and implemented to minimise the creation of waste, maximise the use of recycled materials and assist the collection, sorting, recycling and recovery of waste arising from the development. In accordance with Policy WCS2 as the proposal is likely to generate significant volumes of waste through the development or operational phases it would be useful for the application to be supported by a waste audit.

- c. Ecology - The LPA should determine whether a preliminary Ecological Appraisal is required and conditions should be used to secure all ecological mitigation measures recommended in any ecological survey reports submitted with the application, the protection of retained trees and hedgerows during construction, the production of a bat sensitive lighting plan, a detailed landscaping scheme and the incorporation of integrated bat and bird boxes.
  - d. Transport - Attention is drawn to the Memorandum of Understanding between RBC, Highways England and NCC regarding improvements required to the A52 and for which financial contributions are taken from qualifying development in Rushcliffe.
  - e. In view of the size of the proposed development it is not envisaged that contributions towards local bus service provision will be sought. Contributions via a Section 106 agreement for bus stop improvements to the value of £17,000 should be sought.
  - f. Education - A development of 55 dwellings will generate 12 primary school places. There is a deficiency in primary places available in the planning area. This site, along with other sites, which are proposed for allocation in the Local Plan, mean that additional education provision will be required either through extension to existing provision or through the delivery of a new school (for which a site has been reserved as part of the Shelford Road application). Should education provision be provided via an extension to an existing school a contribution of £163,872 (12 x £13,656) will be sought. If provision is made by delivering a new school a contribution of £228,576 (12 x £19,048) would be sought and this is based on build costs.)
  - g. In relation to secondary school places this proposal will generate 9 secondary places. There is a deficiency in places available. As a result the County Council will be seeking a contribution of £159,777 (9 x £17,753).
26. Nottinghamshire County Council Rights of Way confirm that there are no rights of way currently recorded within or adjacent to the application site, however it is always possible that there are public rights that have not yet been recorded.
27. Nottinghamshire County Council as Lead Local Flood Risk Authority originally objected to the proposal noting that the preferred means of surface water outfall from the site will need to cross third party land and no evidence of this being acceptable was available. Following receipt of additional information this objection has been removed and a condition suggested to secure a surface water management scheme and connection to the neighbouring site to the south.
28. Highways England confirms that no assessment of traffic impacts or delivery of improvement on the Strategic Road Network will be required, but in line with the Memorandum of Understanding in relation to the improvements necessary to support growth on the A52, a developer contribution will be required (presently agreed at £1,069.85 per dwelling) and this should be secured by way of a S278 agreement.

29. Severn Trent Water recommend a condition requiring the submission of drainage plans for the disposal of surface water and foul sewage. They note that a pumped solution may be required for the site, which would need a sewer modelling assessment to determine what impact the generated flows from this site would have on the network and to determine the maximum pump rate that could be accommodated within the existing network without worsening the existing sewer performance in rainfall events.
30. Sport England - this development does not fall within either their statutory remit or non-statutory remit and, therefore Sport England has not provided a detailed response in this case. If existing sports facilities do not have the capacity to absorb the additional demand, then new and/or improved sports facilities should be secured and delivered in accordance with any approved local policy for social infrastructure and priorities set out in any Playing Pitch Strategy that the local authority has in place.
31. In line with the Governments NPPF (including Section 8) and PPG (Health and Wellbeing section) consideration should also be given to how any new development, especially for new housing will provide opportunities for people to lead healthy lifestyles and create healthy communities.
32. NHS Greater Nottingham Clinical Care Partnership request a financial contribution based on their standard formula. For the 55 dwellings, it is unclear how many bedrooms so it is assumed all will be 2+ and they would request £920 per dwelling, amounting to a contribution of £50,600. It is envisaged that all new patients would register with Radcliffe on Trent Health Centre on Main Road. This existing building is not fit for purpose and is incapable of extension or adaptation given its clasp design and constrained site. The building is one of the top priorities to replace. The contribution would be put toward the replacement of the current facility.
33. RBC Conservation and Design Officer commented on Archaeology, highlighting that, ideally, trial trenching should inform an application, but did allow the possibility of addressing this via condition provided layout was a reserved matter.
34. The applicant is aware that trial trenching on the neighbouring site resulted in a need for further archaeological evaluation by strip map and sample of a portion of the site; an area of dense archaeological activity which continues into the Grooms Cottage site and should be prepared for the possibility of a similar scenario unfolding on this site.
35. The area strip-map and sample exercise to the south has found additional metal finds in the shape of a second contemporaneous copper/bronze brooch recovered from one of the ditches which continues into the Grooms Cottage site, indeed one of the earlier trial trenches recovered the first brooch from the same feature. It is possible that these represent stray losses but it is also possible that this particular ditch out of all those on the wider site was selected to deliberately deposit items into for some reason. A sample size of 2 is not at all sufficient to base a conclusion upon, but the possibility should at least be acknowledged.

36. Unless the trial trenching suggests that the archaeology within this site is less well preserved then it is likely that further archaeological work would be required following trial trenching. A multi stage condition is therefore necessary. The indicative plans suggest development along the southern boundary, as well as excavations below proposed roads to install water holding systems which will require significant excavation meaning that it is highly unlikely that any archaeology could be preserved in situ. Unless the trial trenching establishes a confident understanding of archaeology within this site then further work may be required. A condition is suggested and has been agreed with the applicants.
37. In design terms the indicative layouts (only access is to be considered in detail under this application) are reasonable given the shape of the site. The 'L' shaped site plan only really lends itself to a layout along the lines proposed. A central area of open space is proposed which holds elements of drainage infrastructure but also leaves a reasonable area of public open space. The proposal also identifies opportunities to create pedestrian links through to the site to the south and east, given that the neighbouring site is proposed to include a school and some additional services, these links would be valuable to secure for easy access to these new facilities. The design and access statement does not offer a lot in terms of likely design approaches for individual units but it does cover elements of best practise and policy, which suggests that the applicants are aware of the considerations which should lead them towards good design.
38. The Borough Councils Environmental Health Officer recommends conditions in relation to a contaminated land report and construction management statement.
39. The Borough Councils Landscape Officer does not object and considers that the Landscape and Visual Impact Assessment is in accordance with best practices and he does not dispute its conclusions. The layout of the site is positive with sufficient space along the frontage to retain the hedge and reinforce it with additional planting. The central open space area is positive and will help open up the development. The developer will have to demonstrate how maintenance of this will be secured. Planning conditions will be necessary to ensure protection of the retained hedgerows, along with a detailed landscape plan and maintenance schedule.
40. The Borough Councils Sustainability Officer notes that a preliminary ecological assessment and protected species survey has been supplied and are in date. Birds are expected to nest on the site and at least six species of Bat were identified foraging/commuting on the site; there is moderate habitat quality for foraging and commuting bats, this activity appears to be concentrated along the peripheral habitats, including the hedgerows and tall ruderal vegetation. A wide range of other common species are expected to use the site. The site consists of improved grassland with ruderal vegetation and hedgerows. The proposed development is unlikely to have a material impact on the favourable conservation status of a European species if developed sensitively and can provide a net gain. Recommendations for conditions for biodiversity protection and enhancements are provided.
41. The Borough Council Strategic Housing Officer confirms that the site lies within the Radcliffe and Gamston housing submarket area and under Policy 8 of the

Core Strategy we should seek the provision of 30% affordable housing on the site. This would equate to 16 affordable housing units on a scheme of 55 units overall. The level of provision is evidenced in the Nottingham Core Strategic Housing Market (SHMA) Needs Update (2012). As indicated by the SHMA update, Cores Strategy para 3.8.9 states that 42% should be intermediate housing 39% should be affordable rent and 19% should be social rent. This equates to 7 intermediate units, 6 affordable rent and 3 social rent units.

42. When submitted the reserved matters application, it will be necessary to ensure that the affordable units are pepper potted in small groups across the site. The flats should be no higher than two storeys with each unit having their own entrance. The bungalows (for elderly needs) should also be clustered together and located close to the 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. 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 other appropriate mechanism which ensures that the dwellings remain affordable.

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

43. Representation have been received from 12 properties making comments which can be summarised as follows:
- a. Object to a further 55 dwellings on top of the 400 next door.
  - b. Objects in principle to Green Belt land/good pastureland being built on - brownfield should be sought
  - c. Do not consider the houses are needed bearing in mind all the other developments that are either proposed or under way.
  - d. Change in the character of Radcliffe village to one of urban sprawl.
  - e. Paid a premium to live in this semi-rural environment.
  - f. Concern over traffic impact in village.
  - g. Shelford Road is already dangerous.
  - h. Speeding is already a problem.
  - i. Properties on Shelford Road already have problems exiting their properties.
  - j. The village cannot cope with the level of expected growth.
  - k. The land should be kept as a green.
  - l. Loss of house value.
  - m. Impact on natural environment and will impact on child's emotional health.

- n. Site too small for 55 houses - cramped development and inappropriate and poor living conditions for the residents.
- o. Loss of privacy for neighbouring properties.
- p. Loss of farmland and eco-system.
- q. Consider that the buffer to 112 Shelford should be a 5 m wide planting buffer.
- r. Want confirmation that no three storey properties would be built.
- s. Careful consideration needs to be given to 112 Shelford Road due to close proximity and several habitable rooms.
- t. Traffic measure should be place to reduce traffic flow into the village - an alternative to Shelford Road should be made.
- u. Need reassurance that construction disruption will be kept to a minimum and exclude weekends and early mornings.
- v. Need new boundary to 112 Shelford road - wants it to be aesthetically, sustainable and clarity of ownership.
- w. Concern if road is planned adjacent to the house and neighbouring houses.
- x. Not convinced that low cost and accessible affordable housing will be provided.
- y. Boundary between the new development should replicate the tree corridor being provided by William Davis.
- z. plans should be in place to ensure that there is sufficient schooling, medical provision in the village.
- aa. Appropriate and properly covenanted tree/hedgerow buffering and screening along boundary to their drive is required.
- bb. Fully support the building of new homes to meet the current need but considers that the William Davis plans will already provide a large number of houses.
- cc. Suggests that a 5 metre planting buffer of trees and shrubs be included along the boundary with clumber drive.
- dd. Buffer will provide a habitat for garden birds to nest – the small size of gardens with the new houses would have a limited provision to provide this.
- ee. Considers that this is a foregone conclusion and long standing opportunities for by pass for Radcliffe have been ignored with no joined up planning.

44. The Neighbouring land owner and developer raised initial concerns in relation to the proposed location of a foul water pumping station. Revised plans have been received revising the location of the pumping station.

## **PLANNING POLICY**

45. 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. Local Plan Part 2 was submitted for examination on 10 August 2018 and the hearing sessions took place during November and December 2018. An initial view from the Inspector has been received suggesting minor changes to some of the policies. Some weight should, therefore, be given to this emerging policy document.
46. 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 appeal decision at Asher Lane Ruddington ref: 16/03123/OUT for outline planning permission for 175 dwellings which is located within the Green Belt and which was granted permission on 23<sup>rd</sup> May 2018 and the decision of the Planning Casework Unit not to call in the application on the adjoining development site at Shelford Road Farm.

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

- i.
47. The National Planning Policy Framework (NPPF) (updated in 2019) 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.
48. 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.*'
49. 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.

50. 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.”*
51. 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.
52. Paragraph 143 states that, *“Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.”*
53. 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.”*
54. 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**

55. 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.
56. 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.
57. 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
58. 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.
59. 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.
60. 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.
61. 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 relevance 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)
62. 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.

63. 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 and an initial view from the Inspector has been received suggesting minor changes to some of the policies. Some weight should therefore be given to this emerging policy document, in particular site specific policy 5.2 which relates a proposed housing allocation – Land adjacent Grooms Cottage Radcliffe on Trent. It is not proposed to make significant modifications to this policy, although they have yet to be subject to further consultation.
64. 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.
65. 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.
66. 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.'
67. 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.
68. 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.
69. 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.
70. 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.
71. 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.
72. Environmental Impact Assessment Regulations – It is not necessary to screen the application under the Environmental Impact Assessment Regulations 2017 as the site does not exceed 150 dwellings

## **APPRAISAL**

73. 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.
74. 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 the Neighbourhood Plan Policies, together with the specific site requirements as set out in the emerging site

specific policy 5.2 (Housing Allocation Land adjacent Grooms Cottage Radcliffe on Trent) together with any other material planning considerations.

75. 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

76. 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.
77. NPPF paragraph 15 states that the planning system should be genuinely planned. Succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for addressing housing needs and other economic, social and environmental priorities; and a platform for local people to shape their surroundings.
78. 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.
79. However, in considering this application, it has to be borne in mind that the Council does not currently 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.
80. 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.

81. As the application site is currently in the Green Belt, there 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' (VSCs). 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.
82. 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).
83. As set out above, at the present time the Borough Council is unable to demonstrate a five year supply of housing land 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.
84. 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.
85. 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 LPP2 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 substantially in favour of the proposal.

86. One of the key issues that the LPP2 is required to do is to identify enough land 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.
87. 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 substantially in favour of the proposal.
88. 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. No issues with this approach have been identified in the Inspectors Initial response to Part 2. 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 and, with the approval of the neighbouring land at Shelford Farm, this site will no longer perform a Green Belt function. 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 substantially in favour of this development.

89. 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.
90. Whilst it is considered that full weight cannot be attached to the LPP2 because it has not yet been adopted, 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 Council's 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 substantially in favour of the development. As the recommendation for approval on the neighbouring site was referred to the Secretary of State and the application was not called in for determination this also weighs in favour. Having regard to all these factors, it is considered that development of this site for residential purposes is acceptable in principle.

#### Emerging Local Plan Part 2 policy 5.2

91. As set out above, whilst the LP Part 2 document has not yet adopted, 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 5.2, which proposes this site as an allocation for around 50 homes. The policy sets out that any development will be subject to the following requirements:
  - a. Development which complement and not prejudice the delivery of the neighbouring site which is allocated within Policy 5.3 (Land off Shelford Road)
  - b. Sensitive boundary treatment should protect the amenity of existing neighbouring properties;
  - c. Appropriate financial contributions towards education and health capacity improvements to support development
  - d. It should be consistent with other relevant policies in the Local Plan;
92. Careful consideration has been given to emerging policy 5.2 (a) The site identified in the emerging LPP2 under policy 5.3, which is known as Land South of Shelford Road has recently obtained outline planning permission and a reserved matters application for Phase 1 of 103 dwellings has been



submitted and is currently under consideration. 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. 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 and the County Council, as the Lead Local Flood Risk Authority, and this can be secured by way of planning conditions.

93. In considering emerging Policy 5.2(c) in relation to education place capacity 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. In accordance with the policy requirements affecting the neighbouring site, a site for a new primary school has been reserved on that site and financial contributions towards the provision of this school or alternative provision will be sought from this site to contribute to education provision through a S106 agreement. In accordance with that achieved on the neighbouring site, 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.
94. 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. 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.
95. With regard to health provision, it is acknowledged that the existing surgery within the village is unable to accommodate additional patients generated from this development and a financial contribution is sought towards replacement provision. 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, the neighbouring site on Shelford Road has, therefore, reserved a site for the potential delivery of a doctors surgery on site, should alternative provision elsewhere in the village not be achieved. This proposed development would contribute financially towards a replacement surgery.
96. It is, therefore, necessary and justified for contributions to be sought from other sites proposed to come forward in Part 2 including this site, 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.

97. Emerging LPP2 policy 5.2 (b) 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 dwelling 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 Hunting Stables to the east, and consideration will be given at reserved matters stage to the boundary treatments to existing neighbouring properties.
98. It is therefore considered that, in relation to the specific site requirements set out in the Emerging Local Plan policy 5.2, this application accords with this policy and therefore this weighs in favour of the proposal.

#### Radcliffe on Trent Neighbourhood Plan.

99. 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.’*
100. 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.
101. 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 Core Strategy. A key consideration is to ensure walkability of the village is maintained and it proposes the majority of the release to the east and west 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.
102. 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. It is considered that the site will assist in the continued vitality and viability of the village centre.
103. 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 childrens’ play and ancillary open space as an integral part of the new developments.
104. 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. Bearing in mind the limited size of the development and the provision of equipped area for play on the neighbouring site, it is not considered necessary for this site to provide for equipped play. An area of open space is, however provided central to 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.
105. 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.

106. It is acknowledged that the Radcliffe on Trent Neighbourhood Plan identifies the priority for the improvements of the village's 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.
107. 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 key routes are identified including the Trent Valley Way for potential protection and enhancement which may benefit from developer or other contributions. 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.
108. The Neighbourhood Plan, through Policy 8 (Public Transport), seeks to encourage improvements to the public 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 County Council have confirmed that on a site of this size a bus service contribution is not required. Financial contributions have been sought and agreed for improvements to the bus stops in the vicinity of the site. A Travel Plan has also been submitted which includes initiatives to promote public transport.
109. 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 £2,000 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.
110. 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.

111. 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) 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.
112. 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.
113. Policy 14 and 15 relate 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.
114. 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

115. 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.
116. The application is supported by a Transport Statement (TA) which includes a Travel Plan. The application has been assessed by the relevant technical consultees in relation to its potential impact on both the local and strategic road network. 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 the Parish Council and other interested parties in relation to highway safety issues, it is considered that, 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. No objections on highway grounds are raised from the statutory consultees. 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.
117. 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 the access would result in the loss of some hedgerow along the frontage of the site this has been confirmed as purely in the area of the access. Whilst any loss of hedgerow needs to be carefully considered, it is considered that the need to provide additional dwellings within the Borough overrides the limited loss of hedgerow on the site.
118. Comments have been raised regarding the potential for a Radcliffe on Trent by pass to direct traffic from Shelford Road across the railway line to link with Grantham Road (A52), however, this is not a policy requirement within the Emerging Local Plan to enable additional housing development in the village. Such provision is not proposed by the development and is not considered necessary, reasonable or deliverable for the potential additional dwellings to contribute towards such a desire.

### Design and Amenity

119. It should be acknowledged that this application is for outline planning permission with appearance, landscaping, layout and scale reserved for subsequent approval. Whilst it is acknowledged that the proposal proposes 55 dwellings and this is slightly more than anticipated in the emerging local plan (the policy refers to 'around' 50 dwellings) it is considered the application has demonstrated that the proposed development can be accommodated on the

site and 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 section 4) relating to development and design objectives would ensure that the amenity of neighbouring properties is not unduly and unacceptably affected.

120. Additional information has been submitted by the applicant to demonstrate that a development of potentially 55 dwellings could be accommodated on the site and provide the recommended garden sizes, adequate car parking provision and general amenity space. Thus it is considered that the applications accord with Policy 10 of the Core Strategy, Neighbourhood Plan policies and emerging Policy 5.2, 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. Comments have been made in relation to the boundaries of the site and outline information has been submitted to show how the boundaries of the site would propose to incorporate new landscaped buffer area within gardens, landscaping is a reserved matter and would, therefore, be considered in greater details within any reserved matters submission.

#### Air Quality

121. 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.
122. 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

123. 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.”* The principal noise sources associated with the development post construction are anticipated to be related to road traffic

124. 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. Whilst concerns from local residents in relation to increased noise and disturbance from road traffic have been considered, the introduction of an additional 55 dwellings in this location is unlikely to result in such an increase in noise pollution to warrant a refusal of planning permission on these grounds. The Transport Assessment shows that the proposal would be expected to generate 43 two way trips during the morning and evening peak hours with a maximum increase of 13 and 30 two way movements to the north and south respectively. This level of activity is unlikely to notably increase traffic noise and disturbance on Shelford Road to the detriment of existing residents amenity.

### Contamination

125. 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 the 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

126. 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 an area 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 part of a hedgerow along Shelford Road to facilitate the site access but new hedgerow provision is proposed along the eastern boundary of the site together with hedgerow enhancement. The proposed



development allows for the enhancement of tree provision on the site particularly in the vicinity of the open spaces.

## Ecology

127. In relation to Ecological considerations an ecological appraisal of the site has taken place 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 Borough Council's Sustainability Officer and no objection has been raised with the information submitted and it is considered to be robust in its methodology and outcomes.
128. 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 opportunities for bat foraging have been identified.
129. 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 retention and enhancement of the hedgerows, new landscape planting and consideration of incorporating bat and bird boxes and hedgehog boxes.
130. 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.
131. 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.

132. The reports submitted do not indicate that it will be necessary for a licence from Natural England under the Conservation of Habitat and Species Regulations 2010 to be obtained and, therefore, it is not necessary to consider, in the determination of this application, whether a license is likely to be granted under the requirements of the Habitat Regulations. A condition is, however, proposed to cover potential impact of ecological matters in relation to hedgerow removal.

### Waste

133. 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.
134. The National Planning Guidance follows this advice and suggests that for 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 in this instance 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 in the recommendation.
135. Consideration has been given to waste matters in the application and it would be normal practice for the construction management plan to include a requirement for a scheme for recycling/disposal of waste resulting from site clearance and construction works. On a development on this size it is not considered necessary for the site to achieve appropriate provision to allow for the recycling of waste for items which are not covered by the Council's 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.

136. 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.
137. 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 applications 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

138. 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

139. The NPPF, Policy 12 of the Core Strategy (Local Services and Healthy Lifestyles), Rushcliffe's Sustainable Community Strategy and Nottinghamshire Health and Wellbeing Strategy 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 a lack of these can lead to people being isolated and suffering from mental health conditions, therefore adversely affecting their health and wellbeing.
140. The provision of open and green space is proposed as part of the development which would support these policy ambitions, 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

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

141. 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.

#### Loss of Agricultural Land

142. The development comprises approximately 1.75 Hectares of agricultural land presently used for grazing. 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.
143. 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

144. In relation to undesignated heritage assets, buried archaeological assets will potentially be permanently damaged or destroyed during the construction phase. 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.

## Drainage

145. 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.
146. A site specific Flood Risk Assessment and Sustainable 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 indicate flood risk associated with the stream course outside of the site on land to the south of the site. 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 an attenuation pond to balance all surface water from the impermeable development areas back to green field runoff rates.
147. 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 would 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.
148. 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.

#### Other considerations

149. Concerns raised from local residents in relation to loss of property values are not a material planning consideration in the determination of this application. The emotional wellbeing of a child in relation to potential loss of open space and proximity to countryside animals has been considered but wider community interests in relation to provision of housing, both market and affordable, are considered to take priority over an individuals personal circumstances. Open space and countryside, however, remains available in close vicinity of the site to provide opportunities for natural development and education.

#### S106 Planning obligations

150. 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.
151. 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

152. 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 site also benefits from being adjacent the Shelford Road Farm site, which has the benefit of outline planning permission for 400 dwellings. 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 substantially in favour of the development.

153. It is, therefore, considered that the proposed development on the application site would 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.
154. 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.
155. 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.
156. 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.

157. 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.
158. This application has been subject to 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) (England) 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 for approval of reserved matters must be made no later than three years beginning with the date of this permission and the development must be begun not later than the expiration of two years from the final approval of reserved matters, or in the case of approval of reserved matters on different dates, the final approval of the last such matter to be approved
- [To comply with Section 91 of the Town & Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.]
- 2. No development shall take place without details of the following having first been submitted to and approved in writing by the local planning authority:-
    - a) appearance
    - b) landscaping
    - c) layout and
    - d) scale(hereinafter called the "reserved matters")



The application for approval of reserved matters shall be generally in accordance with the illustrative masterplan (with measurements) 03469 - 03 rev 6 and design framework plan 03469-02-04 and design principles, scale and density set out in section 5.1 - 5.4 of the Design and Access Statement.

The development shall thereafter be carried out in accordance with the approved reserved matters.

[To comply with Section 91 of the Town and Country Planning Act 1990 and 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.]

3. No part of the development hereby approved ( including access ) shall commence until a detailed surface water drainage scheme based on the principles set forward by the approved Flood Risk Assessment (FRA) GCR-BWB-ZZ-XX-RP-YE-001\_FRA and Sustainable Drainage Statement GCR-BWB-ZZ-RP-CD-001\_SDS has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall be implemented in accordance with the approved details prior to completion of the development. The scheme to be submitted shall:

- Demonstrate that the use of SuDS throughout the site is in accordance with CIRIA C753.
- Limit the discharge rate generated by all rainfall events up to the 100 year plus 40% (for climate change) critical rain storm to Qbar for.
- Provide detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- For all exceedance to be contained within the site boundary without flooding new properties in a 100year+40% storm and details of exceedance flow routes.
- Details of STW approval for connections to existing network and any adoption of site drainage infrastructure.
- Evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure long term operation to design parameters.
- Evidence that a formal agreement has been entered into to permit connection to the third party drainage assets to the south and how this will be achieved.

The reserved matters application should build upon the submitted Flood Risk Assessment and Sustainable Drainage Statement and should provide a more detailed layout plan clearly showing the provision for above ground drainage features in accordance with the submitted document. Prior to the commencement of construction of the dwellings connection shall be made to an approved surface water drainage scheme on the neighbouring site to the south. The approved drainage strategy shall thereafter be implemented in accordance with these details and those approved under condition 5.

[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. This is a pre commencement condition in ensure that flood risk is mitigated.]

4. No development shall take place (other than for the access to Shelford Road approved under condition 6) until the technical approval under S38 ( or equivalent) has been agreed with Nottinghamshire County Council for the construction of the roads and associated works within that phase of the site. The development shall thereafter be implemented in accordance with the approved details and 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]

5. No development shall take place (other than for the access to Shelford Road approved under condition this permission) until details of the following have been submitted:
  - i. A detailed layout plan of the proposed development;
  - 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 manoeuvring 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;
  - 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 for a development which does not prejudice the delivery of the neighbouring site at Shelford Road Farm; and

- xv. Details of on site recreation space/facilities to serve the proposed development. Details to be submitted shall include landscaping, planting and any equipment to be provided on the proposed amenity spaces.

The development shall thereafter be undertaken in accordance with those approved details.

[These details will help inform the Reserved matters details and will 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. This condition is pre commencement to ensure details are satisfactory and to avoid abortive works at a later stage]

- 6. No development shall take place 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; and
- x. 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. This condition is pre commencement to ensure mitigation measures are in place prior to work commencing on site]

- 7. No development shall take place (other than for the access to Shelford Road approved under condition 6) without the details of the landscaping scheme 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;
- (d) finished levels or contours;
- (e) all existing trees, hedges and other landscape features, indicating clearly those to be removed;
- (f) details of all boundary treatments including height, design, location, materials and finish; and
- (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. This is a pre commencement condition to ensure that adequate consideration of landscaping matters is undertaken early in the process to ensure a satisfactory development]

8. Prior to commencement of development archaeological works shall be undertaken on site in accordance with the WSI for archaeological trial trenching prepared by Cotswold Archaeology and the reports arising from this archaeological evaluation shall be submitted to and approved in writing by the Borough Council. Where the results of trial trenching identifies archaeological features in a state of preservation and/or of such complexity as to warrant additional investigation further evaluation will be required on site. Development shall not commence in those areas of the site where such additional investigation is required until such time as a further Written Scheme of Investigation for additional archaeological investigation has been agreed in writing by the Borough Council and the excavations and recording detailed within that further written scheme have been undertaken on site.

[To ensure that items of archaeological interest are recorded in accordance with para 199 of the NPPF. This is a pre commencement condition to ensure that adequate protection to items of historic interest is afforded to the site].

9. Before development is commenced, a Contaminated Land Report shall be submitted to and approved by the Local Planning Authority. In those cases where the Detailed Investigation Report confirms that "contamination" exists, a remediation report and validation statement will also be required. In such instances, a remediation report will need to be submitted to and approved by the Local Planning Authority, prior to development commencing. Following completion of the works and prior to the occupation of the each dwelling a written Validation Report with confirmation that all remedial works have been completed and validated, in accordance with the agreed details shall be submitted to and approved in writing by the Borough Council.

[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. This is a pre commencement condition to ensure adequate consideration is given to contamination matters which may affect layout and development of the site]

10. No development shall take place 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. This is a pre commencement condition to ensure such a strategy is in place prior to persons being employed on the site.]

11. No development shall take place within any phase of the development until the existing trees and/or hedges which are to be retained have been protected in accordance with the measures approved under condition 7, 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. This is a pre commencement condition to ensure the protection of vegetation and potential ecological features.]

12. Immediately prior to development commencing including site clearance a badger survey shall be undertaken by a competent ecologist and the Borough Council shall be provided with details of this survey. Should any evidence of badgers be identified work shall not commence until mitigation measures have been submitted to and agreed by the Council.

[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 This is a pre commencement condition to ensure that ecological matters including protected species are adequately protected.]

13. No development shall take place until an ecological management plan has been submitted and approved in writing by the Borough Council. This plan shall

include the recommendations in the RSE\_688\_PEA\_02\_V1 Preliminary Ecological Appraisal and RSE\_688\_03\_V1 Bat Survey Report including the retention of hedgerows wherever possible, provision of bat and bird nest boxes and hedgehog boxes. The agreed mitigation and enhancements shall be implemented in accordance with the agreed works and timetable for implementation set out in the approved management plan.

[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. This is a pre commencement condition to ensure that ecological matters are adequately considered at an early stage]

14. Prior to construction of the buildings hereby permitted reaching damp proof course level 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.]

15. No dwelling shall be occupied until the site access arrangement as shown for indicative purposes only on drawing GCR-BWB-GEN-XX-DR-TR-101 Rev P1 has been provided.

[In the interest of highway safety and in accordance with the aims of Policy 1 of the emerging Local Plan Part 2:Land and Planning Policies].

16. No dwelling shall be occupied until their respective driveways have been surfaced in a bound material (not loose gravel) for a minimum distance of 5 metres behind the highway boundary, and which shall be drained to prevent the discharge of surface water from the driveway to the public highway. The bound material and the provision to prevent the discharge of surface water to the public highway shall be retained for the lifetime of the development.

[In the interest of highway safety and in accordance with the aims of Policy 1 of the emerging Local Plan Part 2:Land and Planning Policies].

17. 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 ( the date of which is in force at the time of the commencement of development).

[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.]

18. No dwelling shall be occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall set out proposals (including targets, a timetable and enforcement mechanism) to

promote travel by sustainable modes which are acceptable to the Local Planning Authority and shall include arrangements for monitoring of progress of the proposals. The Travel Plan shall be implemented in accordance with the timetable set out in that plan unless otherwise agreed in writing by the Local Planning Authority.

[To promote sustainable travel in accordance with the aims of Policy 1 of the emerging Local Plan Part 2:Land and Planning Policies].

19. 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 1 of the emerging Local Plan Part 2:Land and Planning Policies]].

20. 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.]

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

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

22. 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.]

23. The residential part of the development shall comprise no more than 55 dwellings.

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

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

[To ensure that the 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.]

## **Notes to Applicant**

This permission is subject to a S106 agreement

In relation to the Travel Plan condition your attention is drawn to the following guidance:-

<http://www.nottinghamshire.gov.uk/media/124515/travelplanguidance.pdf>

In relation to Condition 6 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](mailto: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.

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](mailto:nick.flint@openreach.co.uk)

Virgin: Daniel Murray

07813920812 [daniel.murray@virginmedia.co.uk](mailto:daniel.murray@virginmedia.co.uk)

This permission does not give any legal right for any work on, over or under land or buildings outside the application site ownership or affecting neighbouring property, including buildings, walls, fences and vegetation within that property. If any such work is anticipated, the consent of the adjoining 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](mailto: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.

For further information on the content of Contaminated Land Reports, please refer to the Councils Publication "Developing Land within Nottinghamshire - A Guide to Submitting Planning Applications for Land that may be Contaminated." This booklet is available from both Rushcliffe Borough Council's website [www.rushcliffe.gov.uk](http://www.rushcliffe.gov.uk) (use the A-Z search for Contaminated Land) or by contacting the Environmental Health Service directly. In the event that any evidence of unexpected land contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must then be undertaken and where remediation

is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Item/Policy	Detail/requirement	Developer proposes	RBC proposes	Trigger
<b>Public Open Space and SUDS</b>	Layout, provision and maintenance (including ponds proposed ) - would need details of management company,	Area of open space in centre of development as shown on sketch masterplan Design and Access sets out the amount of open space as 0.93 Ha including water storage	Maintenance to be provided by management company or nominated organisation – funded through service charge on properties	Provision of 0.93 HA is secured by way of a planning condition – details of long term maintenance secured by S106
<b>Equipped play space</b>	RBC Leisure have confirmed that the provision of on site open space is not required to be equipped but should be designed in a way that would enable children to play safely	Sketch Masterplan indicates provision of a central area of open space  Design and Access sets out the amount of open space as 0.93 Ha including water storage	Area of at least 0.069Ha required and landscaped and designed to allow children to play safely	Prior to the occupation of the 20 dwelling.
<b>Education</b>	Emerging Local Plan Part 2 policy 5.2 requirement  Primary: development would generate 12		As set out in the requirement – contribution is justified  Off site contribution towards the costs of providing additional places at a new primary school off site or  Off site contribution towards the costs of extending / altering	Prior to occupation of first dwelling – highest amount will be sought if the solution for delivering new spaces in Radcliffe has not been resolved by the NCC. Once established if necessary a refund will be provided if

Item/Policy	Detail/requirement	Developer proposes	RBC proposes	Trigger
	<p>primary place school pupils. It is anticipated that the contribution will be based on the agreed methodology agreed at Shelford Road – this equates to</p> <p>£19,048 per place if a new school is required and £13, 656 if extension to existing provision is required. Therefore the contribution based on that formula will be</p> <p>12 x £19,048= £228,576 or 12 x £13,656 = £163,872.</p>		existing school provision within Radcliffe	the lower amount is determined to be payable
	<p>Secondary School - development will generate 9 secondary</p>		As set out in the requirement – contribution is justified – to go towards the provision of	Prior to occupation of first dwelling

Item/Policy	Detail/requirement	Developer proposes	RBC proposes	Trigger
	school pupils. NCC have confirmed at the present time that the per pupil amount will be £17,753 to go towards additional educational provision = 9 x £17,753 = £159,777.		additional places at the South Notts Academy in Radcliffe	
<b>Affordable Housing</b>	30% on site provision required therefore 16 affordable units required 42% should be intermediate , 39% should be affordable rent and 19% should be social rent		<p>7 no. intermediate , 6no. affordable rent and 3 social rent units</p> <p>Social rent</p> <p>1 bed starter flats 1no. 3 bed houses 1no. 2 bed bungalow 1no.</p> <p>Affordable Rent</p> <p>1 bed starter flats 1no. 2 bed houses 1no. 3 bed houses 2 no. 1 bed downsizing bungalow 1no. 2 bed downsizing bungalows 1no.</p> <p>Intermediate</p>	

Item/Policy	Detail/requirement	Developer proposes	RBC proposes	Trigger
			<p>2 bed houses 3no. 3 bed houses 3no. 2 bed downsizing bungalow 1no.</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> <p>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.</p>	

Item/Policy	Detail/requirement	Developer proposes	RBC proposes	Trigger
<b>Health</b>	Emerging Local Plan Part 2 policy 5.2 requirement  CCG standard formula require contribution of £920 per dwelling ( 2bed+) £600 per 1 bed dwelling) this gives a potential maximum £50,600		Contribution is justified for the purposes of providing additional health care facilities in the vicinity of the site to serve the development.	Prior to occupation of first dwelling
<b>Leisure</b>	Swimming Pool = Contribution of £23,260 required to go towards replacement for Bingham Leisure centre		Contribution required towards the provision and/or improvement of swimming pool provision in Bingham.	Prior to occupation of first dwelling
	Sports Hall = contribution of £21,608– improving the quality of provision in either Radcliffe or potentially Bingham		Contribution required towards the provision and/ or improvement of sports halls in Radcliffe on Trent and/or Bingham	Prior to occupation of first dwelling
	Sports pitches commuted sum for off site provision £24,930 to work with partners to deliver identified		Contribution required towards the provision and /or improvement of sports pitches and changing room facilities in Radcliffe in accordance with the	Prior to occupation of first dwelling

Item/Policy	Detail/requirement	Developer proposes	RBC proposes	Trigger
	projects within the detailed Radcliffe area action plan of the Rushcliffe Playing Pitch Strategy.		Radcliffe Area Action Plan of the Rushcliffe Playing Pitch Strategy.	
<b>Highways</b>	<p>NCC have confirmed that due to the size of the proposed development it is not envisaged that contributions towards local bus service provision will be sought</p> <p>Request a contribution of £17,000 be sought for improvements to bus stops infrastructure enhancements.</p>		Contribution is justified – this may not be required if the larger Shelford Road development is commenced.	Prior to occupation of first dwelling
<b>Network Rail</b>	Contribution of £2,000 towards station pedestrian/ cycle improvements to encourage increased usage.		Justified to encourage sustainable transport and go towards the provision and /or improvement of pedestrian/ cycle facilities at Raliffe Railway centre.	Prior to occupation of first dwelling



Item/Policy	Detail/requirement	Developer proposes	RBC proposes	Trigger
<b>Monitoring Fee</b>	TBC – in accordance with our monitoring fees schedule  £273 per principal obligation			Commencement of development.
<b>Indexation</b>	All financial contributions subject to indexation using Retail Price Index or the BCIS All-in Tender Price Index as appropriate			
<b>Legal Costs</b>	TBC			

Please note that a contribution of £1,069.85 per dwelling will be sought by way of a S278 agreement with Highway England in line with the Memorandum of Understanding for works along the A52/A606 – this equates to £58,842 with 55 dwellings - a planning condition will be attached to any permission to require this S278 to be entered into

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