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**Our reference:**  
**Your reference:**  
**Date:** Wednesday, 5 February 2020



To all Members of the Planning Committee

Dear Councillor

A Meeting of the Planning Committee will be held on Thursday, 13 February 2020 at 6.30 pm in the Council Chamber, Rushcliffe Arena, Rugby Road, West Bridgford to consider the following items of business.

Yours sincerely

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

Sanjit Sull  
Monitoring Officer

### **AGENDA**

1. Apologies for Absence and Substitute Members
2. Declarations of Interest
  - a) Under the Code of Conduct
  - b) Under the Planning Code
3. Minutes of the Meeting held on 16 January 2020 (Pages 1 - 6)
4. Planning Applications (Pages 7 - 180)

The report of the Executive Manager – Communities is attached.

### Membership

Chairman: Councillor R Butler  
Vice-Chairman: Councillor Mrs M Stockwood  
Councillors: K Beardsall, A Brennan, P Gowland, L Healy, A Major, J Murray, F Purdue-Horan, C Thomas and D Virdi

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



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**MINUTES  
OF THE MEETING OF THE  
PLANNING COMMITTEE  
THURSDAY, 16 JANUARY 2020**

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

**PRESENT:**

Councillors R Butler (Chairman), Mrs M Stockwood (Vice-Chairman),  
A Brennan, P Gowland, L Healy, A Major, F Purdue-Horan, C Thomas, D Viridi,  
S Bailey (substitute) and M Gaunt (substitute)

**ALSO IN ATTENDANCE:**

Councillor A Edyvean

**OFFICERS IN ATTENDANCE:**

A Pegram  
T Coop  
S Sull

Service Manager - Communities  
Democratic Services Officer  
Monitoring Officer

**APOLOGIES:**

Councillors K Beardsall and J Murray

**5 Declarations of Interest**

There were no declarations of interest reported.

**6 Minutes of the Meeting held on**

The minutes of the meeting held on 16 December 2019 were agreed as a true record and were signed by the Chairman.

**7 Planning Applications**

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

The Committee were advised by the Planning Officer that planning application 19/02209/FUL had been removed from the agenda due to a technical error and would not be discussed at the meeting. The Planning Officer advised that planning application 19/0281/FUL had also been removed by the applicant.

**19/01771/OUT – Construction of four new dwellings to the side and rear of existing dwelling (outline application with matters reserved except for access) – Pathways, London road, Willoughby on the Wolds.**

## Updates

In accordance with the Council's public speaking protocol James Botterill (Applicant's Agent), Nigel Crabtree (Objector) and Councillor Edyvean (Ward Councillor) addressed the Committee.

## DECISION

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

- The siting, design and external appearance of the proposed buildings;
- A landscaping scheme for the site with details of the treatment proposed
- for all ground surfaces, including hard areas;
- Sections and cross sections of the site showing the relationship of the proposed development to adjoining land and premises;
- The finished ground levels for the site and floor levels of the dwellings relative to existing levels and adjoining land;
- The means of enclosure to be erected on the site;
- The provision of a refuse collection point within the site and adjacent to the public highway; and
- A scheme for surface water management and foul disposal.

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

3. This permission shall relate to the erection of no more than four dwellings.

[To clarify the extent of this permission and to prevent the overdevelopment of the plot in compliance with Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 1 (Development Requirements) of the Local Plan

Part 2: Land and Planning Policies].

4. The dwellings shall not be occupied until the private drive has been surfaced in a bound material (not loose gravel) for a minimum distance of 5.0 metres behind the highway boundary, and which shall be constructed with provision 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 to comply with Policy 1 (Development Requirements) of the Local Plan Part 2: Land and Planning Policies].

5. The dwellings shall not be occupied until the private drive access is fronted by a vehicle crossing constructed in accordance with the Highway Authority specification, and the redundant crossing has been reinstated, to the satisfaction of the Local Planning Authority.

[In the interest of highway safety to comply with Policy 1 (Development Requirements) of the Local Plan Part 2: Land and Planning Policies].

6. No part of the development hereby permitted shall be brought into use until the visibility splays shown on drawing ref. 11771 001 titled Initial Access Design, dated: 27/06/2019 are provided. The area within the visibility splays referred to in this condition shall thereafter be kept free of all obstructions, structures or erections exceeding 0.6 metres in height.

[To maintain the visibility splays throughout the life of the development and in the interests of general Highway safety and to comply with Policy 1 (Development Requirements) of the Local Plan Part 2: Land and Planning Policies].

7. 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 and submitted for the approval in writing by the Local Planning Authority. Thereafter, the remediation scheme shall be implemented in full prior to the occupation of any dwellings.

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

8. 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 Borough Council. The works shall be carried out in accordance with the approved method statement.

[In the interests of residential amenity and to comply with Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 1 (Development Requirements) of the Local Plan Part 2: Land and Planning Policies. This condition needs to be discharged before work commences on site to ensure that appropriate measures are implemented during the construction phase to minimize the impact of noise, dust and vibration on nearby properties].

9. The dwellings hereby approved shall be designed and constructed to meet the higher Optional Technical Housing Standard for water consumption of no more than 110 litres per person per day.

[To promote a reduction in water consumption and to comply with criteria 3 of Policy 12 (Housing Standards) of the Local Plan Part 2: Land and Planning Policies].

10. Prior to work commencing on site, a scheme for the disposal of surface water from the development shall be submitted to and approved by the Local Planning Authority. The scheme shall have regard for the drainage hierarchy, with preference for infiltration to the ground, unless this is not technically feasible, and full justification for the proposed method of disposal. Thereafter, the development shall be carried out in accordance with the approved scheme and the means of surface water disposal shall be provided prior to occupation of the dwellings.

[To ensure an acceptable means of surface water drainage and to comply with Policy 2 (Climate Change) of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 18 (Surface Water Management) of the Rushcliffe Local Plan Part 2: Land and Planning Policies]

11. The construction of the dwellings shall not proceed above foundation level until details of the driveway, parking and hard standing areas have been submitted to and approved in writing by the Borough Council. Thereafter the development shall be carried out in accordance with the approved scheme. The driveway, parking and hard standing areas shall be of permeable construction and shall be retained in accordance with the approved details for the lifetime of the development.

[To minimise surface water run-off and to comply with Policy 2 (Climate Change) of the Rushcliffe Local Plan Part 1: Core Strategy].

**19/02424/FUL – Demolition of conservatory and kitchen extension, construction of single storey rear extension, new roof to garage and porch and internal alterations – 8 The Rushes, Gotham.**

### **Updates**

A representation from a local resident in approval with the proposal was received after the agenda was published and was circulated to the Committee before the meeting.

## **DECISION**

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

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plan(s): 2255/02, 2255/05, and 2255/06

[For the avoidance of doubt and to comply with Policy 1 (Presumption in Favour of Sustainable Development) of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land & Planning Policies].

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 1 (Presumption in Favour of Sustainable Development) of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land & Planning Policies].

## **8 Planning Appeals**

There were no planning appeals reported.

The meeting closed at 7.33 pm.

CHAIRMAN

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## Planning Committee

13 February 2020

## 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>

<b>Application</b>	<b>Address</b>	<b>Page</b>
<a href="#"><u>19/02209/FUL</u></a>	Cotgrave Shopping Centre, Candleby Lane, Cotgrave, Nottinghamshire	11 – 27
	Construction of 4no replacement retail units following demolition of existing run of retail units approved under prior approval 19/01047/DEMOL, with associated access, parking and hard and soft landscaping.	
<b>Ward</b>	Cotgrave	
<b>Recommendation</b>	Planning permission be granted subject to conditions	
<hr/>		
<a href="#"><u>19/01287/FUL</u></a>	Land North East of Marl Close, Wilford Road, Ruddington, Nottinghamshire	29 – 76
	Residential development of 167 new homes on land south of Packman Dyke together with associated infrastructure, including ground remodelling for flood compensation works, landscaping and public open space, and vehicular access via Wilford Road. Watercourse realignment, ground remodelling and other sustainable drainage measures, landscaping and public open space on land north of Packman Dyke.	
<b>Ward</b>	Ruddington	
<b>Recommendation</b>	The Executive Manager – Communities be authorised to grant planning permission subject to the prior signing of a Section 106 agreement and conditions.	

<b>Application</b>	<b>Address</b>	<b>Page</b>
<a href="#">19/01983/REM</a>	Land North of Asher Lane, Ruddington, Nottinghamshire	77 – 102
	Reserved matters application for outline permission 18/00300/OUT to seek approval of the access, appearance, landscaping, layout and scale for the development of 175 new dwellings	
<b>Ward</b>	Ruddington	
<b>Recommendation</b>	Approval of reserved matters be granted for the access, scale, appearance, layout and landscaping of the development subject to conditions.	
<hr/>		
<a href="#">19/01871/VAR</a>	Land at former RAF Newton, Wellington Avenue, Newton, Nottinghamshire	103 – 152
	Variation of conditions 2, 3, 4, 5, 6, 8, 10, 11, 12, 13, 15, 16, 21, 22, 24, 26, 29, and 43, and removal of condition 41 of 16/02864/VAR to relocate village centre and memorial, remove bus gate, replace play areas with 'hierarchy of play space', removal of TPO trees, relocation of public art focal point, removal of references to 'green squares/squares' and to focal building in village centre, revision to swales/ponds, retention of bridleway in existing alignment, retention of north west car park, and revised access to allotments	
<b>Ward</b>	East Bridgford	
<b>Recommendation</b>	The Executive Manager – Communities be authorised to grant planning permission, subject to the prior signing of a deed of variation to the S106 agreement, and conditions	

<b>Application</b>	<b>Address</b>	<b>Page</b>
<a href="#"><u>19/02622/FUL</u></a>	Land West of School Lane, Colston Bassett, Nottinghamshire	153 – 170
	Proposed new dwelling (resubmission).	
<b>Ward</b>	Nevile and Langar	
<b>Recommendation</b>	Planning permission be granted subject to conditions	

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<a href="#"><u>19/02780/FUL</u></a>	14 Brookside Avenue, East Leake, Nottinghamshire	171 – 180
	Front porch; demolition of garage and erection of single story side and rear extension; roof alterations including increase in height, front/ rear box dormer window and roof lights to front elevation to facilitate accommodation in the roof; external render and timber cladding	
<b>Ward</b>	Leake	
<b>Recommendation</b>	Planning permission be granted subject to conditions	



**Application Number: 19/02209/FUL**  
**Cotgrave Shopping Centre, Candleby Lane, Cotgrave**



scale 1:1500

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# 19/02209/FUL

**Applicant** Rushcliffe Borough Council

**Location** Cotgrave Shopping Centre Candleby Lane Cotgrave Nottinghamshire

**Proposal** Construction of 4no replacement retail units following demolition of existing run of retail units approved under prior approval 19/01047/DEMOL, with associated access, parking and hard and soft landscaping.

**Ward** Cotgrave

## THE SITE AND SURROUNDINGS

1. The site is on the western part of the existing retail centre of Cotgrave. It sits largely on the site of the now demolished 2 storey block that contained retail units, that was given consent for demolition under reference 19/01047/DEMOL. This structure had a retail area of 517sq.m gross internal area (GIA).
2. Cotgrave Footpath18 runs along the south east boundary of the application site with a play area beyond (approved under ref 18/02462/FUL). The proposed development would be located on land that is approximately 2m higher than the Candleby Lane road level. Cotgrave Futures, Candleby Lane School and a number of two storey residential properties are located on Candleby Lane opposite the site.
3. To the north of the site are properties at Woldsview House and Laurence Close.

## DETAILS OF THE PROPOSAL

4. The proposal is for 4 retail units to be contained within a single storey building on the site of the former building. It would have an overall footprint of 18.1m x 47.5m resulting in a total new GIA of 775 sq.m. The overall height would be 7m on the front elevation and approximately 4.5m on the rear elevation. A retaining wall is proposed along the public footpath which would be around 4m in height at its maximum, however a landscaping area would cover the majority of the height. 34 parking spaces would be available in the associated car park area, the proposal also illustrates a relocated recycle site and a replacement substation close to properties on Laurence Close.
5. The design includes over sailing roof features, glazing to the front elevation of the three smaller units with the end (southern) unit having glazing wrapping round the end elevation. Unit 1 would have less glazing due to the units proposed end use (food retail). Due to the raised section of ground it would be located on, the overall building has been designed so as to have its high side facing into the retail area with its lowest side facing Candleby Lane.

6. The proposed materials have been chosen to complement the recently completed retail refurbishment/hub development with aluminium framed glazing and composite cladding, all to give consistency across the site.
7. Details were also provided in respect of the specification of refrigerator and condenser fans associated with unit 1 only, which has an end user retail store indicated. The other three units (units 2, 3 and 4) are proposed for A1 use and units 4 as an A1 or an A3 café use with possible outdoor seating within the horseshoe of the resulting development.
8. The submitted Design and Access Statement identifies this site as phase 4 of the overall redevelopment/refurbishment of the town centre. It advises that as part of the scheme some improvements are proposed to the junction between the site and Candleby Lane for delivery vehicles. This is in the form of widening the left hand portion of the junction. The access road is also to be altered for larger vehicles accessing the site and the car parking area is proposed to be amended to allow delivery vehicles to turn for entry and exit in forward gear. The existing Public Right of Way to the south east of the site boundary is not to be altered as part of the scheme. For every tree being removed at least one will be planted of native species.
9. Parking for the site has been assessed on the basis of a comprehensive parking assessment for the overall centre.
10. As part of the submission a Tree Survey, Ecological Appraisal, Parking Assessment Report and Drainage Statement was provided along with a Desk Based Assessment on Archaeology.

## **SITE HISTORY**

11. 19/01047/DEMOL - Demolition of Units 1- 4C – granted May 2019.
12. 18/02462/FUL - Demolition of existing play area, construction of new play area on site of former police station, and creation of new terrace area with timber bin store to serve Hotpots café – approved December 2018.
13. 16/02873/DEMOL - Demolition of a pair of two-storey semi-detached houses, 12 terraced three-storey town houses, a single-storey garage block, along with associated fences, gates and hardstandings – granted December 2016.
14. 16/02137/FUL - refurbishment of 10 existing retail units; the change of use of the first floor from C3 residential to B1 office and A2 financial and professional services, with associated access, parking, open space, play area and landscaping and the demolition of buildings housing a Medical Centre, Police Station, ATM and Library – approved November 2016.
15. 16/02136/FUL - Proposed Multi Service Centre comprising; Medical Centre, Pharmacy, Library, Town Council Office, Police Office and ATM; including associated landscaping, fencing, car parking and external works (following the demolition of 14 residential properties) – approved November 2016.



## REPRESENTATIONS

### Ward Councillor(s)

16. One Ward Councillor (Cllr Healy) raises no objection.
17. One Ward Councillor (Cllr Butler) raises no objection. However, he requests that any permission is subject to conditions relating to deliveries/loading to the new units. In particular:
  - Screening of the loading/delivery areas;
  - Substantial security measures; and
  - Restrict the time and days that deliveries/loading is carried out. i.e. during day working hours such as 8am to 5pm and none on Sundays and Bank Holidays (in the interest of public realm and amenity to residential neighbours)

### Town/Parish Council

18. Cotgrave Town Council does not object.

### Statutory and Other Consultees

19. The Borough Council's Environmental Health Officer recommends conditions. In respect of noise, the proposed retail units are close to residential premises, however they will be located within a commercial setting. Therefore, in order to ensure that the building is designed to minimise noise transfer to the residential premises a condition is proposed regarding an insulation scheme. In respect of lighting, a condition is suggested if external lighting is proposed to be installed. A condition is also recommended to control construction noise and dust
20. The Borough Council's Landscape Officer has advised that, despite the proposed tree removal, he doesn't object, the trees to be felled are reasonably prominent, but are screened from the north west by the retained trees along Candleby Lane and the plans show a net gain with 6 replacement trees. A tree protection condition is recommended.
21. The Borough Council's Recycle to Go Officer noted that the recycling site is shown to be moved and located to the far corner of the car, the proposed position is too close to housing so potentially would not be accepted. He suggests that 2 or 3 of the car parking spaces to the right of the access road into the front car park be used for the recycle site.
22. The Borough Council's Sustainability Officer has provided advice on new wildlife habitats, lighting and construction and also requested that it be demonstrated that there will be a Biodiversity Net Gain.
23. The Borough Council's Planning Policy Manager acknowledges that the proposal forms part of the wider regeneration of Cotgrave, in particular the regeneration of the town centre. The proposal is replacing the former parade of shops which existed in this location and were demolished recently. The proposal is supported by the Spatial objectives iv and v, and by policies 6 (Role of Town and Local Centres) and policy 7 (regeneration) of the Core Strategy.

24. The proposal is located within the identified local centre, therefore the principle of retail development is supported in Policy 25 of Local Plan Part 2. Policy 25 of the Local Plan permits various uses within ground floor primary frontages in district and local centres for any use, so long as 60% of all units within primary frontages are in A1 use. The demolition of the former units resulted in the remaining frontages in A1 use falling to well below this requirement at 45%. The addition of 4 additional units use will lead to the total number of uses in A1 frontages amounting to 60%. It is however proposed that 1 of the units is for either A1 or A3 use. If the unit is taken up by an A3 use, the overall number of A1 within the primary frontage will be less than 60%. However, this is a marked improvement on the current mix of uses. In addition, the proposal may offer additional benefits in terms of the overall regeneration benefits and improving the retail offer has the potential to increase the town centres viability and vitality, in line with the objectives of policy 6 (4) of the Core Strategy.
25. To conclude, having regard to the development plan as a whole, there is no objection to the proposal.
26. The Ramblers have no comments.
27. The Environment Agency has no comments.
28. Nottinghamshire County Council as Highway Authority has commented on the application that this is phase 4 of the wider Cotgrave village Centre redevelopment, of which the wider Highway implications have been considered and found to be acceptable. Having reviewed the content of the Transport Statement supporting the development, the officer is content it will not result a severe impacts on the local highway network or significant unacceptable risks to highway safety. Conditions are therefore recommended.
29. Nottinghamshire County Council Planning Policy advises that they do not have any strategic transport planning observations to make and no contributions towards local bus service provision are sought. They have requested that a Planning Obligation be added in respect of the following:
- A Bus Stop Infrastructure contribution of £23,000 is paid to provide improvements to the bus stops RU0338 and RU0835 and shall include:
    - RU0338 Candleby Lane – Install real time bus stop pole & display including associated electrical connection, enforceable bus stop clearway and lighting in shelter.
    - RU0835 Candleby Lane – Install real time bus stop pole & display including associated electrical connection, raised boarding kerb and enforceable bus stop clearway.
30. After discussion with the officer, they have advised that they would accept this being dealt with by way of a condition.
31. Nottinghamshire County Council as Lead Local Flood Authority believes it is not required to respond to the application and provides general guidance:
1. The development should not increase flood risk to existing properties or put the development at risk of flooding.
  2. Any discharge of surface water from the site should look at infiltration – watercourse – sewer as the priority order for discharge location.

3. SUDS should be considered where feasible and consideration given to ownership and maintenance of any SUDS proposals for the lifetime of the development.
4. Any development that proposes to alter an ordinary watercourse in a manner that will have a detrimental effect on the flow of water (eg culverting / pipe crossing) must be discussed with the Flood Risk Management Team at Nottinghamshire County Council.

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

32. 2 representations have been received objecting to the application on the following grounds:
  - a. Property opposite has for 50 years looked out onto the rear elevation of the shops that are approximately 50m this property's windows, including views of rubbish.
  - b. Anti-social activities, taking of drugs, radios at full volume, attempted arson, urination, fornication, rats - no action has been taken.
  - c. The Council could rectify this by talking to the affected residents and asking for their opinion.
  - d. A sensible solution would be to locate the police office on the ground floor so that they had a better view of the precinct.
  - e. The units should be located on the land opposite the Coop which would allow opening hours and deliveries without restriction.
  - f. If approved, extended opening times would be opposed and restrictions on delivery hours and HGV's with audible reversing claxons would be necessary.

### **PLANNING POLICY**

33. The Development Plan for Rushcliffe consists of The Rushcliffe Local Plan Part 1: Core Strategy 2014 (LPP1) and The Rushcliffe Local Plan Part 2: Land and Planning Policies 2019 (LPP2). The overarching policies in the National Planning Policy Framework (the NPPF) are also relevant, where the local Development Plan is silent.

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

34. The relevant national policy considerations for this proposal are those contained within the 2019 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. 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.

35. The presumption in favour of sustainable development is detailed in Paragraph 11 of the NPPF. 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.”
36. There are three overarching objectives to sustainable development: economic, social and environmental.
- Economic objective – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
  - Social objective – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations, and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and
  - Environmental objective – contributing to protecting and enhancing our natural, built and historic environment, and as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.
37. Section 6 - 'Building a Strong and Competitive Economy' states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future.
38. Chapter 12 'Achieving well designed places' states that planning policies and decisions should ensure that developments 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, are visually attractive as a result of good architecture, are sympathetic to local character and history, including the surrounding built environment and landscape setting while not preventing or discouraging

appropriate innovation or change, with a high standard of amenity for existing and future users. Importantly, permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. However, where the design of a proposed development accords with clear expectations of plan policies, design should not be used by decision makers as a valid reason to object to the development.

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

39. Policy 1 of the Rushcliffe Local Plan Part 1: Core Strategy reinforces the positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. It states that the Council will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.
40. Policy 2 (Climate Change) advises that development proposals will be expected to mitigate against and adapt to climate change, and to comply with national and local targets on reducing carbon emissions and energy use.
41. Policy 6 (Role of Town and Local Centres) identifies Cotgrave as a Local Centre and is also specifically referred to in point 4 as being in need of regeneration. The policy seeks to ensure that the vitality and viability of all centres will be maintained and enhanced, including widening the range of uses whilst maintaining a strong retail character, environmental enhancements and improvements to access.
42. Policy 10 (Design and Enhancing Local Identity) states that all new development should be designed to make; a positive contribution to the public realm and sense of place; create an attractive, safe, inclusive and healthy environment; and reinforce valued local characteristics; reflect the need to reduce the dominance of motor vehicles.
43. Development will be assessed in terms of its treatment of the following elements:
  - a) structure, texture and grain, including street patterns, plot sizes, orientation and positioning of buildings and the layout of spaces;
  - b) impact on the amenity of occupiers or nearby residents;
  - c) incorporation of features to reduce opportunities for crime, the fear of crime, disorder and anti-social behaviour, and to promote safer living environments;
  - d) permeability and legibility to provide for clear and easy movement through and within new development areas;
  - f) massing, scale and proportion;
  - g) materials, architectural style and detailing;
  - h) the potential impact on important views and vistas, including of townscape, landscape, and other individual landmarks, and the potential to create new views; and
  - i) setting of heritage assets.
44. Policy 11 (Historic Environment) Proposals and initiatives will be supported where the historic environment and heritage assets and their settings are

conserved and/or enhanced in line with their interest and significance. Planning decisions will have regard to the contribution heritage assets can make to the delivery of wider social, cultural, economic and environmental objectives.

45. Policy 14 (Managing Travel Demand) The priority for new development is selecting sites already, or which can be made, accessible by walking, cycling and public transport.
46. The Rushcliffe Local Plan Part 2: Land and Planning Policies was adopted in October 2019 and sets out non-strategic allocations and detailed policies for managing development. The following policy in the Rushcliffe Local Plan Part 2 is particularly pertinent:
47. Policy 1 (Development Requirements) sets out that planning permission for new development will be supported provided that where relevant, a list of criteria set out in the policy are met. This list includes aspects such as no significant adverse effect upon the amenity by reason of the type and levels of activity on the site, or traffic generated, suitable access being provided, the relationship with nearby uses in terms of the amenity, the scale, density, height, massing, design, layout and materials of the proposal is sympathetic to the character and appearance of the neighbouring buildings and the surrounding area, noise attenuation is achieved and light pollution is minimised, it can be demonstrated that wherever possible, development is designed to minimise the opportunities for criminal activities and aspects such as ensuring no significant impact on wildlife, landscape character etc.
48. Policy 25 (District and Local Centres) main town centre uses (retail, office, entertainment, cultural and leisure) will be permitted within the District Centres and Local Centres, as defined within the policies map, provided they are designed at a scale and character which reflects the role, function and distinctive qualities of the centre. Any development that would have a significant adverse impact on the vitality and viability of a defined centre will not be permitted.
49. Within the primary frontages, as defined within the policies map, ground floor development will be permitted provided:
  - a) it does not result in A1 uses forming less than 60% of the total units;
  - b) it does not result in non-retail uses exceeding 20% of the total units; and
  - c) it does not result in A5 (hot food and take-away) uses exceeding 10% of the total units.
50. In District and Local Centres, development will be expected to create a more accessible, well-connected and well-designed centre. It should therefore:
  - a) be of a high standard of design and not adversely affect the centre by reason of its scale, bulk, form, layout or materials;
  - b) not result in the loss of buildings or other features, including open space, which make an important contribution to the appearance of the centre;
  - c) not cause a significant adverse impact on the amenity of nearby residents and occupiers;
  - d) not give rise to unacceptable environmental or public safety impacts; and
  - e) provide appropriate provision for servicing and parking.

51. The Adopted Policies Map identifies the application site as being within the primary retail area having a primary retail frontage facing into the horseshoe.
52. Policy 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) outside of the Biodiversity Opportunity Areas developments should, where appropriate, seek to achieve net gains in biodiversity and improvements to the ecological network through the creation, protection and enhancement of habitats, and the incorporation of features that benefit biodiversity.
53. Policy 40 (Pollution and Land Contamination) sets out a number of criteria including in respect of lighting schemes to be designed to use the minimum amount of lighting necessary to achieve their purposes and to minimise any adverse effects beyond the site, and that proposals for development must identify potential nuisance issues arising from the nature of the proposal and address impacts.

## **APPRAISAL**

54. The main issues to consider in this application are:
  - The principle of development;
  - The design of the proposed development and its impact on the appearance of the surrounding area;
  - The impact of the proposed development on the amenity of neighbouring properties;
  - The impact on highway safety/parking;
  - The impact on trees; and
  - The impact on archaeology.
55. The overarching Policy 1 in the LPP1 reinforces that a positive and proactive approach to decision making should be had which reflects the presumption in favour of sustainable development contained in the NPPF. In this instance the proposed development is considered to be a sustainable development and therefore is acceptable in principle subject to other material considerations being acceptable.
56. In respect of the appearance of the proposal in the area, the development replaces what was a two storey retail block with a single storey block having the same design and material ethos as the rest of the retail development/refurbishment within the centre. In that regard it is considered to sit well in this context. From the rear, particularly when viewed from Candleby Lane and the properties opposite, the development would appear smaller than the former building on this site, however it would continue to have a blank rear elevation facing towards Candleby Lane. Due to intervening roads and landscaping it is not considered to result in significant harm to the appearance of the area when travelling along Cadleby Lane.
57. The adjacent properties on Candleby Lane are around 50m from the development, however the application site is on a higher level than this road and properties. Whilst it was suggested in representations received in relation to the application that the development be relocated elsewhere on the wider retail site, this is the site that was previously developed and until recently accommodated retail units. The planning process should not withhold

permission where material considerations of the application under consideration leads to a favourable outcome. Issues of security, noise and deliveries are matters that can be addressed in the design and layout of the scheme and by condition.

58. The comments of the residents are noted in respect of noise from deliveries and antisocial behaviour that may have historically taken place in the rear car park area of the site. A Ward Councillor has also expressed a desire to ensure that conditions limit delivery times and that adequate security is provided. The Council's Environmental Health Officer has not raised a concern with the proposal from an amenity/security issue however a condition is proposed to limit the time of deliveries to the units and also the opening times so as to accord with both economic delivery but also the protection of amenity.
59. The proposal would involve some alterations to the access to the highway, some and internal alterations to the car parking. Whilst there would be a reduction in the level of the parking in this particular part of the site, the redevelopment/regeneration of the precinct has resulted in an increase in the level of parking provision across the wider area. The Car Parking Appraisal which accompanied the submission concludes, amongst other things, that the total proposed car parking provision on the site, i.e. the wider town centre site, of 187 spaces is considered adequate to accommodate the required level of vehicle parking expected on the site. The Highway Authority have not raised an objection to the proposed changes subject to conditions.
60. In respect of the potential impact on trees and landscaping, the proposal would involve the removal of a number of reasonably prominent trees. However, on the basis of the overall improvements made to the access to the site and the indication that replacement trees will be planted, no objections to the proposal have been received from the Landscape Officer, provided a condition is imposed for the replacement planting and a condition regarding tree protection for those that are to be retained.
61. In respect of archaeology, the supporting documentation accompanying the submission advises that there *"...is a low to moderate potential for the Site to contain archaeological remains of Early Medieval, Medieval and Post-medieval date, and low potential for earlier remains. Any remains of prehistoric or early medieval date could be of regional or national significance, depending on their nature. Later remains are likely to be of local significance. If archaeological remains do exist within the Site boundary, they may be subject to direct adverse impacts as a result of the proposed development. The site of the new buildings has previously been levelled and developed which may have impacted on archaeological deposits, although the exact level of truncation is unknown. It is considered that there is a low potential for archaeological remains to be found during the building works on this part of the site. Works for the widened access road will take place on ground undisturbed by prior development and within the Cotgrave Historic Village Core. This area has a higher potential for sub-surface remains and is therefore more likely to suffer direct adverse impact. It is considered that archaeological mitigation in the form of a watching brief is required, in respect of the western part of the site which falls within the Historic Village Core."* It is considered that the suggested approach is proportionate to the likely significance of any archaeological features that may be encountered on the site.



62. In view of the concerns raised by the Recycling to Go Officer and the potential for the recycling facilities to impact on the amenities of neighbouring residential properties, these facilities have now been omitted from the scheme and the applicant has advised that they are likely to be located elsewhere within the wider town centre site.
63. The development/end use is of a type which would be required to make payments under the Community Infrastructure Levy and would attract a sum of around £63,000. Improvements are also required to nearby bus stops, to be secured through a condition of any planning permission.
64. In principle, the development is considered acceptable. Furthermore, it is considered that the proposed development would be acceptable in terms of its impact on the appearance of and the character of the area. It is also considered that the proposed development would not adversely impact on the amenities of occupiers of nearby residential properties and would not adversely impact upon archaeology or highway matters. Accordingly, the proposed development would accord with the policies of the LPP1 and of the LPP2. The application is therefore recommended for approval subject to conditions.
65. Negotiations have taken place during the consideration of the application to address adverse impacts identified by officers. Amendments have been made to the proposal, addressing the identified adverse impacts, thereby resulting in a more acceptable scheme and the recommendation to grant planning permission.

## **RECOMMENDATION**

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

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

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

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

3522 01C SITE LOCATION PLAN  
 3522 02L-SITE BLOCK PLAN  
 3522 03J-PROPOSED FLOOR PLANS  
 3522 05D PROPOSED ELEVATIONS  
 3522 06 PROPOSED CGIS 1  
 3522 07 PROPOSED CGIS 2  
 3522 12 Proposed Context Elevations  
 COTG-A-2001 B  
 Proposed External Levels CGP4-BSP-ZZ-XX-DR-C-210 P4  
 Swept Path Analysis CGP4-BSP-ZZ-XX-DR-C-SK03 P2  
 Proposed drainage layout CGP4-BSP-ZZ-XX-DR-C-240 P4  
 Design and access statement, Tree report, Historic Environment Desk-Based Assessment, Cotgrave Shopping Precinct,  
 Phase 2 Ecological Appraisal, Drainage Strategy, Car Parking Appraisal,

## Transport Statement

[For the avoidance of doubt, in the interest of amenity; and to comply with Policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

3. No part of the development hereby permitted shall be brought into use unless or until enhancements to the two bus stops on Candleby Lane (RU0338 and RU0835 ) have been made to the satisfaction of the Local Planning Authority, and shall include a real time bus stop pole & display including associated electrical connections, enforceable bus stop clearway and lighting in shelter at stop RU0338 and a real time bus stop pole & display including associated electrical connection, raised boarding kerb and enforceable bus stop clearway at stop RU0835.

[To encourage the use of buses as an alternative to the car; and to comply with policy 1 of the Local Plan Part 2: Land and Planning Policies)

4. No part of the development hereby permitted shall be brought into use until the widened vehicle access onto Candleby Lane shown indicatively on drawing 02 Revision L is available for use and constructed in accordance with the Highway Authority specification to the satisfaction of the Local Planning Authority.

[In the interest of highway safety; and to comply with policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

5. No part of the development hereby permitted shall be brought into use until the proposed parking, turning and improved servicing arrangements as shown for indicative purposes on drawing number 02 Revision L have been provided and constructed with provision to prevent the discharge of surface water from the parking area to the public highway. The provision to prevent the discharge of surface water to the public highway shall be retained for the life of the development.

[In the interest of highway safety; and to comply with policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

6. Before the use of the buildings is commenced, an insulation scheme to effectively reduce the transmission of noise to adjacent properties, shall be submitted to and approved by the Local Planning Authority. The sound insulation scheme shall have regard to BS 8233: 2014 Sound Insulation and Noise Reduction for Buildings, and BS4142:2014, stating all assumptions made. The approved scheme shall be installed prior to the use commencing and be retained for the life of the development.

[In the interest of the amenities of nearby residential properties and to comply with policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

7. If external lighting is to be installed, it must be designed, located and installed so as not to cause a nuisance to neighbouring residents. The details of any such lighting shall be submitted to and approved by the Local Planning Authority, together with a lux plot of the estimated illuminance. The lighting

shall be implemented in accordance with the approved scheme and shall be retained as such thereafter.

[In the interest of residential amenity and to comply with policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

8. 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 Local Planning Authority. The works shall be carried out in accordance with the approved method statement.

[In the interest of highway safety; and to comply with policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies. This condition needs to be discharged before work commences on site to ensure that the mitigation measures are fully incorporated into any working practices during the demolition/construction phase of development].

9. A minimum of 6 replacement trees, of a species and details of which have been submitted to and approved in writing by the Borough Council shall be planted in position(s) previously agreed in writing by the Borough Council, during the first planting season after the felling of the tree(s) to be removed. Any tree(s) within a period of 5 years from the completion of the planting which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Borough Council gives written consent to any variation.

[In the interest of amenity and landscape value; and to comply with policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies]

10. No operations shall commence on site until the existing trees and/or hedges which are to be retained have been protected in accordance with details to be approved in writing by the Borough Council 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.

[In the interest of amenity and landscape value; and to comply with policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies. This condition needs to be discharged before work commences on site to ensure that the tree protection measures are erected prior to the construction phase of the development].

11. The opening hours of all 4 units hereby approved shall be limited to Monday to Saturday: 8am-8pm and Sundays: 10am-4pm.

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

12. Deliveries to all 4 units hereby approved shall be limited to

Monday to Friday:7am to 8pm

Saturday:7am to 8pm

Sunday: No deliveries

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

13. Units annotated as 1-3 on the approved plans shall be used for A1 Retail purposes only. Unit 4 Shall be used for either A1 Retail and/ or A3 cafe only.

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

14. Details of any external seating shall be submitted to the Local Planning Authority prior to an area being used for any such purposes. The seating shall thereafter be installed and retained in accordance with the approved details.

[For the avoidance of doubt, in the interest of amenity; and to comply with Policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

15. No development shall take place until the applicants, or their agents or successors in title, have secured the implementation of a programme for a watching brief to be carried out during construction or excavation work on the site, by a professional archaeologist or archaeological organisation and the details of such a scheme have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the scheme shall be fully implemented during the relevant stages of the construction phase.

[To record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact and to make this evidence (and any archive generated) publicly accessible and to comply with NPPF 16 (Conserving and enhancing the historic environment), policy 11 (Historic Environment) of the Rushcliffe Local Plan Part 1: Core Strategy and policies 28 (Historic Environment: Conserving and Enhancing Heritage Assets) and 29 (Development Affecting Archaeological Sites) of the Rushcliffe Local Plan Part 2: Land and Planning Policies. This condition needs to be discharged before development commences on site to ensure that measures are in place to record any finds of archaeological importance that may be found during excavations on site].

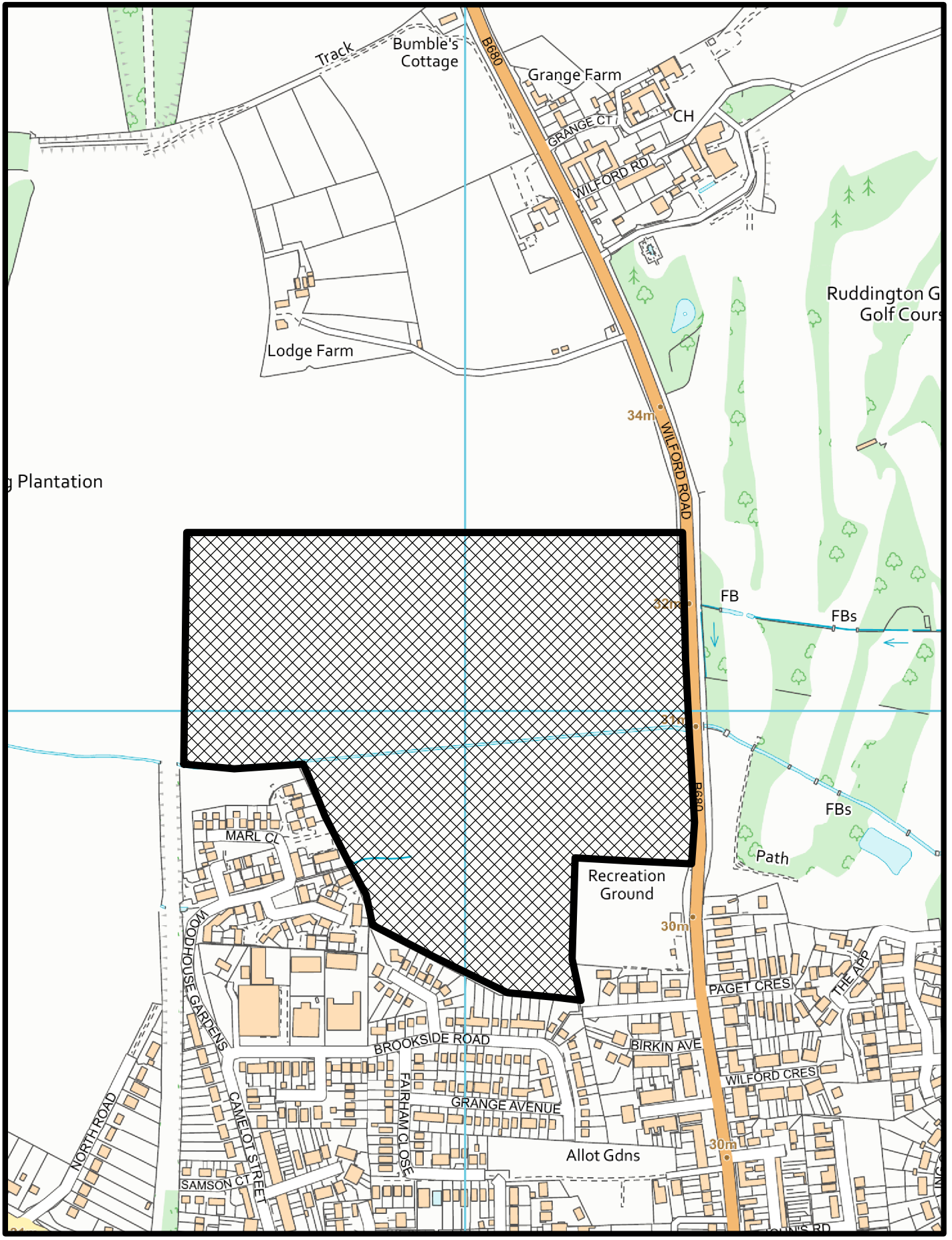
### **Notes to Applicant**

Please be advised that all applications approved on or after the 7th October 2019 may be subject to the Community Infrastructure Levy (CIL). The Borough Council considers that the approved development is CIL chargeable. Further information about CIL can be found on the Borough Council's website at <https://www.rushcliffe.gov.uk/planningandgrowth/cil/>

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.

The above proposals involve works within the public highway, that is land over which you have no control. The Highway Authority will therefore require you have any the relevant legal agreements / licenses in place to cover the design and construction of the works prior to their commence . Please contact Mr Jan Witko Tel. 0115 9774364 at an early stage to how best this can be achieved.

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**Application Number: 19/01287/FUL**  
**Wilford Road, Ruddington**



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# 19/01287/FUL

**Applicant** Bloor Homes

**Location** Land North East Of Marl Close, Wilford Road, Ruddington, Nottinghamshire

**Proposal** Residential development of 167 new homes on land south of Packman Dyke together with associated infrastructure, including ground remodelling for flood compensation works, landscaping and public open space, and vehicular access via Wilford Road. Watercourse realignment, ground remodelling and other sustainable drainage measures, landscaping and public open space on land north of Packman Dyke.

**Ward** Ruddington

## THE SITE AND SURROUNDINGS

1. The site is located on the northern edge of the village of Ruddington, to the west of Wilford Road, and has two distinct but related parcels on either side of the Packman Dyke. The application site has a total area of approximately 17.65ha, with the gross developable area, that area allocated in Local Plan Part 2, of approximately 6.6ha located to the south of the Dyke.
2. The application site to the south of the Dyke is a single agricultural field bounded to the west by the gardens of relatively new properties located on Woodhouse Gardens and Marl Close, with the back gardens of properties on Brookside Gardens and Brookside Road adjoining the site to the south. The Parish Council's Sellar's recreation ground is located to the east, as is Wilford Road which connects Ruddington to the A52 and Nottingham to the north, and leads to the remainder of the village including the village centre to the south.
3. The remainder of the application site to the north of the Dyke forms part of a larger area of open countryside north of Ruddington, with the primary land-use being agriculture. This area of land is also designated as Green Belt.
4. The site itself is relatively flat and contains few features of note. Patchy hedgerows delineate the site's boundaries to the east, south and west, and there are also some established trees close to the western boundary.
5. The southern extent of the Ruddington Grange Golf Course is located to the east of the site on the opposite side of Wilford Road, with the northern edge of the built-up area of Ruddington extending further east from the boundary with the Golf Course, with existing properties located along the eastern side of Wilford Road, and on Ashworth Avenue beyond heading east.
6. The site is approximately 0.5 miles (850 metres) from the village centre to the south which accommodates many key services and shops, including a health/medical centre. A range of local and convenience retail outlets, and several pubs, are located along Wilford Road and Dutton's Hill heading south

from the site before the village centre focused on Church Street, and High Street.

7. The site is partly located in flood zones 2 and 3.

## **DETAILS OF THE PROPOSAL**

8. This application seeks full planning permission for; *Residential development of 167 new homes on land south of Packman Dyke together with associated infrastructure including ground remodelling for flood compensation works, landscaping and public open space, with vehicular access via Wilford Road, and including watercourse realignment, ground remodelling and other sustainable drainage measures, landscaping and public open space on land north of Packman Dyke.* Throughout discussions during the application process the proposed number of dwellings has been reduced from 174 units.
9. Around 12.6 hectares within the application site would be retained as public open space, including an area of open grassland to the north of the realigned watercourse, Packman Dyke, covering approximately 9.8 ha. which would be retained in the Green Belt.
10. The area to the South of Packman Dyke which is approximately 6.6ha would be developed for housing and has now been removed from the green belt following adoption of the Local Plan Part 2. This represents a gross density of approximately 25 dwellings per ha.
11. The site would be served by a single access off Wilford Road, which would be improved to incorporate a right hand turn lane for traffic approaching from the North, extension to the 30mph zone to beyond the developable extent of the site and extension of the 3m wide footpath/cycle route to past the site access.
12. The single spine road would serve 5 cul-de-sacs and a short circular route within the site, providing access to property frontages and private drives which would serve those dwellings.
13. The layout proposed provides 57 dwellings which have frontages overlooking directly onto the open spaces within and adjacent to the site and the green strip along the Wilford Road frontage, which should help integrate the development into the surroundings.
14. The proposal incorporates 18 Bungalows of mixed tenure located along the southern boundary adjacent to existing residential properties to limit the impact on the existing occupiers.
15. The mix of housing proposed is as follows:

Market sale housing	-	4 bed 2 storey detached - 51
	-	4 Bed 2.5 storeys detached - 7
	-	3 Bed 2 storey detached - 12
	-	3 Bed single storey detached - 2
	-	2 Bed single storey detached - 2
	-	3 Bed 2.5 Storey semi-detached - 12
	-	3 Bed 2 Storey semi-detached - 19
	-	2 Bed 2 storey semi-detached - 1

- 2 Bed Single Storey semidetached - 5
- 2 Bed 2 storey town houses - 6
- Total – 117 units

16. The following are a mix of detached, semi-detached, town houses and blocks

Affordable rent	-	4 bed 2 storey – 1
	-	3 bed 2 storey – 5
	-	2 bed 2 storey - 5
	-	2 bed single storey - 3
	-	1 bed single storey - 1
	-	1 bed in 2 storey blocks - 4
Shared ownership	-	3 bed 2 storey - 11
	-	2 bed 2 Storey - 8
	-	1 bed single storey - 2
Social rented	-	3 bed 2 storey - 2
	-	2 bed 2 storey - 1
	-	1 bed in blocks - 4
	-	2 single storey - 2
	-	1 bed single storey - 1
		Total - 50 units

17. The proposal incorporates a mix of house designs. The materials have been chosen to assist in the blending of the proposal into its surroundings and a proposed mixture of:

- a) Forticrete roof tiles - Slate grey, brown and Sunrise;
- b) Bricks Ibstock Balmora, Calderstone Claret, and Foreterra Clumber red;
- c) Detailing being Render and Tudor boarding both black and white with contrasting render insets.

18. The area of public open space to the north of Packman Dyke will incorporate ecological enhancements, including the attenuation pond for servicing the development, habitat creation in the form of, aquatic planting, creation of wetland, ballast areas to create habitats for butterflies, rough grasslands for reptile and hedge/tree planting to further enhance the appearance of the area and a habitat for foraging bats. It will also be open to the public with direct pedestrian links to the development.

## **SITE HISTORY**

## **REPRESENTATIONS**

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

19. One Ward Councillor (Cllr Gaunt) submitted comments on the proposal as follows (NB – these comments were made prior to the adoption of Local Plan Part 2):
20. Green Belt Land - The National planning policy (the NPPF) states that Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified This proposal is not justified and there are no exceptional circumstances.

21. Green Belt Housing Quota - With the Asher Lane Development approved at 175 homes, plus other more viable areas highlighted in the Local Plan, Ruddington does not require another large scale development in order to meet its housing quota. It can be more than met with the three other earmarked sites that will have less negative impact on the village.
22. Local Plan Part 2 - This is a premature application as this land is not available! RBCs Local Plan Part 2 has not yet been finalised and RUD01 has not been released for development and may not be at all. The Ward Councillor indicates an intention to work with residents to fight for the removal of this area during the Local Plan consultation at the Borough Council. Therefore, the proposal is premature. Additionally, the Local Plan Part 2 only allows for 130 homes on this site, whilst the application proposes 174 homes (with a distinct lack of actual affordable housing). Moreover, this can only be achieved by moving Packman Dyke northwards and developing half the former RUD02 (not in the Local Plan Part 2) into a balancing pond and flood plain/wet meadow meaning yet more Green Belt is developed and agricultural land is lost. The Borough Council needs to remove this application and site entirely from the Local Plan and return Ruddington's quota to the original 350 suggested.
23. Flooding - The area has a history of flooding. There are concerns that development could increase the risk of flooding for nearby properties and render Sellors Playing Field unusable for much of the year. Furthermore, the extended development plans offer limited flood prevention solutions.
24. Rural identity - This development is altering the Village's last Green gateway. Ruddington's rural look and feel is slowly being eroded away and this area is the last remaining true green gateway into the village so must be retained to preserve rural identity.
25. Traffic and Access - Increased traffic for an already busy route on top of the additional traffic travelling through the village and to the Asher Lane site would cause significant issues and danger to the area. An holistic survey needs to be carried out regarding the impact of traffic level increase from the development of Fairham Pastures, Edwalton, Asher Lane, Mere Lane, Flawforth Avenue and Wilford Road together. The Planning Inspector declared that levels would be almost severe with only the addition of Asher Lane and this is only 175 homes out of 525 planned in the village.
26. Limited Bus Service - The seven day a week Navy 3 bus service shown in the developers travel plan was significantly cut back in January this year (2019). It no longer runs on Sundays, early in the mornings nor in the evenings meaning many householders here would not realistically be able to use public transport. The only available public transport at those times would be 1 kilometre away.
27. Coalescence - The development of this Green Belt land would reduce the open space between the village and the City of Nottingham. This increases the risk of the two merging in the future.
28. Wildlife and Nature - An important wildlife habitat would be lost.
29. One Ward Councillor (Cllr Walker) objects to the proposal on the grounds that it is proposed on Green Belt, that it is exceeding the proposed housing in Local

Plan 2 from 130 to 174 and on the grounds of increased traffic through the village during building and after.

### **Town/Parish Council**

30. The Ruddington Parish Council object to this application on grounds that the proposal is premature for the following reasons:
- a. Local Plan Part 2 is yet to be adopted;
  - b. The proposed number of properties exceeds the Local Plan by 34%;
  - c. The previous achieved by moving Packman Dyke, positioning the SUDs in the green belt, and raising the land potentially creating flooding issues for the neighbouring houses and Parish Council land – Sellors Field/Play Area;
  - d. The village does not have the infrastructure to cope with the increase in numbers including traffic, doctor's surgery and schools;
  - e. Only limited bus service increasing the reliance upon the car; and
  - f. Loss of undeveloped land around the village leading to coalescence with neighbouring settlements.
31. In the event of the application being approved the Parish Council would like to see:
- a. Creation of footways and cycle paths to connect to the existing footways and cycle paths on Wilford Road to link the development with the village centre and schools;
  - b. A signalled pedestrian crossing over Wilford Road in the vicinity of the development. This is to allow parents and children to cross the road safely to access St Peter's Junior School;
  - c. The purchasing of land from Ruddington Grange Golf club and the funds to create a tarmacked path on the purchased land to create a footpath & cycle path leading from Wilford Road to St Peter's Junior School on Ashworth Avenue. This is to provide a safe and more direct walking/cycling route to the school, this will encourage more parents and children to walk or cycle to the school which will bring about benefits to health and increase safety and reduce congestion on the estate immediately surrounding the school;
  - d. The sum of £69,125 toward the provision of a community centre and Parish Office; and
  - e. The sum of £100,000 to enhance and improve the facilities and public open space at Sellors Field.

### **Statutory and Other Consultees**

32. Rushcliffe's Planning Policy Manager advises that the principle of Green Belt release is established within the adopted Core Strategy and confirmed within the emerging Local Plan Part 2 which has allocated this site. The precedent for the release of this site has also been confirmed within recent planning decisions at Asher Lane, Ruddington and Shelford Road, Radcliffe on Trent.
33. Policy 6.1 sets out development requirement criteria, which require housing avoids areas in flood zone 3. The proposal has addressed this by raising the land. Notwithstanding the site's proposed allocation and the flood risk

avoidance and mitigation measures proposed, until the plan is adopted, a sequential and exception test should be undertaken.

34. Policies 6.1, 19 and 35 within the emerging plan emphasis the requirement to provide significant multifunctional green infrastructure and net-gains in biodiversity within this location (within a green corridor and urban fringe location) and the majority of this infrastructure would be delivered outside the allocated area. Whilst this is contrary to the wording of Policy 6.1 (which requires it on site), a significant area of green infrastructure is proposed and it would, if delivered and managed long term, provide considerable benefits to wildlife and the local community. The delivery both on-site and off-site infrastructure is therefore considered acceptable.
35. The subsequent increase in housing numbers to 170, above the 130 proposed in the emerging plan, is however a concern as this may have implications for the design and layout of the development, and may conflict with policies that seek to protect the rural character of the area and the setting of Ruddington when approached on Wilford Road.
36. The provision of 30% affordable housing on this site will assist the Borough Council in meeting its strategic aims to address housing need in the Borough whilst reducing the number of households in temporary accommodation by increasing the supply of permanent affordable housing. The proposed affordable housing mix being put forward although not fully compliant with policy requirements is considered acceptable.
37. Since the submission of these comments, the Local Plan Part 2 has now been adopted and, as such, it is no longer necessary to undertake a sequential and exception test. Furthermore, the area of the site where the built development would be located has been removed from the Green Belt.
38. Nottinghamshire County Council as Highway Authority submitted comments in two parts, the initial comments and further comments following amendments to the scheme and are summarised as follows:
39. Following a safety audit it is recommended that street lighting is installed along the extent of the right turn lane. Other alterations include the following:
  - a. The existing village gateway and 30mph speed limit change will need to be relocated in advance of the site access. Again, this will need to be addressed within the submitted details.
  - b. It is noted that footway improvement is proposed to the south of the site, to provide a 2m footway linking to the existing provision, and this is welcomed.
  - c. A further point to note is that there is an existing shared use footway/cycleway running along Wilford Road to the front of the site. At present, the footway/cycleway crosses from the eastern side of the carriageway to the western side a short distance to the south of the proposed access. It is recommended that this transition is incorporated into the proposed access layout, with the crossing point to be provided at the proposed refuge, and a wider refuge provided.

40. Traffic Impact - The trip generation and distribution as set out within the Transport Assessment is accepted. It is concluded that the development impact on the local highway network will not be severe, and no mitigation measures are put forward.
41. Travel Plan - A Framework Travel Plan has been submitted as part of the submission. The Transport Strategy Team have reviewed the Travel Plan, and seek amendments.
42. Internal Site Layout - The Highway Authority reviewed the amended layout, making comments which are summarised as follows:
  - a. As there is a single point of access to the site, a carriageway width of 6.75m will be required for the initial stretch of road, to the point at which there is a choice of routes. This is to ensure that the development does not become blocked in the event of an incident.
  - b. Well-connected street networks will assist in providing alternative routes for traffic to reroute in the event of a blockage or accident on the primary route. It would also have advantages for service vehicles, reducing the number of reversing maneuvers required. A better-connected street network to the north of the primary route should be provided if achievable.
  - c. A 2m footway provision should be provided to the front of all properties and linking to any shared private drives.
  - d. Appropriate vehicular visibility splays at the internal junctions will need to be shown within the development in accordance with current HDG. Trees adjacent to some junctions, and if left unmaintained may impact on visibility.
  - e. 2.0m x 2.0m pedestrian visibility splays on both sides of each vehicular access that crosses a footway shall be shown on the plans with no planting or structures permitted within these visibilities over 0.6m high
  - f. Swept path analysis will be required to confirm a refuse vehicle can maneuver through the development.
  - g. The location of traffic calming features will be agreed as part of the detailed design.
  - h. Bin collection points will need to be provided at the entrances to all private drives and must not impact on the pedestrian visibility splays required.
  - i. All parking spaces should be provided with dimensions in accordance with HDG.
43. Following the receipt of amended details, the Highway Authority confirmed that the latest information submitted satisfies the issues previously raised, and the Highway Authority are satisfied that the access and proposed road layout is suitable to cater for the envisaged level and type of traffic associated with the proposed development.
44. It is noted that the road layout is proposed to be adopted under Section 38 of the Highways Act. This sits outside of the planning process and is subject to a separate technical checking process. The Highway Authority received a copy of the Travel Plan direct from the applicant and advise that the latest plan (WIE14515-101-R-4-3-3-Framework Travel Plan) includes the amendments previously requested, and is now acceptable.

45. The Highway Authority are willing to recommend approval of the application subject to conditions.
46. Highways England request that the applicant be 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 (May 2019)*. Highways England takes 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.
47. As part of the contribution strategy, for developments at Ruddington a sum of £1,550.02 on a cost-per-dwelling basis has been identified. However, HE confirm that no assessment of traffic impacts or delivery of improvements on the Strategic Road Network (SRN) will be required.
48. Contributions are index linked to the ROADCON Tender Price Index for February of 2016, and indexation shall be based on the most recent quarterly index figure at the point payment is due.
49. Highways England will seek staged payments of the agreed index linked contributions so that 20% of the contribution is paid on first occupation with the remainder (80%) payable anytime up to a maximum occupation of 75%. Therefore, Highways England has no objections to this application subject to a condition.
50. Following the reduction in the number of units proposed, Highways England commented that their comments remain the same but the contribution sought will now reflect the revised proposal.
51. Environment Agency comment *“The mitigation measures proposed in section 4 of the FRA are acceptable. To ensure that flood risk to others is not increased, the mitigation measures must be completed before any ground raising and construction of dwellings commences. This will ensure that capacity in the floodplain is maintained. (The works have been grouped together below, the lists aren’t a definitive order in which the works must take place)*
52. *Phase 1*
  - a. *Re-alignment of Packman Dyke*
  - b. *Construction of surface water runoff relief ditch*
  - c. *Construction of balancing pond*
  - d. *Ground re-profiling north of Packman Dyke and excavation of ecological wetland areas*
53. *Phase 2*
  - a. *Ground raising south of Packman Dyke to create development plateaus*
  - b. *Construction of dwellings*
54. *We will require assurance that the mitigation works will be completed prior to commencement of the second phase of work.*



55. *Ground raising is required to bring finished floor levels (FFL) of the dwellings to 600mm above the 1% annual exceedance probability (AEP) event plus climate change level. The FRA states that this is variable across the site. Until we have seen the detailed designs for the proposed re-profiling we are unable to make an assessment upon whether the development will be adequately protected from flooding. The finished floor levels should also consider the residual flood risk from all sources”*
56. Following the submission of a revised FRA the EA raised no objections to the proposal subject to the development being carried out in accordance with the FRA.
57. Trent Valley Internal Drainage Board advise that the site is within the Trent Valley Internal Drainage Board district. There are no Board maintained watercourses in close proximity to the site. The erection or alteration of any mill dam, weir or other like obstruction to the flow, or erection or alteration of any culvert, whether temporary or permanent, within the channel of a riparian watercourse will require the Board’s prior written consent. The Board’s Planning and Byelaw Policy, Advice Notes and Application form is available on the website - [www.wmc-idbs.org.uk/TVIDB](http://www.wmc-idbs.org.uk/TVIDB).
58. The applicant is advised that they are likely to have a riparian responsibility to maintain the proper flow of water in any riparian watercourse which borders or flows through land owned or occupied by them. Surface water run-off rates to receiving watercourses must not be increased as a result of the development. The design, operation and future maintenance of site drainage systems must be agreed with the Lead Local Flood Authority and Local Planning Authority.
59. A permanent undeveloped strip of sufficient width should be made available adjacent to the bank top of all watercourses on site to allow future maintenance works to be undertaken. Where the watercourse is under riparian control suitable access arrangements to the access strip should also be agreed between the Local Planning Authority, Lead Local Flood Authority and the third party that will be responsible for the maintenance.
60. All drainage routes through the site should be maintained both during the works on site and after completion of the works. Provision should be made to ensure that upstream and downstream riparian owners and those areas that are presently served by any drainage routes passing through or adjacent to the site are not adversely affected by the development. Drainage routes shall include all methods by which water may be transferred through the site and shall include such systems as “ridge and furrow” and “overland flows”. The effect of raising site levels on adjacent property must be carefully considered and measures taken to negate influences must be approved by the Local Planning Authority.
61. Nottinghamshire County Council as Lead Local Flood Authority raise no objection to the approval of the application subject to recommended conditions.
62. Nottinghamshire County Council Planning Policy advise that they do not have any strategic planning comments to make at this time, however the following contributions are sought.

63. Primary Education - A development of 167 dwellings would yield an additional 35 primary school places. Based on current projections there is insufficient capacity to accommodate the additional places generated. As a result the County Council would seek a primary education contribution of £609,910 (35 places x £17,426 per place). This would be used to provide additional primary provision in Ruddington.
64. Secondary Education - A development of 167 dwellings would yield an additional 27 secondary places. Based on current projections there is insufficient capacity to accommodate the additional places generated. The delivery of additional secondary education provision will be delivered through the Borough Councils Community Infrastructure Levy (CIL).
65. Public Transport - NCT service 3 which operates up to every 30 minutes on Mondays to Saturdays passes the front of the site along Wilford Lane. The Mondays to Saturdays service provision is adequate. The nearest current bus stops are approximately 380 metres from the centre of the site on Wilford Road, However, the proposed pedestrian access to Trent Avenue at the southern end of the site will mean that the furthest residents would have to walk is approximately 500 metres to the existing stops, slightly in excess of the Highway Design Guidance.
66. Other services, including Sunday and night services operate from stops approximately 750 metres from the centre of the site, which provide connectivity to other County destinations i.e. West Bridgford Centre, Gamston and Compton Acres for employment, education, shopping, health and leisure purposes. Whilst the walk distance to these stops exceeds the Highway Design Guide standard, the County Council's position in context with the size of the development, the likely take up of any additional service provision and the potential to efficiently divert a service to serve the development, was that a bus service contribution could not be justified for this development. A contribution is sought however for bus stop improvements to the value of £19,000. This would be used towards improvements at bus stops RU0566 and RU0888 Paget Crescent.
67. The Borough Council's Economic Growth Manager advises that this development will require an employment and skills plan if planning permission is to be granted.
68. The Borough Council's Community Development Manager seeks a contribution of £93,353.00. This contribution would be sought for improvements to the Parish Councils play provision to mitigate the impact of the new development and funding should be prioritised towards improvements to the adjacent Sellors Field.
69. Unequipped play/amenity public open - The proposal will be expected to provide unequipped play/amenity public open space.
70. The masterplan shows a large informal grassland area to the north of the new housing with two circular footpaths but doesn't provide any details on whether the areas in the lighter shade of green would be useable for recreation purposes or would be more of a long-grassland meadow. There is also an opportunity to create a woodland in this area and in particular point 5 and potentially point 15 without losing the sense of openness in views from the

Wilford Road corridor. In addition, a detailed ecology and landscape management plan should be produced and agreed with the means to implement this plan into the future prior to final approval. The open space footpaths should be 3 metres wide of crushed sand and gravel construction to allow for pedestrians and informal cycling, this footpath should link across the entrance of the site to Sellors Field. A link is also suggested to Sellors Field from the corner of the rear of Trent Avenue along the point 3 access road.

71. This site is liable for a CIL contribution towards indoor and outdoor sports provision.
72. Allotments - The Rushcliffe Borough Council Leisure Facilities Strategy 2017-2027 requires 0.4 hectares of provision for allotments per 1,000 population. Ruddington Parish Council are currently operating a waiting list. The new development will impact upon current provision and therefore the new development needs to mitigate this by providing 0.16 hectares for allotments. If an onsite provision is unachievable an offsite contribution of £12,191.00 would be sought.
73. The Recycling 2 Go Officer would like to see a swept path analysis carried out to show the Council's vehicle tracking.
74. The Borough Council Environmental Health Officer advises that there are no EH objections to the principle of developing this land, however the applicant has not considered the advice previously given by EH and their comments are summarised as follows.
75. Noise - It was anticipated that the application would include information regarding the likely traffic noise levels at the proposed facades and private amenity spaces nearest to Wilford Road and how noise levels have influenced the proposed design. It is noted that dwellings will be set off Wilford Road and the recreation ground which is a welcomed design feature.
76. Air Quality - Although the site is not close to any air quality management areas in Rushcliffe, the site is close to the Nottingham City boundary (Wilford & Clifton) so it may be necessary to consider impacts from associated transport emissions within the city boundary and any impacts on the city's air quality plan, especially as the city is likely to be a key destination for future residents.
77. It is recommended that the proposals should include the provision of electric car charging points and the associated infrastructure to encourage the use of electric/very low emission vehicles and to minimise the air quality impacts of the development.
78. There are no EH objections to the principle of the development, however, it is recommended that the above matters are considered prior to any consent being given and appropriate conditions are attached as necessary. The team would be able to assist with the formulation of any conditions.
79. The Borough Council's Environmental Sustainability Officer having considered the supporting information comments as follows:
  - a. Ecological Survey:

- i. Ecological Appraisal has been carried out within date and appears to have been carried out according to best practice.
  - b. Species and Habitats:
    - i. Grass Snakes were identified on site with Harvest Mouse records within 50m, however potential for amphibians, bat foraging and wild bird foraging and roosting exist.
    - ii. The site consist of Arable; Grassland Field Margins; Hedgerows; Scrub; Woodland and Trees; and Drainage Ditches/Watercourses, the site is bounded by village developments and open countryside. The proposed development is unlikely to have a material impact on the favourable conservation status of a European protected species if developed sensitively.
    - iii. The development provides opportunities for ecological enhancement, it should be demonstrated that this development as proposed will provide a net gain for biodiversity.
80. Recommendations (including recommendations provided by the supplied reports) which should be subject of conditions on any permissions:
- a. A Biodiversity Net Gain assessment should be supplied.
  - b. The line of the railway should be recreated using ballast and suitable wildflower rich planting to provide biodiversity and recreational benefits (including the proposed recreational links).
  - c. Precautionary Method of Working (PMW) for amphibians and reptiles should be supplied and followed.
  - d. An ecology and landscape management plan (including reptile and amphibian refugia and habitats, Harvest Mouse habitats and hedgehog habitats and corridors) should be produced and agreed with the means to implement this plan in perpetuity.
  - e. Permanent artificial wild bird nests and bat boxes should be installed within new buildings and on retained trees (including Swallow/swift and sparrow cups/boxes).
  - f. New wildlife habitats should be created where appropriate, including wildflower rich neutral grassland /wet grassland / pond / wetland / ditch enhancement/native woodland and native hedgerows (including under story planting and seeding).
  - g. Any existing trees/hedgerows should be retained and enhanced, any hedge/trees removed should be replaced.
  - h. 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*))
  - i. 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.
  - j. Good practice construction methods should be adopted including:

- i. 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.
  - ii. No works or storage of materials or vehicle movements should be carried out on or adjacent to sensitive habitats.
  - iii. 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.
  - iv. 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.
  - v. 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.
  - vi. 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.
  - vii. Pollution prevention measures should be adopted
81. Consideration should be given to energy efficiency, alternative energy generation, water efficiency, sustainable travel (including electric car charging points, cycle storage, improved cycle connectivity and green travel plan), management of waste during and post construction and the use of recycled materials and sustainable building methods.
82. Following the above comments an amended scheme was provided and the following comments were received.
83. *“The biodiversity metric supplied demonstrates a net gain in biodiversity, which is welcome and appears to be have been completed according to good practice satisfying the recommendation for a Biodiversity Net Gain assessment.*
84. *The Mitigation Plan, shows in outline where habitats are to be created and is welcome, however this will need to be supported by a detailed ecological and landscape Management Plan, providing management prescriptions for the site going forward and with the means to implement this plan in perpetuity.”*
85. The Borough Council’s Conservation Officer comments that, as advised at the pre-application stage, a Geophysical survey was undertaken and the report submitted with this application. The report notes that ‘apart from landscape elements that may have historic interested from a water management perspective, there is nothing of potential archaeological interest identifiable in the magnetic survey results’. A condition was suggested that no groundworks are to take place along the far western edge of the site.

86. The figures within the geophysics report would seem to indicate that the water features identified on the survey, including what is referred to as Channel 6, indicate human activity in regard to water diversion over time. It is noted from Plan 1230588 that the developer intends to use this historic waterway once again and also to construct a proposed balancing pond nearby.
87. Nottinghamshire Wildlife Trust accept that there would be a net gain in biodiversity (current habitats present are arable and of low biodiversity value). They are pleased to see habitat features included on the plan include wet grasslands, ponds, new hedgerows and trees and the creation of railway ballast habitats to benefit priority butterfly species. On earlier iterations of the plan, the dyke was to be re-profiled to improve its habitat value but, from looking at the current plan it is not clear if this is still proposed. If approved, they would recommend a condition be attached to secure the production of a grass snake translocation strategy, they are protected species and thus a material consideration. They would also recommend, if approved, a mechanism is put in place through the planning system to secure future long-term management, in line with the submitted ecology mitigation plan, which does contain some outline detail on future management requirements (reference to cutting regimes etc).
88. NHS Nottingham West CCG request financial contribution, for the 168 dwellings of 2+ beds they request £920 per dwelling = £149,040. For the 12 x 1 bed dwellings they request £600 per dwelling = £7,200. Total = 156,240.
89. Ruddington Medical centre is a purpose built facility extended several years ago by adding an additional floor to the building to cope with the rapid expansion of the village. Since then further additional housing developments have taken place which have put pressure on the extended facility to the point that it is now at capacity.
90. The Church House branch surgery (part of East Leake Medical Group), is at capacity with no opportunity to develop further space as it is constrained by existing buildings. Any contribution for this development would be put towards extending Ruddington Medical centre further or increasing capacity at neighbouring practices.

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

91. The application has attracted a total of 51 representations from local residents (some households submitting more than one representation), with one representation in support of the proposals, one representation neither supporting or objecting to the proposals and 49 representations objecting to the proposals. The comments and concerns raised are summarised as follows:
- a. Loss of Green Belt no exceptional circumstances.
  - b. Loss of flood plain passing problem on impact on existing properties.
  - c. Inner city sites available.
  - d. Impact on bio diversity.
  - e. Lack of facilities in the village.

- f. Impact on infrastructure.
- g. Highways already over capacity – further increase in traffic.
- h. Lack of public transport.
- i. Impact on wildlife – loss of habitat.
- j. Highway safety.
- k. Housing Quota already met – Asher Lane.
- l. Site should be used for a community facility.
- m. No justification.
- n. Lack of parking facilities in the village.
- o. Inappropriate expansion of a rural village.
- p. No availability at doctors, schools.
- q. Loss of rural gateway to village.
- r. Local Plan Part 2 not released for housing, the application is premature and 44 more houses proposed. Increase in number above the 130 allocated in the local plan.
- s. Balancing pond unacceptable.
- t. Overcrowding of the village.
- u. Detrimental to air quality and resultant impact on health.
- v. Urbanisation through additional street furniture.
- w. Joining up with Nottingham.
- x. Loss of view.
- y. Impact on quality of life and mental health.
- z. The plethora of environmental reasons.
- aa. Legal requirements for building on green belt not met.
- bb. Ruddington is becoming more like a town. Loss of village atmosphere.
- cc. The site is not in walking distance of the village.
- dd. Loss of agricultural land.
- ee. Do the homes take account of disabled access and make best use of renewable energy.

92. One representation containing neutral comments has been received from a resident of Ruddington involved in village life which make the following observations:

- a. Local schools are not full.
- b. GP appointments time have been getting worse due to NHS cuts and the lack of GPs. This situation is not unique in Ruddington.
- c. The lack of suitable and AFFORDABLE housing means that few families with young children are moving into the village. These people are the future lifeblood of the village.
- d. In order for the village businesses to survive, it needs more people on the streets.
- e. Would support the application if up to 50% of the houses were affordable.
- f. Local shops are closing because there is not enough custom.
- g. Traffic should be considered for existing and new residents.
- h. Consideration should be given to green spaces within the development.

## **PLANNING POLICY**

- 93. The Development Plan for Rushcliffe consists of The Rushcliffe Local Plan Part 1: Core Strategy (referred to herein as 'core strategy') and the Local Plan Part 2: Land and Planning Policies, which was adopted on 8 October 2019. The Rushcliffe Residential Design Guide is also relevant to the consideration of this application.
- 94. The whole of the Ruddington parish was designated as a Neighbourhood Area in October 2017. The Parish Council has recently completed the initial stage of consultation prior to the plan being submitted to the Borough Council for further consultation and examination.

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

- 95. The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England. It carries a presumption in favour of sustainable development and paragraph 11 states that planning permission should be granted unless:
  - “i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”
- 96. Section 11 “Making Best use of Land” - Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or ‘brownfield’ land.



97. Section 12, 'Achieving well-designed places', 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.
98. Paragraph 127 states that development should function well and add to the overall quality of the area, not just in the short term but over the lifetime of the development. It should also be visually attractive as a result of good architecture, layout and appropriate and effective landscaping and be sympathetic to the local character and history, including the surrounding built environment and landscape setting.
99. Section 13, Protecting Green Belt Land, sets out Green Belt policy and provides guidance on appropriate development within the Green Belt.
100. Paragraph 133 of the NPPF 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.
101. Paragraph 140 States *"If it is necessary to restrict development in a village primarily because of the important contribution which the open character of the village makes to the openness of the Green Belt, the village should be included in the Green Belt."*
102. Paragraph 143 states that *"Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances."*
103. Paragraph 144 states 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."*
104. Paragraph 145 of the NPPF makes clear that the construction of new buildings in the Green Belt is inappropriate development and identifies the types of development which are exceptions to this stance.
105. Paragraph 146 of the NPPF *"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 are,*
- a) *mineral extraction;*
  - b) *engineering operations;*
  - c) *local transport infrastructure which can demonstrate a requirement for a Green Belt location;*
  - d) *the re-use of buildings provided that the buildings are of permanent and substantial construction;*
  - e) *material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and*
  - f) *development brought forward under a Community Right to Build Order or Neighbourhood Development Order."*

## Relevant Local Planning Policies and Guidance

106. The following policies of the Rushcliffe Local Plan Part 1: Core Strategy are considered to be relevant to the current proposal:

- Policy 1 - Presumption in Favour of Sustainable Development
- Policy 2 - Climate change
- Policy 3 - Spatial strategy
- Policy 4 - Nottingham-Derby Green Belt
- Policy 8 - Housing Size, Mix and Choice
- Policy 10 - Design and Enhancing Local Identity
- Policy 12 - Local Services and Healthy Lifestyle
- Policy 16 - Green Infrastructure, Landscape, Parks and Open Spaces
- Policy 17 - Biodiversity
- Policy 19 - Developer Contributions

107. The following policies of the Rushcliffe Local Plan Part 2: Land and Planning Policies are considered to be relevant to the current proposal:

- Policy 1 - Development Requirements
- Policy 12 - Housing Standards
- Policy 17 - Managing Flood Risk
- Policy 18 - Surface Water Management
- Policy 19 - Development Affecting Watercourses
- Policy 21 - Green Belt
- Policy 32 - Open Space and recreational Facilities
- Policy 34 - Green Infrastructure and Open Space Assets
- Policy 38 - Non-Designated Biodiversity Assets and the Wider Ecological Network
- Policy 39 - Health impacts of Development
- Policy 41 - Air Quality
- Policy 43 - Planning Obligations Threshold

108. Policy 6.1 Housing Allocation – Land west of Wilford Road, Ruddington, allocates the site for residential development and is particularly relevant to the current application. The area, as shown on the policies map, is identified as an allocation for around 130 homes. The development will be subject to the following requirements:

- a) vulnerable development should not be located within flood zone 3;
- b) a site specific flood risk assessment (FRA) should demonstrate that the development will be flood resilient and resistant and safe for its lifetime for its users and also ensure the site is not affected by current or future flooding and it does not increase flood risks elsewhere or overall;
- c) development on the Wilford Road frontage and which borders the open countryside should provide a visually attractive gateway and boundary to the village;
- d) on-site green infrastructure should deliver recreational open spaces, landscape buffers (including a buffer around Sellers Field Recreation Ground), net-gains in biodiversity and where necessary surface water flood mitigation. This should include a 10 metre buffer either side of the Packman Dyke;
- e) a financial contribution to a package of improvements for the A52(T)

- between the A6005 (QMC) and A46 (Bingham); and
- f) it should be consistent with other relevant policies in the Local Plan.

109. The above policies from the Core Strategy and Local Plan Part 2 are available in full along with any supporting text on the Council's website at: <https://www.rushcliffe.gov.uk/planningpolicy/localplan/>.

## **APPRAISAL**

110. The main consideration in determining this application are as follows;

- a. Principle of development
- b. Quantum of development
- c. Impact on Flooding
- d. Highways
- e. Green Belt
- f. Ecology
- g. Open Space provision
- h. Housing mix and Layout
- i. Air Quality
- j. Health
- k. Planning Obligations

### Principle of Development.

111. The development falls to be determined in accordance with the Development Plan for Rushcliffe, which comprises the Local Plan Part 1 - Core Strategy (LPCS) Local Plan Part 2 and in accordance with the National Planning Policy Framework (NPPF).

112. Policy 1 of the Core Strategy, has a Presumption in Favour of Sustainable Development:

1. 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. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.
2. Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.

113. Policy 3 of the Core Strategy- Spatial Strategy identifies Ruddington as location for sustainable development and as such the principle of development on this site is supported by that policy.

114. The developable area of the site, through the Local Plan Part 2 is an allocation as set out in Policy 6.1 of the plan. This identifies the site as being suitable for 'around' 130 dwellings. Although the proposed number of dwelling is greater than the 130 set out in the local plan, the principle of residential development is acceptable.

115. Part of the site is located within the green belt and this is considered later in this report.

### Quantum of Development

116. The local plan sets out what should be considered as a suggested number of dwellings for the site and that is 'around' 130, whereas the proposal is for 167 dwellings. However, Section 3 of Local Plan Part 2 provides supporting information on the approach to the supply of housing land within the Borough. Of particular relevance, paragraph 3.12 advises; *"The number of dwellings it has been estimated will be delivered on the sites allocated for development within this Local Plan Part 2 has been calculated on a site by site basis. As a starting point, for sites up to a hectare in size their capacity has been calculated on the basis of a gross density of 25 dwellings per hectare; for sites between 1 and 3 hectares a 23 dwellings per hectare gross density has been used and for sites in excess of 3 hectares a 20 dwellings per hectare gross density has been used. In the case of certain sites, because of particular specific circumstances, an estimated dwelling capacity figure has been identified which does not necessarily follow this standardised approach."* Of particular relevance to the consideration of any planning application, the text goes on to advise; *"However, in all cases, the final number of dwellings on each of the allocated sites will be established at the planning application stage, following consideration of site specific detailed design matters and any other relevant planning considerations."* Therefore, in considering the greater number proposed in this instance, consideration must be given to the detailed matters of layout and design of the proposal and amenities of future occupants, as well as other material considerations, including both other local and national policies.
117. Chapter 11 of the NPPF advocates the use of minimum densities and requires decision and policies to make effective use of land, the scheme proposed achieves this in a number of ways.
118. The re-contouring of the site enables an adjustment to the flood plain and when judged against the Councils "Residential Design Guide" the scheme, although not fully compliant with the guide in terms of garden sizes, is considered an acceptable departure, due to the amount of public open space provided as part of the development offsetting the need for larger areas of private garden areas.
119. The initial application sought permission for 174 dwelling and this was reduced to 167 to secure improvements to the scheme and it is now considered an appropriate scheme which meets aims/requirements of para 117 of the NPPF, which advises that decisions should promote the effective use of land, whilst generally complying with our own residential design requirements. That being the case it is considered that the increase in numbers beyond those set out in the local plan are justified and acceptable.

### Impact on Flooding

120. One of the main concerns raised in respect of the application is the fact that the proposal involves building on an area identified as being at risk of flooding, Flood Zone 3, an area of greatest risk of flooding. The site also includes areas

identified as Flood Zone 2 and Flood Zone 1, the latter being areas at lowest risk of flooding.

121. The Local Plan allocation, Policy 6.1 criteria a), identifies this and requires that vulnerable development should not be located within that area affected by the flood zone. The supporting text to the policy confirms that; *“As the land contains significant areas within flood zone 2 and also a smaller area within flood zone 3 (adjacent to Packman Dyke and Wilford Road), the allocation was subject to the sequential test during the plan making process. As part of the scheme the site is regraded and contoured to create a development plateau raising it above the flood plain.”* The supporting text goes on to confirm that; *“The sequential test determined that no reasonable alternative sites are preferable to this allocation (having compared the sustainability of the sites and determining they are not reasonable alternatives).”*
122. The proposal has given rise to concerns from existing residents that the flood plain would shift affecting existing properties. The application was accompanied by a Flood Risk Assessment (FRA) demonstrating how this would be managed to prevent this. This would include raising the ground levels within the developable area to provide finished floor levels 600mm above the 100 year plus climate change flood level, lifting the site out of the floodplain, along with flood mitigation measures to include the establishment of an allowable flood area through ground profiling of the public open space to the north of the site, in order to relocate the flood risk entirely to the north of the site. In effect, all surface water from the development would be directed to the north of the site into the attenuation feature and ultimately into the realigned Packman Dyke. The combination of the surface water management techniques ensure that the flood levels of Packman Dyke do not increase and the site for development is removed from Flood Zone 3.
123. The details of the FRA have been examined by the statutory bodies who consider that the proposed mitigation measures are acceptable and would not adversely impact on existing dwellings, subject to the development being phased in an appropriate manner.
124. It is acknowledged that there is and has been standing water on the site and this is not uncommon for agricultural land. With the development of the site surface water of this nature, generally rain fall, would be managed through the drainage strategy proposed.
125. It has been questioned as to whether there are any sequentially preferable sites. As stated above, as part of the Local Plan preparation the site was sequentially tested and was found to be an acceptable sustainable site for development, a view agreed with at the Local Plan examination.
126. The scheme incorporates measures to accommodate and manage surface water run off by means of a drainage strategy, which includes an attenuation pond located within the wider area of open space adjacent to Packmans Dyke, following the hierarchy for drainage set out in the NPPG. Subject to the measures proposed in the FRA it is considered that the proposal meets criteria a) and b) of Policy 6.1 and the criteria set out in Policies 17, 18 and 19 of the Local Plan Part 2.

## Highways

127. The initial design of the proposal was not considered to be acceptable by the Highway Authority and through negotiations an acceptable scheme has now been achieved. This includes improvements to the footpaths and cycleways leading to the site, and an extension to the 30 mph speed limit along Wilford Road, commencing at a repositioned gateway to the village.
128. The internal layout has been amended to ensure that it meets the current highway design standards, and specifically to ensure that larger vehicles can manoeuvre within the site, and adequate parking for the development is provided.
129. A transport assessment was submitted with the application which examined the impact of the proposal on the wider highway network, including the village centre and the Highway Authority concluded that there would not be any adverse impact which would warrant any mitigation measures. Following the initial comments from the Highway Authority, an amended travel plan was submitted addressing concerns of the Authority and is now considered acceptable.
130. All the highway elements of the proposal have been examined in detail and amended by the applicants where required and the Highway Authority are now satisfied that all their concerns have been addressed and that the proposal is acceptable in highway terms subject to conditions.
131. The site does fall within that part of the Borough covered by the *A52/A606 Improvement Package Developer Contributions Strategy Memorandum of Understanding (May 2019)* and as such, a contribution of £1,550.02 per dwelling would be sought in accordance with the agreed strategy. The recommended conditions include a requirement to enter into a section 278 agreement with Highways England and the contribution would be collected through this mechanism, addressing the requirements of criterion e) of Policy 6.1 of LPP2.
132. It is now considered that all elements and requirements to deliver a safe access and internal layout are acceptable and the requirements of Policy 1 of the Local Plan Part 2 are met.

## Green Belt

133. One of the main objections to the proposal is that the site is within the Green Belt. As part of the Local Plan Part 2, the developable area of the site was allocated for residential development and was removed from the Green Belt as part of the allocation process and this has been accepted by the Inspector at examination, therefore it does not involve built development in the green belt for that element of the proposal.
134. The northern part of the proposal site, currently in agricultural use, does include some impact on the Green Belt, therefore that needs to be examined against Policy 21 of the Local Plan Part 2 and the NPPF chapter 13, Protecting the Green Belt.

135. The Framework requires that “once Green Belts have been defined, local planning authorities should plan positively to enhance their beneficial use, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land.”
136. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 146 of the NPPF sets out that certain forms of development that are 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:
- b) engineering operations; and
  - e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds);
137. The elements of the proposal in the green belt are the re-aligned Packman Dyke, an attenuation pond linked to the development, an informal recreation area including footpaths around the site, tree and hedge planting and formation of various wild life habitats. These changes involve engineering operations, namely the realignment of the Packman Dyke and provision of the attenuation basin, and a change of use of the land from agricultural to recreational purposes. Therefore, it is considered that this aspect of the development does not constitute inappropriate development in the Green Belt. Furthermore, it is considered that the area of the site within the Green Belt will remain open and its appearance would be enhanced through appropriate landscaping. It is not, therefore, considered that the proposal would result in harm to the Green Belt, either by definition or through impact on openness, and it is not necessary for ‘very special circumstances’ to be demonstrated in this instance. It is therefore considered that the proposal does not conflict with Policy 21 of LPP2 or the policies within the NPPF.

### Ecology

138. It is recognised that there is some limited ecological value in the application site due to it being in agricultural use and heavily cultivated. The value is in the water course crossing the site and along the field boundaries.
139. Following the initial submission of an ecological assessment comments from the Boroughs Environmental Sustainability Officer and Nottinghamshire Wildlife Trust identified a number of possible areas where the proposed mitigation measures could improve the scheme, creating new habitats and an overall bio diversity net gain.
140. This resulted in revised proposals relating to the proposed open space to the north of the site. This creates rough grassland habitats, which will support grass snakes and reptiles, wet grasslands, attenuation features to create an aquatic habitat and foraging for birds and bats and small mammals, additional hedgerows would be planted, creating nesting sites and among other habitats, ballast would be positioned against the former railway line to encourage Grizzled Skipper Butterfly, which has been identified as a locally important species.

141. Following consultation with the Boroughs Environmental Sustainability Officer (ESO) and Notts Wildlife Trust, both acknowledge the proposed scheme would enhance biodiversity and result in a net gain. Therefore, they support the scheme subject to conditions to ensure the scheme delivery, a strategy for the translocation of the grass snakes on site and the ongoing future maintenance of the area.
142. Paragraph 170 of the NPPF states planning decision should contribute to the natural and local environment by minimising the impact on and provide net gain for biodiversity and this proposal achieves this. There will be a net gain for biodiversity on the site and the proposals are supported by the statutory bodies and considered to meet the relevant parts of criterion d) of Policy 6.1 of LPP2, insofar as it relates to biodiversity, and the requirements of policies 17 of the Core Strategy and Policy 38 of LPP2.

### Open Space Provision

143. The proposal incorporates an area of open space to the north of the site which would be laid out as an informal recreational/leisure area. There would be public access to the site, to both residents of the development and the wider community though the proposed footpath links from the development and Sellors Fields, providing a facility which will provide opportunities to aid the health and wellbeing of Ruddington residents.
144. The proposals also include the creation of wildlife habitats within this area and presents opportunities for biodiversity and as set out above the area is being utilised for that purpose.
145. As part of the proposal there are various small areas of open space within the development, but due to the proximity of Sellors Field, immediately adjacent the site, it is not considered necessary to provide any onsite play facilities. However, it is acknowledged that there would be a need for children's play facilities and it is proposed that this would be provided for by improvements to the existing facilities to Sellors Field. This would be achieved through a financial contribution in the region of £93,353, which could be made available to the Parish Council.
146. In accordance with the Borough Council's Leisure Facilities Strategy, there is a requirement to make provision for 0.16 ha. of allotments. The scheme does not provide for this on site so it is considered that a contribution of £12,191 should be sought to improve the existing facilities in the parish.
147. The location of the area of open space with its hedges, open grasslands, water feature and intermittent tree planting, replaces arable fields and would help the with the transition from the development into the surround countryside, maintaining the rural feel surrounding the village.
148. It is there for considered that the creation of the opens spaces within and to the north of the site satisfy criterion d) of Policy 6.1 of LPP2 and the requirements of policies 10, 12 and 16 of the Core Strategy and Policies 32 and 34 of the Local Plan Part 2.



## Housing Mix and Layout

149. The area of the site to be developed, i.e. excluding the area north of the current alignment of Packman Dyke, equates to approximately 6.6ha and with the proposed number of dwellings (167) this equates to a density of around 25dph, slightly above the recommended density for a site of this size of 20dph. It is considered that the proposed layout broadly conforms to the Borough Council's Residential Design Guide and achieving the aim of Section 11, para 117 Making effective use of land off the NPPF, any decision to refuse the proposal based on density would be difficult to substantiate. The matter of number of dwellings and density of development, and the background to the figures in the LPP2 is discussed in more detail above in the section under the heading of 'Quantum of Development'.
150. As set out in para 15 and 16 above, there is a wide mix of house types ranging from 4 bedroom detached properties to single bedroom bungalows and apartments of mixed tenure, as required by policy 8 of the Core Strategy. For Ruddington the requirement for affordable housing is 30% which is to be provided on site in this case.
151. Policy 12 of the Local Plan Part 2 requires that developments of sites over 100 dwellings will be required to deliver dwellings to meet peoples changing needs of at least 1% of the total number of dwelling proposed. In this case that equates to 2 dwellings which would be provided in the form of bungalows as part of the affordable house element and it is therefore considered that the requirements of Policy 12 are met.
152. The site is laid out to take account of its surroundings by enclosing the developed areas with open space. This includes an open frontage onto Wilford Road incorporating a 22 metre grass verge which will incorporate a footpath link to the wider area of open space and some tree planting, which will retain an open aspect to the entry into the village, satisfying criterion c) of Policy 6.1 of LPP2.
153. All areas of open space will be fronted by dwelling which will have main aspects overlooking these areas giving natural surveillance and helping security.
154. The layout specifically incorporates single storey dwellings along the south side of the site, which would share a common boundary with properties on Brookside Gardens and Brookside Road, to lessen any impact on those existing properties, with a back to back distance in excess of that required by the Residential Design Guide.
155. During the processing of the application the number of proposed dwelling was reduced to ensure each property meets the requirements of the Residential Design Guide and specifically with respect to garden sizes. In the main this was achieved but there are some which do not meet this. As guidance and taking into account the amount of publicly accessible space on and around the site, it was considered that reduced private garden areas could be justified in this instance.
156. The highway layout and design have been considered by the Highway Authority and through amendments, a layout which meets the Highway Design Guide has been achieved and would be adopted through the Section 38

process. All dwellings, with the exception of those in apartment blocks, would have a minimum of 2 parking spaces. The finished materials for the highway would be a mixture of Tarmac for the main roads with block paved inlays, while private drives and parking areas would be blacktop tarmac drives edged with Charcon Woburn graphite blocks.

157. Where boundary treatments are required to enclose rear private garden areas and abut the highway along the main spine road these would be 1.8m high screen walls, away from the spine road and in less visible location these would be 1.8m high close board fencing and 1.8m high panel fencing will be used between private rear gardens.
158. The site would incorporate landscaping within it and it has been indicated indicatively on the layout plan. Landscaping will be subject to recommended conditions requiring full details to be submitted for consideration. Having regard to the factors discussed in this section, it is considered that the proposal complies with Condition 10 (Design and Enhancing Local Identity) of the Core Strategy and Policy 1 (Development Requirements) of the LPP2.

### Air Quality

159. Air quality has been raised as a concern by residents and the need for an air quality impact assessment raised. The site is not close to any air quality management areas in Rushcliffe, and it is anticipated that not all traffic using the site will travel to the City and as such it is unlikely that it would have an impact on air quality in the City. Notwithstanding this, air quality was a consideration during the Local Plan process, and the City council were consulted as part of that process on this allocation and did not raise any concerns in this respect. On that basis it is considered that there would be no impact on air quality, locally or in the wider area, or justification to seek an air quality impact statement.

### Health

160. It is acknowledged by the NHS Clinical Commissioning Group that there is pressure on existing health facilities due to the rapid expansion of the village and they are now at capacity. On that basis they seek a financial contribution to extend the Ruddington Medical Centre or for increasing capacity at neighbouring practices.
161. As eluded to above, there would be, as part of the scheme, provision of a large area of public open space, which in itself would encourage outdoor recreation and the associated health benefits, meeting the requirements of policy 12 of the Core Strategy.
162. The applicant is aware of the health requirements and is prepared to enter into a section 106 agreement to make the appropriate contributions. It is accepted that there is likely to be some impact on health facilities, but also that these can be mitigated against by appropriate contributions.

### Planning Obligations and Community Infrastructure Levy (CIL)

163. Planning obligations (also known as Section 106 Agreements or 'planning gain') are obligations attached to land that is the subject of a planning

permission. They are used to mitigate or compensate for the negative impacts of a development or to prescribe the nature of a development. They are intended to make acceptable developments which would otherwise be unacceptable by offsetting the impact by making local improvements. Because they apply to the land not the applicant, planning obligations transfer with the land to future owners of the site.

164. The Community Infrastructure Levy Regulations set out legal requirements for planning obligations which must be:
  - a. Directly relevant to planning;
  - b. Necessary to make the proposed development acceptable;
  - c. Directly related to the proposed development; and
  - d. Reasonable and in proportion to the development.
  
165. In this particular proposal contributions would sought for the following:
  - a. the provision of play equipment for Sellers Field, £93,353;
  - b. Allotment provision in the Parish £12,191;
  - c. Bus stop improvements £19,000;
  - d. Education, Primary School, £609,910;
  - e. A Travel plan monitoring fee of £1500 pa for 5 years; and £900 pa for subsequent years up to and including the year after the end of construction.
  - f. Contribution towards bus stop improvements of £19,000.
  - g. Monitoring fee, amount to be determined by final number of obligations in the Section 106 agreement.
  
166. In addition to the above a further contribution of £1,550.02 per dwelling (£258,853.34) would be sought in accordance with the *A52/A606 Improvement Package Developer Contributions Strategy Memorandum of Understanding*, which will be sought through an appropriate condition.
  
167. Further details of the section 106 obligations is set out in the table attached to this report.
  
168. The Borough Council adopted a Community Infrastructure Levy on 7 October 2019. CIL liable developments will be required to make payments, based on the charging schedule, for expenditure on the types of infrastructure set out in the Infrastructure List. Based on the most up-to-date layout plan (Rev W) for this development, the total CIL liability, assuming that all the affordable units are eligible for social housing relief, would be a provisional figure of £524,772.45. The Parish Council would receive 15% of the total figure, £78,715.87 (based on the provisional figure). The Parish Council would be able to spend this money on projects within the Parish. It is not considered appropriate to seek the contribution requested by the Parish Council, for a community centre and parish office, through the Section 106, however, the Parish Council could obviously use any CIL receipts for this purpose.
  
169. The Parish Council also requested a contribution of £100,000 to enhance and improve the facilities and public open space at Sellors Field. However, a similar request was received from the Community Development Manager, for a sum of £93,353, calculated using an established formulaic approach. This contribution would be sought through the Section 106 contribution and the

Parish Council would be entitled to bid for this money for proposals to improve the play equipment at Sellers Field.

170. Whilst the CCG has requested a contribution based on their standard formulaic approach, contributions for health care are now included in the Infrastructure List and would not, therefore, be the subject of an obligation within a section 106 agreement associated with any permission for the development of this site but would be secured through the CIL payments due from the development.

### Planning Balance

171. The Local Plan Part 2 was adopted in October 2019 and as such the relevant development plans against which this application should be assessed are the Local Plan Part 1: Core Strategy and Local Plan Part 2: Land and Planning Policies, along with the National Planning Policy Framework and any other material planning consideration.
172. The site is allocated in the Development Plan for residential development at Policy 6.1 of part 2 of the Local Plan and this should be given substantial weight when considering the proposal. The second element to the proposal is the creation of area of public open space, which would result in the creation of bio diversity net gain while giving public access to the site with its health and wellbeing benefits, this too is given substantial weight in the planning balance. The development site does include development within a an area at risk of flooding (Zone 2 and 3) which would weigh against the development, but a flood mitigation scheme has been proposed, which the relevant bodies have accepted as appropriate and therefore this becomes a neutral element in the planning balance. The quantum of development exceeds that proposed within the local plan, however with the element relating to flooding being mitigated against and the delivery of the biodiversity net gain as part of the scheme should be given appropriate weight in the planning balance. Chapter 11 of the NPPF requires decision and policies to make effective use of land, the scheme proposed achieves this in a number of ways and this should be given appropriate weight in the planning balance.
173. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that *“where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise.”* Given the matters discussed in this report and the planning balance described above, the application should be determined in accordance with the development plan and it is not considered that there are any adverse impacts or factors that outweigh the policy position.
174. The application was subject to pre-application discussions and further negotiations have taken place during the consideration of the application in order to address any adverse impacts identified by officers or in responses from consultees. As a result, improvements have been made to the scheme, which is considered to be compliant with the policies of the Core Strategy and Local Plan Part 2.

### **RECOMMENDATION**

It is RECOMMENDED that the Executive Manager – Communities is authorised to

grant planning permission subject to the prior signing of a Section 106 agreement and 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 approved shall be implemented in accordance with the following plans and documents:

- a. Site Layout and house types as set out on that plan and submitted with the application. MI133-SL-001W - received 22 January 2020;
- b. Surface Materials MI133-SL-003G - received 22 January 2020;
- c. Materials Layout MI133-SL-002H - received 22 January 2020;
- d. Means of Enclosure MI133-SL-004E - received 31 October 2019;
- e. Site Access Design WOE14515-SA-03-001-AO7 received 4 December 2019;
- f. Misc. Engineering Refuse Vehicle Tracking MI133-EN-035A - received 12 December 2019;
- g. Flood Risk Assessment WM11065 - FRA & DS V3.0 - received 31 October 2019;
- h. Combined Report Ground conditions 15 May 2019;
- i. Report of Community and Stakeholder Engagement 15 May 2019;
- j. Landscape Masterplan DEF\_063C.002 Rev C - received 24 January 2020;
- k. Arboricultural Assessment - received 15 May 2019;
- l. Geophysical Survey - received 15 May 2019;
- m. Landscape and Visual Impact Appraisal - received 15 May 2019;
- n. Design and Access Statement - received 15 May 2019;
- o. Planning Statement, Oxalis Planning 15 May 2019;
- p. Transport Assessment Addendum - received 15 May 2019;
- q. Framework Travel Plan - received 15 May 2019;
- s. The biodiversity Metric - received 3 October 2019
- t. Ecological Mitigation measures DEF\_063C.003 - received 3 October 2019

[For the avoidance of doubt and to comply with Policy 1 (Development Requirements) and Policy 6.1 (Housing Allocation – Land West of Wilford Road, Ruddington) of the Rushcliffe Borough Local Plan Part 2: Land and Planning Policies, in the interests of amenity, and to accord Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy].

3. No development hereby permitted shall take place until an appropriate agreement under Section 278 of the Highways Act 1980 has been entered into with Highways England to facilitate improvements to A52 junctions in accordance with the provisions of the A52/A606 Improvement Package Developer Contributions Strategy Memorandum of Understanding May 2019.

[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 interest of road safety. The agreement is a

pre-commencement requirement due to the need to design an appropriate scheme for the site to ensure a comprehensive development and to avoid abortive works by the applicant(s)].

4. No development shall take place until the details of a Construction Management Plan is submitted and approved in writing by the Local Planning Authority. The Statement shall have regard to the CEMP and LEMP approved under conditions 12 and provide for:

- Access and parking of vehicles of site operatives and visitors;
- Loading and unloading of plant and materials;
- Storage of plant and materials used in constructing the development;
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- Measures to control the emission of noise, dust, dirt and vibration during construction;
- A scheme for recycling/disposing of waste resulting from construction works;
- Hours of operation (including demolition, construction and deliveries);
- A scheme to treat and remove suspended solids from surface water run-off during construction;
- An earthworks strategy to provide for the management and protection of soils including handling, stripping and stockpiling and reuse;
- 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;
- Scheme for temporary signage and other traffic management measures, including routing and access arrangements. The agreed access shall be provided before development commences; and
- The routing of deliveries and construction vehicles to/from the site, to limit where practicable approach to the site from the west along Bunny Lane, and any temporary access points.

The development shall thereafter be carried out in full accordance with the approved Construction Method Statement throughout the construction period.

[In order 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 to comply with Policies 6.1 (Housing Allocation – Land West of Wilford Road, Ruddington) and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies. 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].

5. No development shall take place, excluding topsoil strip, earthworks to form flood compensation area, development platform, realigned watercourse, balancing ponds and foul sewer diversion, survey works in connection with ecology and archaeology, 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 the development is constructed to highway adoptable standards and to ensure compliance with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies. These details are a pre-commencement requirement due to the need to design an appropriate scheme for the site to ensure a comprehensive development and to avoid abortive works by the applicant(s)].

6. The development shall not be brought into use unless or until the following works have been provided in accordance with plans previously submitted to and approved in writing by the Local Planning Authority:
  - i. The proposed new site access junction on Wilford Road as shown indicatively on Drawing no. WIE-SA-03-001-A07.
  - ii. The proposed Village Gateway on Wilford Road as shown indicatively on Drawing No. WIE-SA-03-001-A07.
  - iii. The proposed footway/cycleway improvements on Wilford Road as shown indicatively on Drawing No. WIE-SA-03-001-A07.

Thereafter the approved works shall be implemented, retained and maintained in accordance with the approved details for the lifetime of the development.

[To ensure a suitable form of access is provided, in the interest of highway safety residents and to ensure compliance with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

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

[In the interests of highway safety residents and to ensure compliance with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

8. Prior to first occupation the owner or the occupier of the site shall appoint and thereafter continue to employ or engage a travel plan coordinator who shall be responsible for the implementation delivery monitoring and promotion of the sustainable transport initiatives set out in the (WIE14515-101-R-4-3-3-Framework Travel Plan) whose details shall be provided and continue to be provided thereafter to the Local Planning Authority.

[To promote sustainable travel in accordance with the aims of Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy.]

9. The travel plan coordinator shall, within 6 months of the first occupation, produce or procure a Detailed Travel Plan that sets out final targets with

respect the number of vehicles using the site and the adoption of measures to reduce single occupancy car travel consistent with the Interim Travel Plan to be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall be implemented in accordance with the approved timetable and be updated consistent with future travel initiatives including implementation dates to the satisfaction of the Local Planning Authority.

[To promote sustainable travel in accordance with the aims of Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy].

10. The travel plan coordinator shall submit reports in accordance with the Standard Assessment Methodology (SAM) or similar to be approved and to the Local Planning Authority in accordance with the Travel Plan Framework monitoring periods. The monitoring reports submitted to the Local Planning Authority shall summarise the data collected over the monitoring period and propose revised initiatives and measures where travel plan targets are not being met including implementation dates to be approved in writing by the Local Planning Authority and which shall inform individual Travel Plans.

[To promote sustainable travel in accordance with the aims of Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy.]

11. Prior to the commencement of the development hereby permitted a scheme of on plot (excluding private rear gardens) and public open space landscaping shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include:
  - a. planting plans;
  - b. written specifications including cultivation and other operations associated with tree, plant and grass establishment;
  - c. a schedule of plants noting species, plant sizes and proposed numbers/densities;
  - d. existing landscape features such as trees, hedges and ponds to be retained accurately plotted (where appropriate);
  - e. existing landscape features such as trees, hedges and ponds to be removed accurately plotted (where appropriate);
  - f. existing and proposed finished levels (to include details of grading and contouring of earthworks and details showing the relationship of proposed mounding to existing vegetation and surrounding landform where appropriate);
  - g. a timetable/ phasing for implementation and completion of the landscaping scheme;
  - h. a Landscape Management Plan, including long term design objectives, management responsibilities;
  - i. details of how the landscape proposals comply and compliment with the ecological requirements under condition 12.
  - j. Details of the footpath/cyclepath connections within the wider site area.

Thereafter the approved scheme shall be carried out in accordance with the



approved details and implemented and completed in accordance with the approved timetable. If within a period of five years from the date of the soft planting pursuant to this condition that soft planting is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced by planting to be agreed with Local Planning Authority. This replacement planting shall be undertaken before the end of the first available planting season (October to March inclusive for bare root plants), following the removal, uprooting, destruction or death of the original trees or plants.

[To ensure 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 10 (Design and Enhancing Local Identity), and Policy 16 (Green Infrastructure, landscape, Parks and Open Space) of the Local Plan Part 1 Rushcliffe: Core Strategy and Policies 1 (Development Requirements) and 6.1 (Housing Allocation – Land West of Wilford Road, Ruddington) of the Rushcliffe Local Plan Part 2: Land and Planning Policies. These details are a pre-commencement requirement due to the need to design an appropriate scheme for the site to ensure a comprehensive development, due to the need to ensure adequate mitigation is in place before any intrusive site works take place and to avoid otherwise abortive works by the applicant(s)].

12. No development shall take place until a Landscape & Ecology Management Plan (LEMP) is submitted to and approved in writing by the local planning authority. The LEMP shall have full regard to the mitigation and enhancements together with the summary and conclusions of the Ecological Assessment dated and 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;
- Ongoing management of the SUDS and landscaped areas for the benefit of wildlife and biodiversity;
- The plan will detail the formal management agreement, aftercare and monitoring of the retained and newly created habitats on the site and shall their the ongoing maintenance; and
- A pre-commencement walkover survey for badgers/grass snakes by an appropriate ecologist.

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

[To ensure the appropriate wildlife protection is provided during development, and 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 (Biodiversity) of the Rushcliffe Local Plan Part 1: Core Strategy and to comply with Policies 1 (Development Requirement) and 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the Rushcliffe Borough Local Plan Part 2: Land and Planning Policies. This is a pre-commencement condition due to the need to ensure adequate mitigation is in place before any intrusive site works take place].

13. Prior to the commencement of any development on site, a grass snake translocation strategy shall be produced and submitted to the Local Planning Authority for approval. Any approved scheme shall be implemented in full thereafter.

[To ensure that a process is in place to take proper account of Grass snakes which have been identified on site which are a protected under the Wildlife and Countryside Act 1981 and it is an offence to injure or kill them, and to comply with Policy 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the Rushcliffe Borough Local Plan Part 2: Land and Planning Policies. This is a pre-commencement condition due to the need to ensure adequate mitigation is in place before any intrusive site works take place].

14. No part of the development hereby approved shall commence until a detailed surface water drainage scheme based on the principles set forward by the approved Flood Risk Assessment (FRA) and Drainage Strategy WM11065 - FRA & DS V3.0, Wardell Armstrong, has been submitted to and approved in writing by the Local Planning Authority. The scheme to be submitted shall provide justification for the use or not of infiltration, including the results of soakaway testing, in accordance with BRE 365. The scheme shall thereafter be implemented in accordance with the approved details prior to completion of the development.

[To ensure that the developments has sufficient surface water management, and does not increased risk of flooding onsite nor does it increase the flood risk off-site in accordance with the NPPF and to comply with Policies 1 (Development Requirements) 17 (Managing Flood Risk) and 18 (Surface Water Management) of the Rushcliffe Local Plan Part 2: Land and Planning Policies. These details are a pre-commencement requirement due to the need to design an appropriate scheme for the site to ensure a comprehensive development, due to the need to ensure adequate mitigation is in place before any intrusive site works take place and to avoid otherwise abortive works by the applicant(s)].

15. The development shall be carried out in accordance with the submitted flood risk assessment (ref Flood Risk Assessment and Drainage Strategy V3.0, August 2019, Wardell Armstrong) and the following mitigation measures it details:

- a. Finished floor levels shall be set no lower than the levels shown on drawing WM11065-113 on page 105 of the FRA.
- b. Construction shall be phased as described in section 4.5.1 of the FRA.
- c. Compensatory storage shall be provided as described in section 4.3 of the FRA. These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements.

Thereafter the measures detailed above shall be implemented, retained and maintained throughout the lifetime of the development.

[To reduce the risk of flooding to the proposed development and future occupants, to prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided, and to prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site in accordance

with Policies 1 (Development Requirements), 6.1 (Housing Allocation – Land West of Wilford Road, Ruddington), 17 (Managing Flood Risk) and 18 (Surface Water Management) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

16. 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:
- a. 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;
  - b. the timing of biodiversity, SUDS and landscaping features;
  - c. the timing and provision of internal footpaths/cyclepaths;
  - d. The development shall be carried out in accordance with the approved phasing plan unless otherwise agreed in writing by the local planning authority.

The development shall thereafter be carried out in accordance with the approved phasing plan.

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

17. No development shall take place until the details of the means of protection of existing hedgerows and trees whilst construction works are being undertaken have been submitted to the Local Planning Authority. All existing trees and/or hedges which are to be retained are to be protected in accordance with the approved measures 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 existing trees and hedgerows are adequately protected during the development and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies This is a 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.]

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

nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

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

19. Prior to installation of any lighting, full details shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include a lux plot of the estimated illumination along with details of the heights, locations, design and finish of the lighting. The installations shall be designed, located and installed so as not to cause a nuisance to neighbouring residents, and to avoid significant impacts on foraging commuting bats. The lighting shall thereafter be installed, retained and maintained 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 Policies 10 (Design and Enhancing Local Identity) and 17 (Biodiversity) of the Rushcliffe Local Plan Part 1: Core Strategy and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

20. The development hereby permitted shall not commence until drainage plans for the disposal of foul sewage have been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented in accordance with the approved details before the development is first brought into use.

[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 in accordance with Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and to comply with Policies 1 (Development Requirements), 17 (Managing Flood Risk) and 20 (Managing Water Quality) of the Rushcliffe Local Plan Part 2: Land and Planning Policies. This is a pre commencement condition to ensure that flood risk and sewage capacity requirements are mitigated and the measures can be incorporated in to the build phase].

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

[To ensure a satisfactory development in the interests of amenity, accessibility and highway safety and to comply with Policy 1 (Development Requirements) of the Local Plan Part 2: Land and Planning Policies. This is a pre commencement condition to ensure that the development is undertaken with agreed levels from the outset and to avoid otherwise abortive works by the applicant(s)].

22. 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 material 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 1 (Development Requirements) of the Rushcliffe Borough Local Plan Part 2: Land and Planning Policies].

23. 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.

[To comply with the requirement of Section 92 of the Town and Country Planning Act 1990 (as amended) and to ensure the development will be satisfactory and satisfy Policies 1 (Presumption in Favour of Sustainable Development) and 5 (Employment Provision and Economic Development) of the Rushcliffe Local Plan Part 1: Core Strategy. These details are a pre-commencement requirement due to the need to design an appropriate scheme for the site to ensure a comprehensive development].

24. 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 19 (Developer Contributions) of the Rushcliffe Local Part 1 - Core Strategy].

25. No dwelling shall be occupied until a standard 32 amp single phase socket for the charging of electric vehicles has been fitted at an appropriate position in accordance with details previously submitted to and approved in writing by the Local Planning Authority. Thereafter the charging points shall be installed, maintained and operated in accordance with the approved scheme for the lifetime of the development.

[In order to address the causes and impacts of climate change and to enable the use of non-carbon based technology in accordance with the guidance contained within the National Planning Policy Framework, Policies 1 (Presumption in Favour of Sustainable Development), 2 (Climate Change) and 10 (Design and Enhancing Local Identity) of the Rushcliffe Borough Local Plan Part 1: Core Strategy of the Rushcliffe Local Plan Part 1: Core Strategy and

Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

26. With the exception of habitat creation and landscaping, there shall be no other groundworks undertaken within the highlighted area on the western boundary of the site as depicted as areas 1 and 2 on plan ref: DWG 03a Interpretation – North of the Geophysical Survey Report dated 18<sup>th</sup> April 2019. If during the undertaking of the works set out in this condition, any items of archaeological interest are found, the developer shall inform the Borough Council immediately.

[That part of the site shows up as considerable activity which may contain archaeological remains and the condition is required to ensure compliance with Policy 29 (Development Affecting Archaeological Sites) of the Local Plan Part 2: Land and Planning Policies].

### **Notes to Applicant**

The Local Lead Flood Authority should be re-consulted with any changes to the submitted and approved details of any FRA or Drainage Strategy which has been provided. Any deviation from the principles agreed in the approved documents may lead to us objecting to the discharge of conditions. Who will provide you with bespoke comments within 21 days of receiving a formal consultation.

Work affecting an ordinary watercourse requires consent from the lead local flood authority which in this instance is Nottinghamshire County Council. It is best to discuss proposals for any works with them at an early stage.

This permission 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.

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

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

Section 38 Agreement (Highways Act 1980) - The applicant should note that, notwithstanding any planning permission, if any highway forming part of the development is to be adopted by the Highways Authority, the new roads and any highway drainage will be required to comply with the Nottinghamshire County Council's current highway design guidance and specification for roadworks. Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the Highway Authority as early as possible.

The Advanced Payments Code in the Highways Act 1980 applies and under section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the

Highway Authority with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the Highway Authority as early as possible.

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

Section 278 Agreement (Highways Act 1980) - In order to carry out the off-site works required, you will be undertaking work in the public highway, which is land subject to the provisions of the Highways Act 1980 (as amended) and, therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact Jan Witko on telephone number 0115 9774364.

In order to satisfy the requirements of conditions 5 and 6 the Highway Authority will need to undertake a full technical design check of the your detailed design drawings. Discharge of any conditions relating to highway layouts will not be recommended until this process is complete and full technical approval of the highways drawings has been granted. We therefore strongly recommend technical approval for your drawings is obtained from the Highway Authority prior to any formal reserved matters submission.

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

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

In respect of any conditions relating to drainage:

The developer must produce a comprehensive drainage strategy for the site. This strategy must include how surface water is to be dealt with. In particular showing how no surface water will be allowed to enter the foul or combined system through any means.

Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i) Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and / or surface waters; and
- ii) Provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The strategy shall also demonstrate how any land drainage issues will be resolved. A hydraulic modelling study may be required to determine if the proposed flows can be accommodated within the existing system and if not, to identify what improvements may be required. If the surface water is drained sustainably, this will only apply to the foul drainage.

Severn Trent may need to undertake a more comprehensive study of the catchment to determine if capital improvements are required.

If Severn Trent needs to undertake capital improvements, a reasonable amount of time will need to be determined to allow these works to be completed before any additional flows are connected.

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

In respect of ecology:

- a. Mature trees should be retained where possible.
- b. The hedgerows should be largely retained and enhanced.
- b. Hedgerow's should be buffered with a flower rich grassland strip.
- c. New wildlife habitats should be created where appropriate, including wildflower rich neutral and / or wet grassland and / or wetlands and ponds should be created and hedgehog corridors.
- d. Artificial wild bird nest sites should be installed within buildings (including for swifts and sparrow terraces) and roost / nest boxes on retained trees (including for tree sparrows).
- e. Good practise construction methods should be adopted including:
- f. 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.
- g. No works or storage of materials or vehicle movements should be carried out adjacent to the Packmans Dyke.
- h. If protected species are found during works, work should cease until a suitable qualified ecologist has been consulted.
- i. 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.
- j. Your attention is draft to the requirements of condition 17 limiting the period when any trees or hedgerows should be removed. Every effort should be made to ensure that any trees or hedgerows are not removed during the bird nesting season and the practice of netting trees or hedgerows to prevent birds nesting should be avoided where practicable.

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



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

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

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

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.

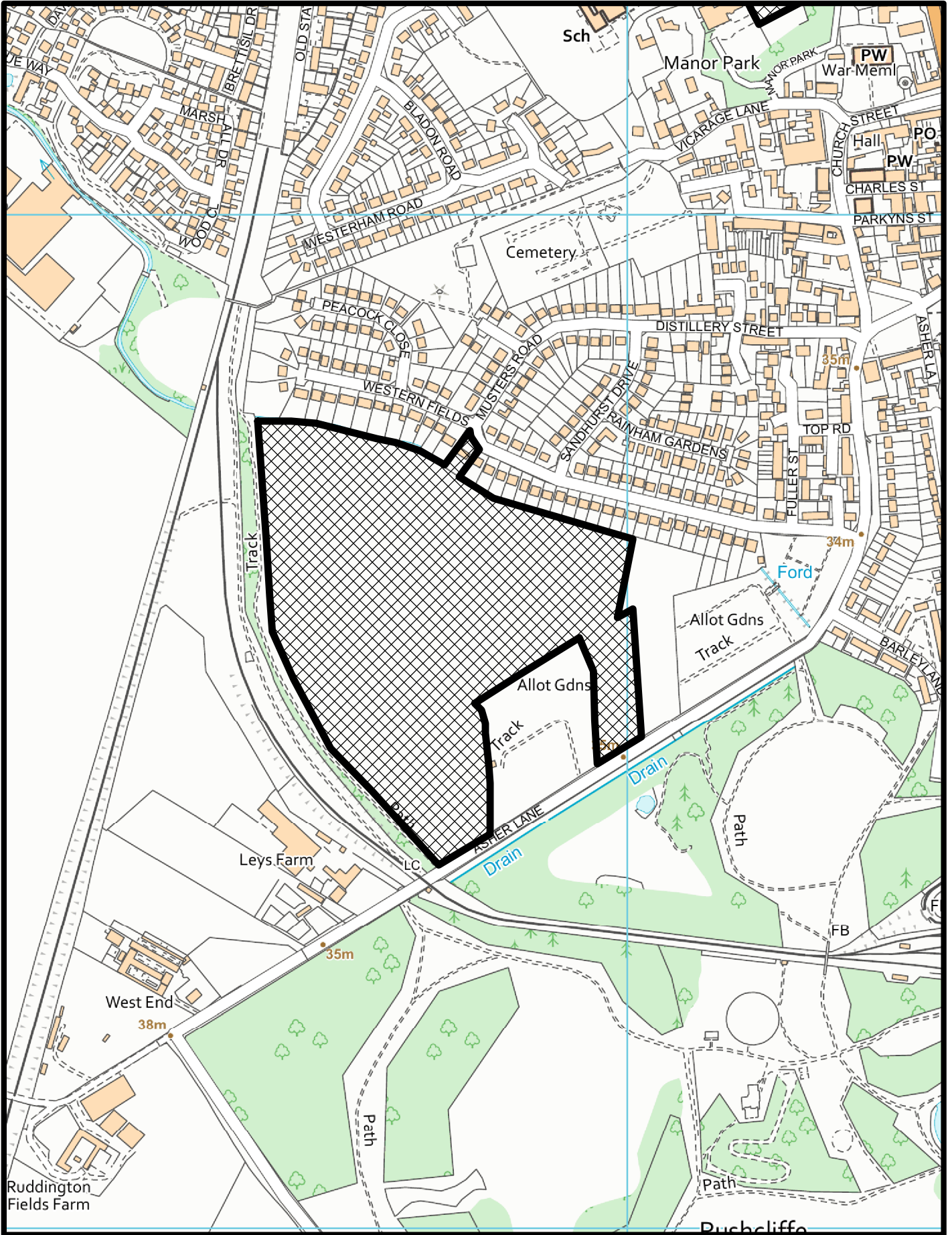
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Item/Policy	Detail/requirement	Developer proposes	RBC proposes	Trigger
<b>Public Open Space and SUDS</b>	Layout, provision and maintenance (including sud pond) - would need details of management company and management plan	To be maintained by management company	Maintenance to be provided by management company or nominated organisation – funded through service charge on properties	To be secured by way of a planning condition – details of long term maintenance secured by S106
<b>Equipped play space</b>	RBC Leisure Facilities strategy requires 0.25 HA of equipped play area per 1000 population.	Contribution to upgrading facilities at Sellors Field.	Financial contribution of £93,353 for off-site provision is made to the Parish Council for improvements to Sellors Field	To be secured through obligation within S106 – triggers to be determined
<b>Allotments</b>	RBC Leisure Facilities Strategy requires 0.4hectares per 1000 population.  4,000/1000 = 4 sqm per person 4 x 2.3 residents per dwelling = 9.2 sqm per dwelling 9.2 x £8.00* = £73.00 per dwelling	Not shown on masterplan	No preference between onsite provision and off-site contribution £12,191. but to be located somewhere in the Parish	
<b>Education</b>	Primary: £609,910 (35 places x £17,426 per place).	Currently seeking clarification on required contribution. Suggesting no requirement.	Off-site contribution of £609,910 towards the costs of providing additional places	To be agreed

Item/Policy	Detail/requirement	Developer proposes	RBC proposes	Trigger
	<p>Secondary:                      An additional 27 places would be required</p>		CIL liable	In accordance with CIL charging schedule
<b>Health</b>	<p>Contribution is sought on the following formula, 155 2+ bed request £920 per dwelling = £142,600 and for the 12 x 1 bed dwellings request £600 per dwelling. Total £149,800.</p> <p>Contribution is justified for the purposes of providing additional / replacement health care facilities in the vicinity of the site to serve the development.</p> <p>Any contribution for this development would be put towards extending Ruddington Medical centre further or increasing capacity at neighbouring practices”.</p>		CIL liable	In accordance with CIL charging schedule
<b>Leisure</b>	<p>Indoor leisure</p> <p>A contribution from this application for indoor leisure provision would be sought.</p>		CIL liable	In accordance with CIL charging schedule

Item/Policy	Detail/requirement	Developer proposes	RBC proposes	Trigger
<b>Highways</b>	<p>Bus stop improvements to the value of £19,000. For improvements to bus stops:                      RU0566 Paget Crescent;                      RU0888 Paget Crescent.                      Real time displays and shelter.</p> <p>No bus service contributions sought.</p>	Agreed	To ensure the appropriate facilities are provided to encourage the use of sustainable transport options. The current bus stop facilities do not meet the standards set out in the County Councils Public Transport Planning Obligations Funding Guidance for Prospective Developers.	Prior to the first occupation of the first Dwelling.
<b>Travel Plan Monitoring Fee</b>	£1500 per annum for five years	Agreed		
<b>Highway Contribution to Strategic Road Network via S278 with Highways England</b>	Memorandum of Understanding contribution for improvements to trunk road network	N/A	To be secured through a condition of planning permission	n/a
<b>Ruddington Parish Council</b>	<p>A sum of £69,125 towards the costs of providing a community centre and Parish Office in the centre of the village is sought.                      The sum of £100,000 to enhance and improve the facilities and public</p>	Financial contribution To Parish Council for improvements to Sellors Fields.	<p>Community Centre/Parish Office - Parish Council receive a receipt of a proportion of the CIL liability.</p> <p>A contribution of £93,353 is proposed for improvements as set out</p>	<p>Community centre and Parish Office CIL liable</p> <p>TBC for contribution for play contribution.</p>

Item/Policy	Detail/requirement	Developer proposes	RBC proposes	Trigger
	open space at Sellors Field.		above in the section on equipped play space.	
<b>Monitoring Fee</b>	S106 monitoring costs of £273 per principal obligation multiplied by the number of years over which monitoring will be required		To be determined once final heads of terms are agreed	Payable prior to commencement of development.
<b>Indexation</b>	All S106 financial contributions subject indexation – BCIS All In Tender Prices Index			
<b>Legal Costs</b>	TBC			



**Application Number: 19/001983/REM**  
**Asher Lane, Ruddington**



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# 19/01983/REM

**Applicant** Mr Aaron Grainger

**Location** Land North Of Asher Lane Ruddington Nottinghamshire

**Proposal** Reserved matters application for outline permission 18/00300/OUT to seek approval of the access, appearance, landscaping, layout and scale for the development of 175 new dwellings

**Ward** Ruddington

## THE SITE AND SURROUNDINGS

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

## DETAILS OF THE PROPOSAL

4. The application seeks approval of the following matters; access, appearance, landscaping, layout and scale, which were reserved following the granting of outline planning approval, on appeal, for the erection of 175 dwellings. Access to the site would be via 75 Musters Road (followings its demolition).
5. The proposal would provide 122 open market houses and 53 affordable units (30%), including 4 bungalows. With the exception of the bungalows, all dwellings would provide two storey accommodation. The proposed housing mix is set out in the tables below:

<b>Market Housing</b>	
Accommodation	Number of Units
3 bedroom semi-detached	14
3 bedroom detached	19
4 bedroom detached	65
5 bedroom detached	24
<b>Total Market Housing</b>	<b>122</b>

<b>Affordable Housing</b>	
Accommodation	Number of Units
1 bedroom terraced	4
1 bedroom semi-detached	4
2 bedroom terraced	6
2 bedroom semi-detached	10
3 bedroom terraced	15
3 bedroom semi-detached	8
4 bedroom semi-detached	2
2 bedroom semi-detached bungalow	4
Total Affordable Housing	53

## **SITE HISTORY**

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

Statutory Replacement Local Plan and the guidance contained within the National Planning Policy Framework, in particular paragraph 123.

8. The 16/03123/OUT application was the subject of an appeal, considered at a Public Inquiry in April 2018. The Inspector subsequently allowed the appeal and made the following observations.
9. With regards to highway issues he concluded that; *“the currently un-adopted status of that part of Asher Lane within the site would not prevent suitable access to the proposed development; that the narrowness of the northern adopted part of Asher Lane within the village would be unlikely to give rise to a severe impact on highway safety; and that the proposed development would not result in unacceptable congestion at the A60 junction in the absence of any mitigation scheme there. I acknowledge that there may be a necessity at the High Street junction to prevent parking and servicing near to the junction and that this will cause inconvenience and possibly some loss of passing trade to the shop premises in the vicinity of the junction. But the highway impact of this, in terms of capacity at this junction as well as pedestrian safety and convenience would not only mitigate the impact of the traffic from the proposed development but would actually provide betterment and this would outweigh any such impacts. For these reasons I conclude that the proposed development would not result in severe residual cumulative impacts on the local highway network.”*
10. With regard to the Green Belt issues, he stated that; *“There would clearly be harm to the Green Belt by inappropriateness, loss of openness and some incursion into the countryside to the south of the village. But such harm would be minimal in terms of the five purposes of the Green Belt set out in the NPPF and the criteria in Core Strategy Policy 4. The harm would be less than that created by the development of the Council’s preferred sites, which in themselves attest to the need to develop Green Belt sites on the edge of Ruddington. There is no other harm that would arise from the proposed development, given my conclusion that it would not result in severe residual cumulative impacts on the local highway network. In my judgement the harm to the Green Belt by reason of inappropriateness, loss of openness and incursion into the countryside would be clearly outweighed by these other considerations and very special circumstances have been successfully demonstrated. The proposed development would accord with the Council’s spatial strategy in Core Strategy Policy 3, which requires a minimum of 250 new homes in Ruddington within the plan period (to 2028). This can only be achieved by building in the Green Belt and in this respect the proposal would accord with the direction of the emerging Local Plan Part 2, albeit not on the likely favoured sites. For these reasons the proposed development would comply with Core Strategy Policies 3 and 4, albeit this decision does not change existing Green Belt boundaries. It would comply with NPPF Chapter 9 (now Chapter 13), specifically with paragraphs 80, 87 and 88, and therefore also with Policy EN14 of the Replacement Local Plan which has the same requirements.”*
11. With regard to the third reason for refusal on noise grounds, prior to the Public Inquiry, the agents submitted a revised Noise Assessment Report which concluded that, subject to acoustic glazing, passive ventilation and close boarded acoustic fencing, noise from the nearby kennels would not unduly harm the living conditions of future residents of the development.

12. 18/00300/OUT – a further outline planning application for 175 dwellings was submitted in February 2018. The application was in all respects the same as that allowed on appeal, except for the indicated location of the proposed vehicular access being via 75 Musters Road, as opposed to Asher Lane. This application was refused by Planning Committee for the following reasons;
  - i The proposed access arrangements to the development would give rise to unacceptable impacts on the amenities of the properties immediately adjacent to the proposed access (73 Musters Road and 1 Western Fields), and properties in the wider area fronting Musters Road and Distillery Street, by reason of noise and disturbance from increased vehicle movements and traffic generation. Therefore, the proposal is contrary to Policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan and policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy. The proposal would also be contrary to paragraph 127 of the National Planning Policy Framework 2018, particularly criterion a) and f).
13. The applicants subsequently submitted an appeal, which was considered by way of written representations. The appeal was allowed and outline planning permission was granted for the erection of 175 dwellings with all matters reserved.

## **REPRESENTATIONS**

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

14. One Ward Councillor (Cllr Walker) objects to the proposal and considers that the density of the buildings make the development over-intensive. The affordable houses are too small. There are also concerns that not all of the roads will be constructed to an adoptable standard which could lead to issues with maintenance in the future.
15. Cllr Walker subsequently reiterated her objection and provided clarification that the traffic objection is to do with the works traffic, and subsequent resident traffic, that will be going through our village. The possible damage to Conservation Area that will be caused due to the lack of decent accessibility.

### **Town/Parish Council**

16. The Ruddington Parish Council object to this application on the following grounds:
  - a. The density of the buildings make the development over-intensive.
  - b. The affordable houses are too small.
  - c. The design of the houses should be more in keeping with existing properties in the village.
  - d. There are also concerns that not all of the roads will be constructed to an adoptable standard which could lead to a lack of maintenance in the future.

## Statutory and Other Consultees

17. Nottinghamshire County Council as Highway Authority advise that the principle of the proposed site access arrangement was considered and accepted as part of the outline application (18/00300/OUT), granted on appeal. This will be subject to technical approval under the Section 278 process.
18. They reviewed the internal layout of the site and advise that the following points should be addressed before the Highway Authority can recommend approval of the application:
  - As the proposal involves a single point of access, a carriageway width of 6.75m will be required for the initial access road, to the point at which it branches off within the development. This is to prevent the development becoming blocked in the event of an incident.
  - Appropriate vehicular visibility splays at the internal junctions and forward visibility splays on the bends are required to be shown within the development in accordance with current Nottinghamshire's Highways Design Guide (HDG). There shall be no planting within these visibilities or these areas can be shown as part of the future footway. It is noted that the layout plan submitted illustrates hedges/trees adjacent to all junctions, and if left unmaintained these will impact on visibility.
  - Carriageway widening will be necessary on the bends in accordance with current HDG.
  - The layout includes long straights, and gradual curves. Traffic calming will be required in accordance with HDG.
  - Swept path analysis will be required to confirm a refuse vehicle can manoeuvre through the development.
  - Some of the turning heads around the perimeter of the site detail the carriageway immediately abutting green space. These should be amended to include service strips.
  - 2.0m x 2.0m pedestrian visibility splays on both sides of each vehicular access that crosses a footway shall be shown on the plans with no planting or structures permitted within these visibilities over 0.6m high. It is noted that the layout plan submitted details hedging/trees obstructing pedestrian visibility splays, and this should be amended.
  - Bin collection points will need to be provided at the entrances to all private drives, and these should be indicated on the layout plan. The location of these must not impact on the pedestrian visibility splays required.
  - It is noted that some of the proposed off-street parking spaces are shown as substandard in width to the requirements in current HDG. Any unobstructed parking space shall be min. 2.4m wide, a parking bay obstructed on one side by a wall, hedge, fence or similar obstruction shall be shown as min 2.9m wide, and any bays obstructed on both sides, shall be min. 3.4m wide. The applicant will need to check the plan and amend each parking bay that is substandard in its dimensions.
  - The private drive widths should be designed appropriate for the number of dwellings served, in accordance with Figure DG20 of HDG.
  - Some of the shared private drives appear to be provided with insufficient manoeuvring space. A minimum of 6m reversing space should be provided to the rear of all parking spaces.

19. Following the submission of revised plans, the Highway Authority advise that they are now content with the layout as proposed and recommend conditions. They also advise that the layout of the internal roads will be subject to a technical approval checking process as part of a section 38 agreement of the Highways Act 1980. It should be noted that some minor changes may be required in order to satisfy the detailed technical requirements of the Section 38 road adoption agreements.
20. Highways England advise that the proposals will have no material impact upon the Strategic Road Network (SRN). As such Highways England have no further comments to make.
21. East Midlands Airport – raise no aerodrome safeguarding objections and recommend conditions in respect of temporary or permanent street lighting and that measures should be secured to control excessive dust and smoke. In addition, they recommend informatives, including advising the developer of the need to engage with EMA Safeguarding prior to construction commencing on site and that any tall equipment or cranes may require a permit
22. Trent Valley Internal Drainage Board advise that the site is outside of the Trent Valley Internal Drainage Board district but within the Board's catchment. There are no Board maintained watercourses in close proximity to the site. Under the provisions of the Flood and Water Management Act 2010, and the Land Drainage Act 1991, the prior written consent of the Lead Local Flood Authority, Nottinghamshire County Council, is required for any proposed works or structures in any watercourse outside those designated main rivers and Board Drainage Districts. Surface water run-off rates to receiving watercourses must not be increased as a result of the development. The design, operation and future maintenance of site drainage systems must be agreed with the Lead Local Flood Authority and Local Planning Authority.
23. All drainage routes through the site should be maintained both during the works on site and after completion of the works. Provisions should be made to ensure that upstream and downstream riparian owners and those areas that are presently served by any drainage routes passing through or adjacent to the site are not adversely affected by the development. Drainage routes shall include all methods by which water may be transferred through the site and shall include such systems as “ridge and furrow” and “overland flows”. The effect of raising site levels on adjacent property must be carefully considered and measures taken to negate influences must be approved by the Local Planning Authority.
24. Nottinghamshire County Council as Lead Local Flood Authority raise no objection and recommend the approval of the reserved matters application. Any surface water management conditions on the outline approval will still require discharging.
25. Notts County Council Planning Policy advise that they do not have any strategic planning comments to make at this time.
26. The Borough Council's Community Development Manager suggests that based on 175 dwellings and an average of 2.3 residents per dwelling this

equates to 402 new residents which will create additional demand which can't be met by existing provision.

27. Children's play - For Children's play on site provision of equipped play space Local equipped area for Play (LEAP) equivalent of 0.25 hectares per 1,000 = 0.1005 hectares is required. With regards the siting and location of the play area proposed, attention is drawn to The Fields in Trust National Playing Fields Association General Design Principles Guidance which recommends that that play areas should be sited in open, welcoming locations and visible from nearby dwelling or well used pedestrian routes. The current location of the public open space play is adjacent to what appear to be a balancing pond. A detailed play area design scheme should be submitted prior to final approval of this development. The plan should detail the amount, type of play equipment, safety surfacing, fencing, benches, bins, layout of play equipment, mitigation of hazards prior to final approval. For the avoidance of doubt the play area needs to be sufficient in size to cater for both toddlers and junior residents allowing for challenge and progression through their development stages.
28. Unequipped play/amenity public open space - as a new site, provision should be made for on site unequipped play space of at least 0.55 per 1000 population = 0.2211 hectares. The substantial linear area of public open space in the west and north of the site should include trim trail equipment and areas for informal recreation such as walking and picnicking. A design and access statement should be provided which includes these details prior to formal approval. The linking paths should be 3 metres wide to allow for pedestrians and informal cycling.
29. Community Infrastructure Levy (CIL) for indoor and outdoor sports - This site is liable for a CIL contribution towards indoor and outdoor sports provision.
30. Allotments - The Rushcliffe Borough Council Leisure Facilities Strategy 2017-2027 requires 0.4 hectares of provision for allotments per 1,000 population. Ruddington Parish Council are currently operating a waiting list. The new development will impact upon current provision and therefore the new development needs to mitigate this by providing 0.1608 hectares for allotments. If an onsite provision is unachievable an offsite contribution of £12,775 would be sought.
31. The Borough Council Environmental Health Officer comments that within the outline planning permission are conditions to require the applicant to submit a construction management plan and also noise mitigation measures. As these are on the outline planning approval, they are not required to be recommended at this reserved matters stage. Therefore, no objections are raised and no further conditions recommended.
32. The Borough Council's Environmental Sustainability Officer notes that a Landscape Strategy Plan has been submitted, this provides illustrative landscaping with examples of species proposed. This appears to be within the layout of the Illustrative Masterplan, supplied during the application, (as amended through the change of access), however as it does not specify detailed species to be used and where, he is unable to recommend that condition 1 has been fulfilled. He also notes no documentation has been

submitted to fulfil condition 6, 16 or 17 of the Schedule of Conditions from the Appeal Decision.

33. Rushcliffe Borough Council Strategic Housing comment that the revised plan that has been submitted includes 2 x 2 bed bungalows for Affordable Rent and 2 x 2 bed bungalows for Social Rent, the previous plans did not include any bungalows. This revision is supported as it addresses the concerns over the lack of provision of accommodation for the elderly. The revised affordable housing mix as shown is more in line with the Council's requirements. There has also been some revision of the affordable housing plots to improve the degree of pepper potting of the affordable units. The revised plan is an improvement on the previous iteration. Ideally, there should be further pepper potting to ensure a more integrated development but there would be no overall objection to the scheme from a strategic housing perspective as the plans are broadly in line with the Council's requirements.

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

34. The application has attracted a total of 51 representations from local residents (some households submitting more than one representation), with one representation in support of the proposals, one representation neither supporting or objecting to the proposals and 49 representations objecting to the proposals. The comments and concerns raised are summarised as follows:
- a. Traffic generation in the village and within the vicinity of the site, leading to congestion and highway safety issues. Object to access over Distillery Street.
  - b. Proposed junction with Musters Road substandard. Concerns for highway safety and safety of children in area.
  - c. Impact of traffic on property adjacent access, which effectively becomes corner plot.
  - d. Two access points should be provided (Musters Road and Asher Lane).
  - e. Layout bears little resemblance to outline plans.
  - f. Plans refer to drain along northern boundary, not aware that this exists.
  - g. Concerns over drainage.
  - h. Access crosses culvert, not constructed to withstand such weight, if this collapsed would adversely affect a number of residents.
  - i. Housing shown to be closer to northern boundary and existing properties with reduced landscape buffer – adversely impacting on existing residents.
  - j. Inadequate landscaping – landscaping needed to form buffer between proposed dwellings and existing properties. Obligation needed to ensure any trees that die within first three years are replaced.



- k. Plans show two areas of affordable housing crammed together – insufficient plot size, need to spread more evenly to avoid creating ‘ghetto like’ areas.
- l. Wrong location for housing.
- m. Liability for maintenance of open spaces.
- n. No play area shown.
- o. Development will lead to heavy vehicles in village, restrictions needed on weight/size of vehicles and timing of movements.
- p. Need 4 and 5 bedroom houses in village.
- q. Disappointed over approved access.
- r. Infrastructure in village cannot support more houses.
- s. Size of development will impact on quality of life in village.
- t. Previous objections overruled. Residents feel that their previous objections have been ignored and question whether process is democratic.
- u. No bungalows proposed.
- v. Average density of the proposal is 11 properties to acre. Affordable houses are at 16.85 dwellings per acre with family homes at more generous 9.5 dwellings to the acre.
- w. Location of affordable housing will impact on existing residents.
- x. Layout suggests social segregation not integration.
- y. Play area near pond raising safety concerns for children.
- z. To what extent will houses incorporate energy efficient standards.
- aa. Not clear if Avant Homes own all the land, if not notices should have been served.
- bb. Site is currently farmland which should be preserved. Impact on existing allotments.
- cc. Enforced 20mph speed limit for this area and Ruddington as a whole needed.
- dd. Green Belt is building plot in waiting.
- ee. Impact in wildlife and ‘eco structure’.
- ff. Decision in advance of adoption of Local Plan Part 2 premature.

- gg. Requirements of the development should align with Neighbourhood Plan.
35. A number of residents refer to objections (submitted in connection with previous outline applications 16/03123/OUT and 18/00300/OUT) without reiterating them in their latest submission. These representations are available on the Borough Councils website.

## **PLANNING POLICY**

36. The Development Plan for Rushcliffe consists of The Rushcliffe Local Plan Part 1: Core Strategy (referred to herein as 'core strategy') and the Local Plan Part 2: Land and Planning Policies, which was adopted on 8 October 2019. The Rushcliffe Residential Design Guide is also relevant to the consideration of this application.
37. The whole of the Ruddington parish was designated as a Neighbourhood Area in October 2017. The Parish Council has recently completed the initial stage of consultation prior to the plan being submitted to the Borough Council for further consultation and examination. The plan is therefore in the early stages of preparation and can be afforded only limited weight.

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

38. The relevant national policy considerations for this proposal are those contained within the 2019 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. 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.
39. 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.”

40. 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.”*
41. 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.

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

42. The following policies of the Rushcliffe Local Plan Part 1: Core Strategy are considered to be of relevance:
- Policy 1 – Presumption in Favour of Sustainable Development
  - Policy 2 – Climate Change
  - Policy 3 – Spatial Strategy
  - Policy 8 – Housing Size, Mix and Choice
  - Policy 10 – Design and Enhancing Local Identity
  - Policy 14 – Managing Travel Demand
  - Policy 17 – Biodiversity
43. The following policies of the Rushcliffe Local Plan Part 2: Land and Planning Policies (LPP2) are considered to be of relevance:
- Policy 1 – Development Requirements
  - Policy 12 – Housing Standards
  - Policy 18 – Surface Water Management
  - Policy 37 – Trees and Woodlands
44. Policy 6.4 – Housing Allocation – Land North of Asher Lane, Ruddington is of particular relevance to the current proposal. The policy allocates the site for a development of around 175 homes and sets out criteria that the development will be expected to meet. The requirements of this policy are discussed in further detail in the Appraisal section below.
45. The policies in the Core Strategy and Local Plan Part 2 which are of particular relevance to the current application will be expanded upon and included in the assessment of the proposal below. The policies are available in full along with any supporting text on the Council’s website at:  
<https://www.rushcliffe.gov.uk/planningpolicy/localplan/>.

### **APPRAISAL**

46. The principle of developing the site for residential purposes has been established through the grant of the outline planning permission and allocation of the site in Local Plan Part 2. In considering the first appeal, the Inspector also had regard to highway matters and the impact of traffic likely to be generated by the development on the wider highway network in the area. On

the issue of highway impacts, the Inspector concluded that, subject to implementation of offsite highway improvements, the proposed development would not result in severe residual cumulative impacts on the local highway network. In dealing with the subsequent appeal, the Inspector commented that there was no substantive evidence to suggest that the scheme previously approved would not be implemented should the appeal fail and that there was, therefore, more than a theoretical possibility that it would be implemented. He therefore attached significant weight to the valid fall-back position and focussed his attention on the main difference between the fall-back scheme and the appeal scheme before him which involved access from Musters Road.

47. As matters of the principle of the development and impact of the development on the highway network were examined through the appeal process and found to be acceptable, the main considerations in the determination of the current application are as follows:
- Compliance with Policy 6.4 of Local Plan Part 2 (LPP2)
  - Assessment of the reserved matters, namely access, layout, scale, appearance and landscaping

#### Compliance with Policy 6.4

48. Two previous appeals to the planning Inspectorate against the refusal of planning permission for the development of this site with 175 dwellings, the first with access from Asher Lane and the second with access from Musters Road, involving the demolition of an existing property. In light of the decision to grant planning permission at appeal, the site was allocated in the Local Plan Part 2 and the site was removed from the Green Belt. Policy 6.4 of LPP2 sets out criteria that proposals will be expected to satisfy. These are discussed below in further detail.
49. a) Asher Lane must be brought up to adoptable highway standard, including the provision of a footpath along its entire length – the first application proposed access from Asher Lane and was allowed at appeal on 23 May 2018. As a consequence, the site was included for allocation at the Main Modifications stage (consulted upon from late May until early July 2019) of the preparation of LPP2 and the criteria within the policy reflect proposals contained within that submission. Planning permission was subsequently granted at appeal with alternative access proposed from Musters Road, involving the demolition of an existing property. This subsequent appeal was allowed on 13 June 2019, at an advanced stage in the preparation of LPP2. The site could effectively be developed pursuant to either of the outline permissions. However, the current application for approval of reserved matters has been submitted pursuant to the more recent approval of outline planning permission, with access from Musters Road, and as such, the requirement for Asher Lane to be brought up to an adoptable highway standard, including the provision of a footpath along its entire length, are not considered to be necessary.
50. b) appropriate junction Improvements including traffic signals to the High Street/Kirk Lane/Charles Street junction and the A60/Kirk Lane/Flawforth Lane junction – the outline planning permission was granted subject to a condition specifying that, prior to any dwellings being occupied, offsite highway improvements shall be completed, including junction Improvements to the High Street / Kirk Lane / Charles Street junction and the A60 / Kirk Lane / Flawforth

Lane junction, in accordance with details which shall first be submitted to and approved in writing by the Borough Council. Details are yet to be submitted to discharge this condition, however, none of the dwellings could be occupied until such time that these works have been completed.

51. c) mitigation of on-street car parking on Asher Lane, between Musters Road and Distillery Street – the condition referred to in paragraph 50 above also requires the provision of measures for the mitigation of on-street car parking on Asher Lane, between Musters Road and Distillery Street. Details of such measures are yet to be submitted, however, this condition will need to be discharged independently of the consideration of the current application and the measures will need to be provided before any dwellings on the development could be occupied.
52. d) existing trees and hedges must be retained – the site has a long established use for agricultural purposes and as such the main body of the site does not contain any trees, all hedgerows and trees are restricted to the boundaries of the site. Condition 7 of outline planning permission requires that, with the exception of the sections to be removed to enable the provision of the vehicular and pedestrian access points, the hedgerows located along the southern, western and northern boundaries of the site shall be retained. In addition, the condition specifies that any part of the hedgerows removed, dying, being severely damaged or becoming seriously diseased shall be replaced. The site layout plan shows the retention of natural growth on the boundaries of the site and the Landscape Strategy plan shows new planting within the site. The plan does not specify size and species of planting and a condition is recommended to secure these details.
53. e) a financial contribution to a package of improvements for the A52(T) between the A6005 (QMC) and A46 (Bingham) – the outline planning permission was subject to a condition specifying that, no development shall take place until such time that an appropriate agreement under Section 278 of the Highways Act 1908 has been entered into with Highways England to facilitate improvements to junctions on the A52. The financial contribution for these works would be collected by Highways England through the Section 278 agreement.
54. f) development should be consistent with other relevant policies in the Local Plan. The relevant policies are referred to below in appraising the development.

#### Reserved Matters

55. Access - Policy 1 of LPP2 (Development Requirements) sets out requirements for developments and a set of criteria that development will be expected to meet. In particular, 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. The principle of access from Musters Road was established when the application for outline planning permission was considered and granted at appeal. At that stage, access was reserved for subsequent approval. The plans accompanying the current application show a detailed access layout, which has been subject to consideration by the Highway Authority. Following submission of initial comments by the Highway

Authority, revised plans have been submitted to address initial concerns raised with the proposal. This has included widening of the initial section of the access road to a width of access road to 6.75 metres, in accordance with the requirements of the Highway Authority. The final design of the junction with Musters Road and the access road will need to be subject to a separate technical approval process with the Highway Authority. This will deal with matters such as construction, gradients, height of kerbs etc. Fundamentally, for the purpose of considering this application, the principle of the access and layout are considered to be acceptable and compliant with the requirements of Policy 1 of LPP2.

56. Layout – Policy 8 (housing Size, Mix and Choice) of the Core Strategy, amongst other things that new residential developments provide a proportion of affordable housing, in the case of Ruddington the level of affordable housing required would be 30% of the total number of dwellings proposed. The obligations within the Section 106 agreement associated with the outline planning permission requires the provision of 30% affordable housing. Furthermore, the current proposal includes the provision of 53 affordable dwellings, equating to 30.3% of the total number of dwellings being provided. Therefore, the proposal is compliant with this aspect of Policy 8. The policy does not specify how this housing should be distributed throughout the development but, in general, there is an expectation that the dwellings will be ‘pepper potted’. In this instance, the units are concentrated in two general areas. However, whilst the units could be better distributed throughout the development, the road layout is such that the units front different roads and parking courts and are not all located on the same road. This layout has been the subject of discussions with the Strategic Housing team and the layout is considered to be acceptable. The Section 106 associated with the outline planning permission requires the submission of an affordable housing scheme which will provide/confirm details of the numbers, locations, specification and mix, and method and programme for securing the provision of the affordable housing.
57. Chapter 3 of LPP2 deals with Housing Development and Housing Land Supply. Paragraph 3.12 explains how the supply of dwellings has been calculated with reference to the capacity of sites, expressed as dwellings per hectare. As a starting point, for sites in excess of 3 hectares, a gross density of 20 dwellings per hectare has been used. The application site at Asher Lane has a gross area of approximately 9.68 hectares. The resultant gross density would be approximately 18.1 dwellings per hectare. The layout provides for appropriate levels of private amenity (garden) space and public open space for use by residents. Therefore, notwithstanding the comments from the Ward Councillor, the Parish Council and local residents, the development is not considered to be over-intensive.
58. The criteria within Policy 1 of LPP2 (Development Requirements), referred to above, requires that there should be no significant adverse effect upon amenity, particularly residential amenity of adjoining properties or the surrounding area, by reason of the type and levels of activity on the site, or traffic generated; and sufficient space is provided within the site to accommodate the proposal together with ancillary amenity and circulation space.

59. The site is bounded only to the north by existing properties which front Musters Road and Western Fields. To the east is an open field with allotments beyond, to the south is Asher Lane beyond which is the Rushcliffe Country Park and to the west the site is bounded by a public footpath with open countryside beyond. Concern has been expressed that the development would have an adverse impact on properties to the north of the site. In particular, concern has been raised that the plan submitted with the outline submission showed a buffer area between the existing and proposed houses and that this has been reduced significantly in width on the plans which accompany the current submission. The plan submitted at the outline stage was submitted for illustrative purposes only, although condition 1 of the permission granted at appeal specified that the application for reserved matters shall be in accordance with the parameters set on the illustrative Master Plan. This showed a strip of land along the northern boundary, between the proposed dwellings and northern boundary, adjoin properties on Musters Road, of around 10 metres. The area as shown on the plans submitted with the current application to be around 5 to 6 metres wide. This is not considered to be considerably narrower or to have significant implications for the impact of the proposed dwellings on the properties along Musters Road.
60. A number of the properties along the northern edge of the development are orientated with their gable end facing the boundary, including two pairs of semi-detached bungalows. The distance between the gable ends of the bungalows and the boundary would measure around 7.5 metres (a minimum of approximately 20 meters to the rear elevation of properties on Musters Road) and the minimum distance between the gable end of the two storey properties and the boundary would measure approximately 10 metres (a minimum of approximately 28 meters to the rear elevation of properties on Musters Road). The house type plans show that there would be no habitable room windows in the side elevation of these properties, any windows would be limited to first floor windows service landings.
61. The layout includes a number of dwellings on the northern edge of the development with the rear elevations facing north and intervening garden spaces between the dwellings and buffer strip. The minimum distance between the rear elevation of these dwellings and the boundary of the site would be 13.5 metres and the distance between the rear elevation of the proposed dwellings and the rear elevation of the dwellings on Musters Road would be a minimum of around 28 metres. Given the distances involved and arrangement of windows, it is not considered that the proposed development would result in overbearing or unacceptable overlooking or loss of privacy. The area in the north west corner of the site, adjacent the rear boundaries of properties on Western Fields, is shown as open space, incorporating the attenuation basin, which would form part of the sustainable urban drainage system. There would be no built form in this area, close to the boundary, and as such, there would be no over-bearing or overlooking impacts on these properties.
62. Concern has been expressed that the access to the site would have an adverse impact on the amenities of the occupiers of the dwellings adjacent to the access road. This factor was considered by the Inspector who identified the main issues in determining the appeal were, inter alia, "*... the effect the proposed development would have on the living conditions of the occupiers of No.73 Musters Road and No.1 Western Fields (No.73 & No.1) ... with particular*

*regard to noise and disturbance from vehicle movements and traffic generation.” In considering this issue, he noted that “The Council’s EHO was satisfied with the findings of the July 2018 NA and advised the Council that a condition be imposed to ensure implementation of the recommended mitigation measures set out in that NA. These measures would include the erection of a 2 metre high acoustic fence along the side boundaries of No.73 & No.1 as well as around their rear gardens and those of the properties next to them.” He concluded that “... with the implementation of appropriate noise mitigation measures which can be conditioned, there would not be unacceptable harm to the living conditions of the occupiers of No.73 & No.1 ...” He imposed a condition requiring the submission of a scheme for the erection of a 2m high acoustic fence along the side boundaries of No.73 & No.1 as well as around their rear gardens and those of the properties next to them.*

63. The layout would make provision for open space, amounting in total to an area of around 25,500 sqm (2.5 hectares), the majority of which, approx. 22,000 sqm (2.2 hectares), would be located along western/southern side of development. The Community Development Manager advises that an area of unequipped play of approximately 0.22 hectares should be provided, such an area should be suitable for children’s play. Therefore, areas which are narrow or incorporate the attenuation basin would need to be deducted from total area. Even when deducting areas not suitable for children’s play, including the area that would be occupied by attenuation basin, the development would provide well in excess of the 0.22 hectares required. Furthermore, the site is located in closed proximity with and having good links to the Rushcliffe Country Park. It is considered that the proposal is compliant with this aspect of Policy 1 of LPP2.
64. Appearance and Scale – Policy 10 of the Cores Strategy relates to matters of Design and Enhancing Local Identity. The policy requires that, amongst other things, all development should be designed to make a positive contribution to the public realm and sense of place; create an attractive, safe, inclusive and healthy environment; and reinforce valued local characteristics. Furthermore, in the context of the appearance and scale of the development, the policy requires that proposals are assessed in terms of the massing, scale and proportion of the development and the materials, architectural style and detailing of the buildings.
65. Policy 1 – Development Requirements of Local Plan Part 2 sets out criteria that developments will be expected to meet. Of relevance to the appearance and scale of the development, the policy requires that the scale, density, height, massing, design, layout and materials of the proposal is sympathetic to the character and appearance of the neighbouring buildings and the surrounding area.
66. Ruddington is characterized by buildings of varying age, style and design. The historic core of the village is characterised predominantly by buildings from the nineteenth and early twentieth centuries. Ruddington has expanded over the years with a wide variety of housing types and designs. The site is bounded to the north by Musters Road and Western Fields with properties built during the latter half of the twentieth century. These properties are of varying designs and appearance. It is considered that, overall, there is no prevailing character within the village. The proposed dwellings would be of traditional design and, with the exception of four bungalows, would all be two storeys in height. It is



considered that the dwellings would be sympathetic to the varied character and appearance of buildings found within the village.

67. It is proposed to use two bricks throughout the development, Forterra Atherstone Red with red engineering bricks for feature bricks and Forterra Measham – Hampton Rural Blend with blue engineering bricks for feature bricks. The engineering bricks would be used to pick out details such as window heads, corner features and string courses. The brick choice would result in a predominance of red brick throughout the development, the Atherstone having a single colour across the face of the brick with a flat finish and the Hampton Rural Blend having more of a mottled appearance with a textured finish. The concrete roof tiles would have a flat profile with thin leading edges, giving a slate like appearance, in dark grey and brown. Some render is proposed, as detailed in the house type brochure submitted with the application, typically to first floor projecting gables on front elevation.
68. The layout (materials) plan also provides details of the means of enclosure/boundary details across the site. The garden areas to the properties would be enclosed by 1.8m high close boarded fences. The majority of the corner plots would have the outer boundary to the garden (adjacent to the highway) defined by a 1.8m high brick wall. The plan also shows a 0.45m high timber knee rail along the inner edge of the open space, e.g. along the edge of private drives, and also around part of the attenuation basin.
69. Landscaping – Policy 37 (Trees and Woodlands) of LPP2 requires, in relation to new development that; *“Wherever tree planting would provide the most appropriate net-gains in biodiversity, the planting of additional locally native trees should be included in new developments. To ensure tree planting is resilient to climate change and diseases a wide range of species should be included on each site.”* The application was accompanied by a Landscape Strategy plan showing the structure and location of new planting within the site. The plan does not specify size and species of planting and is considered that these details can be secured by a condition, should the application be approved.

#### Other Matters

70. Requirements of previous permission - the requirements and conditions of the relevant outline planning permission (ref: 18/00300/OUT) and the associated section 106 agreement remain enforceable against this development. To date, a submission has been received to discharge condition 17 of the outline planning permission in respect of archaeology. Clearly all other conditions will need to be discharged/complied with in accordance with the relevant triggers.
71. The section 106 agreement in respect of the outline planning permission requires that 30% of the dwellings are affordable, in accordance with the requirements of Policy 8 of the Core Strategy (Housing Size, Mix and Choice). In addition, the section 106 requires the payment of financial contributions in respect of health care, library stock, primary school education, secondary school education, sports facilities, transport and a monitoring contribution. Other obligations relate, amongst other things, to the provision and maintenance of open space and an equipped play area.

72. The Community Development Manager has commented on the current submission and requested that contributions are sought for allotment provision. In addition, he has commented that this site is liable for a CIL contribution towards indoor and outdoor sports provision. However, the section 106 obligations and contributions were agreed at the outline planning permission stage and additional contributions cannot be sought in response to an application for approval of reserved matters. Furthermore, the outline planning permission was granted before the adoption of the Community Infrastructure Levy (CIL) and would not, therefore, be CIL liable. Nevertheless, the section 106 obligations require the payment of circa £80k towards the provision and/or improvement of sports pitches and changing facilities un Ruddington.
73. Concern has been raised over the impact of drainage from the development. The outline planning application was accompanied by a Flood Risk Assessment which incorporated a drainage strategy. The application was the subject of consultations with the Environment Agency and the Nottinghamshire County Council as Lead Local Flood Authority, both organisations did not object to the proposals, subject to additional details of the drainage scheme being provided. In allowing the appeal, the Inspector imposed a drainage condition requiring layout and specifications for the surface water drainage system. The plans show an attenuation basin and swales in the north western corner of the site. The condition of the outline is yet to be discharged. However, the principle of a sustainable urban drainage system and the requirements of the Lead Local Flood Authority is that the surface water run-off from the development should be no greater than green field run off rates and that there would be betterment over and above the existing situation, prior to the development of the site.
74. The section 106 agreement which is associated with the outline planning permission defines the open space as “... *those parts of the land which are to be provided and permanently maintained as open space (including the Play Area and any Sustainable Drainage System) to serve the development ...*” The obligations within the S106 require the submission of an Open Space Scheme which shall include the timing, location and method for securing the provision, permanent availability, management and maintenance of the open space. This should ensure that the open space is appropriately maintained in the long term.
75. The plans show the provision of a Local Equipped Area of Play towards the north western corner of the site, within the area between the access road and attenuation basin. The Community Development Manager draws attention to the Fields in Trust National Playing Fields Association General Design Principles Guidance which recommends that that play areas should be sited in open, welcoming locations and visible from nearby dwellings or well used pedestrian routes. The play area would be overlooked by a number of the new dwellings, providing surveillance to the area, and the plans indicate that it would be accessed and located on a footpath that runs around ... the development. It is therefore considered that the proposals are compliant with the guidance referred to above. The Community Development Manager has suggested that the details of the play equipment should be provided before the determination of the application, however, this is not considered to be necessary. Furthermore, the Section 106 agreement requires that an open space scheme should be submitted before development commences on site and this should include details of the play area and the timing of its provision.

76. Concern has been expressed that not all the roads on the development would be constructed to an adoptable standard. The layout does show some houses accessed over what would be described as private driveways, i.e. a road/shared surface that serves a small number of dwellings. Such driveways would not normally be adopted by the Highway Authority, however, such features are not uncommon on modern estates. The maintenance of such driveways would be a matter to be addressed through the conveyance of the dwellings that would gain access over such driveways.
77. East Midlands Airport raised no safeguarding objection but recommended conditions in respect of temporary or permanent street lighting and that measures should be secured to control excessive dust and smoke. Any street lighting within the areas to be adopted by the Highway Authority would need to be designed to the British Standard BS:5489, which controls levels of spill and direction, and would therefore normally be designed and capped to avoid any glare directly upward. It is not, therefore considered necessary to seek to control the design of such lighting through a condition. However, other lighting, such as any on private drives or security lighting could be controlled by a condition. With regard to the issues of dust and smoke, the outline planning permission was the subject of a condition requiring the submission of a construction management plan which, amongst other things, included a requirement to provide details of measures to control dust but not smoke. However, whilst the proposal would involve the demolition of 75 Musters Road, there is no significant demolition required to develop the site and unlikely to be any need to burn materials on site, as such the risk of significant smoke being generated is therefore considered to be low. Furthermore, it is in any event considered that such restrictions may not be enforceable under the planning legislation. As an alternative, it is recommended that a note to applicant is included on any decision notice highlighting that the site is in close proximity to flight paths for East Midlands Airport and that the burning of material on site should be resisted to avoid significant smoke which might interfere with aircraft on approach to the airport.
78. The proposal was not the subject of a formal pre-application submission, however, discussions have taken place with the applicant's agent during the consideration of the application to clarify certain aspects of the proposal and to address potential adverse impacts and technical requirements of the development, including addressing various issues raised by the Highway Authority. As a result of this process, amendments have been made to the scheme, addressing the issues raised.

## **RECOMMENDATION**

It is RECOMMENDED that approval of reserved matters be granted for the access, scale, appearance, layout and landscaping of the development subject to the following condition(s)

1. The development shall be carried out in accordance with the following approved plans:
  - Planning Layout – Drawing Number ASH-SL-001 Rev H
  - External Materials – Drawing Number MUST\_EX\_001 Rev A
  - House Type Brochure – Rev A
  - Landscape Strategy Plan – Drawing Number 9160\_L\_01 Rev A

- Section 278 Layout General Arrangement – Drawing Number 1703-301 Rev A
- Engineering Layout North Plan (detailing levels) – Drawing Number PA/1703-102 Rev D
- Engineering Layout South Plan (detailing levels) – Drawing Number PA/1703-103 Rev D

[To ensure an acceptable development in accordance with Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

2. Prior to the construction of any dwelling proceeding above foundation level, a scheme for the provision of electric vehicle charging points shall be submitted to and approved by the Borough Council. The scheme shall provide details of the provision of electric vehicle charging points to serve each dwelling on the site. If any plots are to be without provision then it must be demonstrated why the positioning of such apparatus to the external fabric of the dwelling or garage, or the provision of a standalone vehicle charging point would be technically unfeasible or would have an adverse visual appearance on the street-scene. Thereafter, no dwelling shall be occupied until such time as it has been serviced with the appropriate electric vehicle charging infrastructure, where practicable, in accordance with the agreed scheme and the apparatus shall be retained for the lifetime of the development.

[To comply with and to comply with policy 41 (Air Quality) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

3. No building shall proceed above foundation level until such time that a landscaping scheme, to include those details specified below, has 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) functional services above and below ground;
  - (f) all existing trees, hedges and other landscape features, indicating clearly those to be removed; and,
  - (g) the phasing and timescales for planting to take place

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

[To make sure that a satisfactory landscaping scheme for the development is implemented in the interests of the appearance of the area and to comply with policy 16 (Green Infrastructure, Landscape, Parks and Open Space) of the Rushcliffe Local Plan Part 1: Core Strategy].

4. No development shall take place, excluding topsoil strip, earthworks to form balancing ponds and foul sewer diversion, survey works in connection with ecology and archaeology, 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 and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

5. The boundary treatment/means of enclosure, as detailed on the 'External Materials' plan, drawing number MUST\_EX\_001 Rev A, shall be erected prior to the occupation of the respective dwelling(s). In addition, details of the timing of the provision and ongoing maintenance of the timber knee rail shown on the plan shall form part of the open space scheme required pursuant to the Section 106 agreement. The means of enclosure shall be erected pursuant to the approved details and thereafter retained for the lifetime of the development.

[To ensure an acceptable appearance to the development and to comply with Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 1 (Development Requirements) of the Local Plan Part 2: Land and Planning Policies].

6. The flat roof area over the single storey element on the rear of the Welbury house type shall not at any time be enclosed or used as a balcony/roof terrace.

[To safeguard the amenities of neighbouring properties and to comply with Policy 1 (Development Requirements) of the Local Plan Part 2: Land and Planning Policies].

7. The dwellings hereby approved shall be designed and constructed to meet the higher Optional Technical Housing Standard for water consumption of no more than 110 litres per person per day.

[To promote a reduction in water consumption and to comply with criteria 3 of Policy 12 (Housing Standards) of the Local Plan Part 2: Land and Planning Policies].

8. Prior to the occupation, 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].

9. Prior to the installation of any lighting to private drives or 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 avoid unacceptable upward glare/light spillage in the interests of the amenities of the area and to comply with and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

10. No dwelling shall be occupied until the access road and reconfigured junction with Musters Road and Western Fields has been constructed in accordance with the approved plan, Section 278 General Arrangement – Drawing Number 1703-301 Rev A.

[In the interest of highway safety and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

11. No dwelling shall be occupied until the vehicle access, parking, manoeuvring and turning areas for that dwelling have been constructed in accordance with the approved drawings, and are available for use.

[To ensure a suitable access is provided in the interests of highway safety and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

12. No dwelling shall be occupied until the driveway and parking areas associated with that plot have been surfaced in a bound material 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.

[To ensure a suitable access is provided in the interests of highway safety and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order (England) 2015, Schedule 2, Part 1, the garages contained within the housing plots hereby approved shall be kept available for the parking of motor vehicles at all times and the garages shall not be altered, reduced in size or converted to additional living accommodation without planning permission first having been obtained from the Local Planning Authority.

[To ensure the parking provision for each plot is made available at all times for the parking of vehicles to prevent increased on street parking which would cause a detriment to highway safety and to comply with Policy 1 (Development Requirements) of the Local Plan Part 2: Land and Planning Policies].

## **Notes to Applicant**

East Midlands Airport advise that:

- Any Tall Equipment and Cranes used on site may require a permit from EMA Safeguarding, applications via the EMA Safeguarding Website below.
- Any renewable energy sources to be used on site must seek prior approval from EMA Safeguarding.

- A pre-start meeting to be arranged with EMA Safeguarding prior to construction starts.

Email ops.safety@eastmidlandsairport.com with reference number 2019-S29. Web: <https://www.eastmidlandsairport.com/about-us/operational-documents/safeguarding/>

You are advised that the site is in close proximity to flight paths for East Midlands Airport and that the burning of material on site should be resisted to avoid significant smoke which might interfere with aircraft on approach to the airport or cause a danger to aircraft engines.

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.

Condition 7 requires the new dwellings to meet the higher 'Optional Technical Housing Standard' for water consumption of no more than 110 litres per person per day. The developer must inform their chosen Building Control Body of this requirement as a condition of their planning permission. Guidance of this process and the associated requirements can be found in Approved Document G under requirement G2, with the requirements laid out under regulations 36 and 37 of the Building regulations 2010.

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.

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.

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

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.

Section 38 Agreement (Highways Act 1980) - The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the Highways Authority. The new roads and any highway drainage will be required to comply with the Nottinghamshire County Council's current highway design guidance and specification for roadworks. Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the Highway Authority as early as possible.

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

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

Section 278 Agreement (Highways Act 1980) - In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact Jan Witko on telephone number 0115 9774364.



Newton Airfield

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**Application Number: 19/01871/VAR**  
**former RAF Newton**

**scale 1:7000**

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# 19/01871/VAR

**Applicant** Miss Sarah Allsopp & Mr Simon Waterfield

**Location** Land At Former RAF Newton Wellington Avenue Newton Nottinghamshire

**Proposal** Variation of conditions 2, 3, 4, 5, 6, 8, 10, 11, 12, 13, 15, 16, 21, 22, 24, 26, 29, and 43, and removal of condition 41 of 16/02864/VAR to relocate village centre and memorial, remove bus gate, replace play areas with 'hierarchy of play space', removal of TPO trees, relocation of public art focal point, removal of references to 'green squares/squares' and to focal building in village centre, revision to swales/ponds, retention of bridleway in existing alignment, retention of north west car park, and revised access to allotments

**Ward** East Bridgford

## THE SITE AND SURROUNDINGS

1. The site measures some 72.9 Ha and is the former Royal Air Force Station at Newton, located approximately 7 miles east of Nottingham; to the south of the village of Newton; and approximately 1km north-west of Bingham between the A46 and the A6097. The site, until relatively recently, accommodated a wide range of buildings, bunkers and hard standing associated with the former use. With the exception of the tall water tower, the former control tower which has been converted to residential use, and the larger hangars, the former RAF buildings have now been demolished and the site is predominantly cleared save for the trees on site, areas of hard standing and the aforementioned structures. The former grass airfield has reverted to agricultural use but the remnants of former bunkers/training buildings and kennelling are visible on the perimeter of the former airfield.
2. The village of Newton is to the north-east of the site and comprises the older part of the village, which fronts onto Main Road, and the former Ministry of Defence (MOD) housing around the central access road of Wellington Avenue. New residential development has been completed to the south of and served off Wellington Avenue. Access to the proposal site is presently through Wellington Avenue or via the link road (Newton Lane) to the rebuilt Margidvnm roundabout created with the A46 improvements.
3. The site is a strategic allocation in the Rushcliffe Local Plan Part 1: Core Strategy (Policy 22) and was removed from the Nottinghamshire Green Belt when the Core Strategy was adopted in December 2014. Outline Planning Permission was granted in January 2014 (10/02105/OUT) for "...up to 500 dwellings, up to 50 live work units, up to 5.22ha of new employment land (B1, B2 and B8); up to 1,000sqm of space for ancillary A1, A3 and A4 uses and community uses, retention of existing hangars for employment purposes, a perimeter cycle track, provision of land for new primary school and associated public open space, recreation space and landscaping." That outline permission has been subject of several applications seeking to vary the

planning conditions, including application ref: 16/02864/VAR. Details of the planning history is covered below in this report.

## DETAILS OF THE PROPOSAL

4. This Section 73 application seeks to amend 17 of the 43 planning conditions attached to planning permission 16/02864/VAR and to remove one of them. The amendments are predominantly to conditions that reference the design and access statement and the illustrative masterplan. This application seeks permission to amend that masterplan to relocate the “village centre” (retail and community building) and memorial within the development so that they’re more central to the entire village of Newton; to remove the approved (but not yet installed) bus gate at the end of Wellington Avenue; to remove a series of play areas approved throughout the site and substitute them with a single, larger area of play (including formal and informal areas) as well as formal sports pitches all in one location; the felling of 86 protected (TPO) trees, and to relocate the public art focal point.
5. The application also proposes the removal of references to 'green squares/squares' and to 'focal building in village centre', revisions to the swales/ponds, proposes retention of bridleway through the site in its existing (not the approved but as yet unimplemented) alignment, the retention of the north-west car park (to serve the proposed allotments), and revisions to the access to the approved allotments. As a result, a revised Design and Access Statement and Illustrative Master Plan are provided and the applicant seeks to amend the approved conditions to refer to these new documents. The application also seeks to remove a condition that the applicant feel duplicates another condition attached to the previous grant of permission.
6. The proposed revisions to the approved conditions attached to 16/02864/VAR are as follows:
  - a. Condition 2 be varied to permit development of the site in phases by differing developers (i.e. residential and commercial elements) ensuring that the necessary infrastructure is delivered alongside the residential elements whilst allowing the commercial elements to come forward in response to market demand;
  - b. Condition 3 be varied to remove reference to innovative contemporary design as the proposed residential design is traditional;
  - c. Condition 4 be varied to remove reference to the bus gate and to refer to the updated illustrative Master Plan and Design and Access Statement;
  - d. Condition 5 be varied to refer to the updated illustrative Master Plan and Design and Access Statement and allow the residential element to be delivered in advance of the commercial elements;
  - e. Condition 6 be varied to refer to the updated illustrative Master Plan and Design and Access Statement and allow the residential element to be delivered in advance of the commercial elements;
  - f. Condition 8 be varied to refer to the updated illustrative Master Plan and Design and Access Statement. Also remove reference to retaining Bunkers UB2 and UB8 as the Ecology Management Plan notes that these bunkers are flooded to the ceiling since previous surveys were undertaken and therefore no longer offer hibernation opportunities for

- bats. This information has already been accepted under a separate discharged of condition application ref: 19/01054/DISCON;
- g. Condition 10 be varied to refer to the updated illustrative Master Plan and Design and Access Statement with reference to phasing added to ensure the leisure facilities will come forward in a timely fashion in association with the residential units;
  - h. Condition 11 be varied to refer to the updated illustrative Master Plan and Design and Access Statement;
  - i. Condition 12 be varied to refer to the updated illustrative Master Plan and Design and Access Statement;
  - j. Condition 13 be varied to refer to the updated illustrative Master Plan and Design and Access Statement with point c) revised as per previous agreement with the Rights of Way Officer regarding Bridleway 23/Footpath 2 which sit outside the control of the applicants on third party land and point e) which relates to the bus gate;
  - k. Condition 15 be varied to refer to the updated illustrative Master Plan and Design and Access Statement;
  - l. Revise the wording of Condition 16 to refer to the Structures Retention Scheme that has already been formally discharged under application ref: 19/01054/DISCON;
  - m. Condition 21 be varied to clarify that development can proceed in a phased manner;
  - n. Condition 22 be varied to refer to the updated illustrative Master Plan and Design and Access Statement. Also point j) be removed as it refers to “live works units” that were previously varied under application ref: 16/02864/VAR and revise point s) as justification has been provided to demonstrate that Community Hall and Local Centre Units do not need to be assessed against BREEM with a target of very good;
  - o. Condition 24 be varied to allow development to proceed in a phased manner and to require protection of trees/hedges that are outside a phase but that may be impacted by construction traffic to be adequately protected;
  - p. Condition 26 be varied to allow 2.5 storey residential units to be constructed with a maximum height of 10.5m to ridge;
  - q. Condition 29 be varied to clarify that development can proceed in a phased manner;
  - r. Condition 41 (relating to a Detailed Remediation Scheme) be deleted as it duplicates the matters already covered by Condition 18 (Detailed Remediation Scheme); and
  - s. Condition 43 be varied to refer to the updated illustrative Master Plan and Design and Access Statement and remove reference to the footbridge as this is the responsibility of the current landowner and is adequately secured through the S106 agreement.

## **SITE HISTORY**

- 7. Outline planning permission (ref 10/02105/OUT) with all matters reserved was granted in January 2014 for the delivery of up to 500 dwellings; up to 50 live work units; up to 5.22ha of new employment land (B1, B2 and B8); up to 1000sqm of space for A1, A3 and A4 uses and community uses; retention of existing hangars for employment purposes; a perimeter cycle track; provision of land for new primary school and associated public open space, recreation space and landscaping. This application was granted subject to a detailed and complex S106 agreement to deliver infrastructure to serve the development

which included (inter alia) various options for the provision/delivery of a pedestrian footbridge link across the new and old A46, a community center, primary school and an affordable housing mix providing in total 26.6%. This comprised 19.5% as Social Rent Units, 43.5% as Intermediate Housing Units and 37% as Affordable Rented Units.

8. A Section 73 application ref: 15/00583/VAR was granted in July 2015 varying/removing a number of conditions on the original outline permission to enable the demolition of a number of existing buildings on the site prior to discharging pre-commencement planning conditions and also to enable the development to come forward on a phased basis, differentiating between the residential and commercial components and enabling specific conditions to be discharged in respect of the associated phase of development. The application also sought to vary condition 16 to enable the demolition of the water tower. To support this variation, a structural survey was submitted identifying the water tower to be in a poor state of repair.
9. Full planning permission was granted in August 2016 (ref: 16/01236/FUL) for the conversion of RAF Newton control tower to single dwelling (including alterations and extension); change of use of old fire station and workshop to domestic use.
10. A further Section 73 application seeking amendments and removal of conditions 9, 19,39, 40, 41, 42, 2, 3, 4, 5, 6, 8, 10, 11, 12, 13, 15, 16, 22, 26, 47 of planning permission 15/00583/VAR to allow the replacement of 50 live work units with 50 residential units, removal of the "commercial only" internal road and reduction in level of affordable housing was submitted under reference 16/02864/VAR in November 2016 and approved in February 2018. This permission also included a variation to the section 106 agreement.

## **REPRESENTATIONS**

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

11. The Ward Councillor (Cllr Simms) has objected to the proposal citing two areas of concern:
  - a. Whilst the Councillor does not disagree in principle to the removal of the bus gate, he believes it is too early for its removal from the plans and thinks that the effects on traffic flow on both Main Street and Wellington Avenue need to be investigated and any proposals on how traffic would be managed after the removal, needs to be documented and offered as a supporting document before the removal can be considered. Cllr Simms therefore formally objects to the application for variation/amendment in the regard to removal of the bus gate.
  - b. The amenity that these established/mature trees provide cannot be put aside merely for profit of the Developer and Land Owner. The value to the environment the existing trees provide cannot be replaced even with the proposed "two for one" scheme. Not only are the trees a valued amenity, it is understood that they are home to tens of thousands of insects and fungi and are essential part of the local ecosystem and also to the endangered protected bats that live within Newton Nursery/Ash Holt that feed amongst the trees along Newton Lane and Firefly Close.

Cllr Simms therefore objects to the felling and removal of all 86 protected trees.

### **Town/Parish Council**

12. Newton Parish Council object to the removal of the bus gate unless there is s106 provision to mitigate the effects on the surface, substructure and drainage of Wellington Road because of the increase in traffic as a result of this proposed development. (Currently, the drains under Wellington Avenue are the responsibility of the Trenchard Close Residents Company and it is unfair for those particular residents to be obliged to effect repairs arising from the inevitable extra traffic use). The Parish Council also objects to the wholesale removal of 87 trees with TPOs, and the many trees without TPOs, without clarification and full consideration, solely in order to maximise the development of houses. The Council wish to preserve more trees and transplanting to another site should be a fully explored option. Tree number 7 (a Blue Cedar) was planted by Princess Anne in 1978 and needs to be preserved. They also request that the word "War" is removed from any reference to the Memorial on the site plans.

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

13. The neighbouring Parish Council for Shelford has not commented on the current proposal.
14. The neighbouring Parish Council for East Bridgford expressed a serious concern that the proposed new school does not feature in the building schedule and if it is not built in the early stages of the development, this might put intolerable pressure on existing schools in the area, such as St Peters in East Bridgford. The Council therefore seek a commitment that the proposed new school be built as soon as is possible after the commencement of the build and that it features in a revised building schedule.
15. Neighbouring Bingham Town Council has no objections to the plans.

### **Statutory and Other Consultees**

16. Highways England comment that the proposals relate to matters wholly within the site and will have no material effect on the Strategic Road Network (SRN). As such Highways England have no further comments to make.
17. Nottinghamshire County Council as Highways Authority initially objected to the proposals noting that no values were given for the approximate number of dwellings served by each phase making it both difficult to assess the phasing or enforce at a future date. The Highway Authority requested further consideration be given to the impact of the increase of traffic on the wider network, in particular what happens when this traffic reaches Radcliffe on Trent and the junctions contained therein. They requested that additional modelling be undertaken to determine if removal of the bus plug would result in severe impacts on the local highway network, noting that the proposal to remove the bus plug will be very much dependant on dissuading travellers from using the Wellington Avenue/Main Street Junction.

18. The requested modelling and clarification sought was provided to the Highway Authority along with a Transport Assessment Addendum, revised Phasing Plan and an updated Masterplan. The response comments on specific issues within the scheme that they required resolution to, however the Highway Authority have now indicated that they would recommend approval subject to conditions being attached to any grant of permission.
19. Nottinghamshire County Council as Lead Local Flood Authority (LLFA) does not object to the proposal but note that condition 5 of the outline permission would still need formally discharging.
20. The Borough Council's Design and Landscape Officer does not object to the proposal, and whilst he comments that it is not possible to assess the details of the proposal at the scale of the plans and that only a limited level of information has been provided, he does acknowledge that landscaping is a reserved matter for future consideration.
21. The Borough Council's Design and Conservation Officer does not object to the proposal but makes comments. These include that, whilst the former control tower is retained, the proposed tree planting would limit views from it towards the airfield to the west, a key view is shown retained into the landscape to the west but it does not align with the tower. The Design and Conservation Officer clarifies that they are not advocating the omission of the proposed community orchard, (which would likely be a positive and appreciated local amenity asset as well as having biodiversity benefits), instead suggesting that the space could be modestly reconfigured to provide the community and ecological benefits whilst also retaining relevant views from the control tower.
22. The other proposed changes mostly relate to layout of various elements within the site, e.g. relocating the neighbourhood centre within the site such that it could serve both the proposed and existing housing within the site and also it would be in a position better suited to earlier delivery within the development of the site, are considered a positive benefit to early occupants of the proposal and the existing residents. It is noted that the community centre would no longer be at a key location within the proposed development and as such it would no longer be necessary to design it as a focal building.
23. Overall, the Design and Conservation Officer concludes that they do not have any concerns about the revised scheme and do not object to the proposal on grounds of design.
24. The Borough Council's Archaeological Advisor notes that previous archaeological works on site have been extensive, albeit delivered over several phases of investigation. They advise that there is limited scope for further evaluation and investigation within the site without either revisiting ground which has already been well explored or deliberately targeting unexplored areas known to have been subject to considerable modern ground disturbance. As such they are of the view that the revised scheme would not have any archaeological implications and would not require any further archaeological works, investigation or mitigation.
25. The Borough Council's Community Development Officer advises that, in principle, they do not object to a the play area's being located in the proximity of the formal sports pitches, however they asked that consideration be given



to the long and linear nature of the development and access to the play provision from resident living in the southern most dwellings on the development. The revised illustrative masterplan was subsequently updated, detailing a trim trail around the perimeter of the orbital route and the potential for connections through the woodland to the play area in phase one. The community development subsequently officer advised that they have no objections to the additional information but they would prefer the word “potential” in reference to the link to phase one to be removed.

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

26. Site notices were displayed at three locations; the junction of Main Street and Wellington Avenue; the junction of Wellington Avenue and Chipmunk Way and at the junction of Newton Lane and Newton Gardens (the commercial entrance to the hangars).
27. A total of thirty four (34) representation have been received making comments on the proposal.
28. Of those 34 representations, 31 were objecting to the proposal with the vast majority citing the issue of the impact on the drainage beneath Wellington Avenue (summarised at bullet point a. below) along with the other concerns summarised below:
  - a. The Trenchard Close Residents Company Limited (TCRCL) which comprises 143 property owners on Trenchard Close, Fairway Crescent and Friars Walk own and are responsible for the 4x surface water drains that run beneath Wellington Avenue. The removal of the bus plug would result in additional traffic using Wellington Avenue, and therefore increase the risk of these drains needing earlier than otherwise budgeted for servicing/ repair/ replacement, which would need to be paid for solely by the TCRCL. It is unfair to expect the residents of the original Newton housing to accept a risk of damage to the drain infrastructure, future management charge increases and additional traffic when there is a perfectly good new link road to access the development. Redrow need to reconsider their proposed changes or make some sort of commitment to pay for the drains to be repaired if damage arises in the future.
  - b. The increase in traffic generation running along Wellington Avenue to the detriment of highway safety.
  - c. The additional noise impact on properties that face onto Wellington Avenue as a result of the additional traffic movements.
  - d. The additional pollution from vehicle fumes using Wellington Avenue.
  - e. The residents of 20-23 Fairway Crescent are very concerned about changes to the road usage leading up to the farm gate. Sports pitches and allotments would dramatically increase the flow of traffic along what is otherwise a very quiet and peaceful road. This would cause disruption to residents, spoiling the cul de sac.

- f. Wellington Avenue is not a main road, would need to be widened to accommodate any increase in bus frequency/traffic flow and will need upgrading to accommodate more traffic.
  - g. Noise and disturbance to existing residents during construction.
  - h. Decision makers are asked to look at the record of the submitting persons in the past! Many wonderful promises but all slowly changed and withdrawn.
  - i. The loss of the mature trees, which although replaced on a “two for one” basis will take years for the habitats, which would be destroyed, to recover.
  - j. No mention of a medical centre which will be needed.
  - k. Redrow should be providing the school, commercial shops and the recycling areas as well as the housing and the community centre.
  - l. Concerns that the S106 gives no assurances that the school and shops will be delivered resulting in soulless housing estate like phase 1.
  - m. No details of the proposed replacement species of trees to compensate for the felled TPO trees.
  - n. The loss of TPO trees should be a final resort after all other options have been exhausted.
29. One (1) representation supporting the proposal was received stating:
- a. The removal of the bus gate would make the whole of Newton, old and new, more of a community – rather than being split in two. Furthermore, people attending events at the school or community centre would be able to access the car park next to the school, rather than parking all along Wellington Avenue.
30. Two (2) representations neither objecting nor supporting the proposal have been received stating:
- a. The residents of Fairway Crescent are concerned about the possibility of noise pollution from the large cricket pitch proposed immediately adjacent to the existing residential houses – can there be assurances that noise limitations at anti-social hours is such a sports facility is to be built there?
  - b. Concerns that the initial plans refer to traffic movements along Main Street, which is assumed to be the road now known as Newton Lane. It was requested that clarification was sought and the documentation amended accordingly to avoid any future confusion.

## **PLANNING POLICY**

31. The Development Plan for Rushcliffe consists of the Rushcliffe Local Plan Part 1: Core Strategy and the Rushcliffe Local Plan Part 2: Land and Planning Policies. Other material considerations include the National Planning Policy

Framework (NPPF) and the National Planning Practice Guidance (the Guidance).

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

32. 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.
33. 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; 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."*
34. 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 sites or broad locations for growth for years 6-10, and where possible, for years 11-15 of the plan.
35. Paragraph 91 advises that the decision maker to aim to achieve healthy, inclusive and safe places which: promote social interaction; are safe and accessible; and enable and support healthy lifestyles. Paragraph 92 further states that decisions should provide the social, recreational and cultural facilities and services the community needs, planning decisions should: a) plan positively for the provision and use of shared spaces, community facilities and other local services to enhance the sustainability of communities and residential environments.
36. Paragraph 98 requires decision makers to protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users.
37. 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.”*

38. Paragraph 124 addresses the need for the creation of high quality buildings and places being fundamental to what the planning and development process should achieve stating that *“Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”*
39. Paragraph 127 requires decision makers to ensure that developments will function well and add to the overall quality of the area; that they are visually attractive; and that they are sympathetic to local character and history; seek to establish a strong sense of place; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

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

40. 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. Policy 22 identifies the site as a strategic allocation as a sustainable urban extension (SUE), and as covered in the ‘Planning History’ section of this report outline permission has been granted.
41. The following other policies in the Rushcliffe Local Plan Part 1: Core Strategy are also relevant:
  - Policy 1 - Presumption in Favour of Sustainable Development
  - Policy 2 - Climate Change
  - Policy 3 - Spatial Strategy
  - Policy 8 - Housing Size, Mix and Choice
  - Policy 10 - Design and Enhancing Local Identity
  - Policy 16 - Green Infrastructure, Landscape, Parks and Open Spaces
  - Policy 17 - Biodiversity
  - Policy 18 - Infrastructure
  - Policy 19 - Developer Contributions
42. Policy 22 of the Core Strategy also specifically identifies the former RAF Newton site as a strategic allocation for additional housing for around 550 dwellings, protection of existing B8 employment located within the former aircraft hangars, and the provision of additional employment land for B1, B2 and B8 purposes. In addition, the policy refers to a primary school, community centre, public open space and other facilities as appropriate.
43. The Local Plan Part 2: Land and Planning Policies (LLP2) was adopted in October 2019 and the following policies in LPP2 are also considered material to the consideration of this application:
  - Policy 1 - Development Requirements
  - Policy 11 - Housing Development on Unallocated Sites within Settlements
  - Policy 12 - Housing Standards

Policy 22 - Development within the Countryside  
Policy 29 - Development affecting Archaeological Sites  
Policy 32 - Recreational Open Space  
Policy 37 - Trees and Woodland  
Policy 39 - Health Impacts of Development  
Policy 43 - Planning Obligations Threshold

44. The policies are available in full along with any supporting text on the Council's website at:  
<https://www.rushcliffe.gov.uk/planningpolicy/localplan/>.
45. 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.
46. 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.
47. 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.
48. 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.
49. 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.”*

50. 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.
51. The Community Infrastructure Levy Regulations 2010 (As amended) places the Government’s policy tests on the use of planning obligations into law. As the site secured outline planning permission prior to the adoption of CIL, and the current Reserved Matters Application is also being determined prior to the formal adoption of CIL this application will not be CIL liable.
52. 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.
53. 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.
54. Environmental Impact Assessment Regulations - The original outline planning application for the development of the SUE was screened under the Environmental Impact Assessment Regulations 2011 (now superseded by the 2017 regulations) prior to that application being submitted, as were the subsequent S73 applications. The current application is seeking to amend the location of certain features within the approved masterplan and does not seek to remove or add development over and above that already contained within the approved masterplan on the approved SUE development that was initially screened. The quantum of development has not changed as a result of this proposal, and a formal Environmental Impact Assessment is not therefore considered to be required for this application.

## **APPRAISAL**

55. The principle of the mixed use development has been established by the grant of outline planning permission and the site allocation within the Core Strategy as a strategic allocation. Reserved matters applications will be required for the detailed layout, scale and design of the different elements of the scheme along with the access arrangements and landscaping detail. It is noteworthy that the application seeks a further variation to the already varied outline permission, to which ALL matters were reserved. Therefore, the current application is still only seeking permission for the principle of development, albeit only for the matters that differ from the currently approved position established by the previous grants of outline permission for the site (the fall-back position). Given the policy position and the extant permission for the redevelopment of this site, the principle of a mixed use development is considered to be acceptable.
56. The primary differences between the proposal and the fall-back position are the removal of the bus gate, the felling of protected (TPO) trees, the consolidation

of the smaller play areas into one centralised location, and the relocation of the local centre.

57. The current application is seeking to amend the location of certain features within the approved masterplan and does not seek to remove or add development over and above that already contained within the approved masterplan nor does it seek to amend the quantum of residential development already approved on this allocated strategic development site. The current outline permission is extant and constitutes a fall-back position and therefore constitute a material planning consideration in the determination of the current proposal.

#### Removal of the Bus Gate

58. The application proposes the removal of the approved bus gate where the site currently joins Wellington Avenue. Condition 4 of the varied permission (ref 16/02864/VAR) currently requires the provision of a bus gate and states:

*“No development shall take place until a Public Transport Strategy for the site has been submitted to and approved in writing by the Borough Council. This shall substantially accord with the Design and Access Statement as amended and received on the 21 December 2016 and the illustrative Master plan as amended and received on the 21st December 2016 (drawing number 16555-0310- 03) and shall include bus routes through the site with bus stops within 400m of any building; bus layover space near to the Community /village hall **and bus gate** near Wellington Avenue with appropriate camera enforcement.*

*The development shall thereafter be implemented in accordance with the details approved and for any phase the part of the development to which the particular item or facility relates shall not be occupied until each one has been completed for that phase in accordance with the approved details.”*

59. Furthermore, the bus gate was also covered by Condition 13 of permission ref 19/02864/VAR which states:

*“No development shall take place until a Highways Delivery Scheme for the site has been submitted to and approved in writing by the Borough Council. This shall substantially accord with the Design and Access Statement as amended and received on the 21 December 2016 and the illustrative Master plan as amended and received on the 21st December 2016 (drawing number 16555-0310- 03) and shall provide for the delivery of the following works:*

- a) *The provision of informal pedestrian crossing arrangements (dropped kerbs) on both sides of the Kirkhill railway level crossing including tactile paving;*
- b) *The A6097 Kirk Hill signal controlled junction has been improved as shown for indicative purposes only in the Transport Assessment December 2010 Appendix 9;*
- c) *Improvement to Bridleway 23, Footpath 2 and or such other similarly aligned route to provide a suitably drained, hard surfaced, and illuminated footway/cycle way between the old A46 (B687) and Chapel Lane*

- d) *The pedestrian/cycle bridge/link across the A46/B687 in accordance with the approved details*
- e) *Main Street/new Newton link road junction modifications to restrict turning movements;*
- f) *A school safety zone including appropriate signage, lining, traffic calming, parking restrictions, and pedestrian crossing arrangements;*
- g) **Bus gate to restrict traffic movements onto Wellington Avenue.**

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

- 60. Prior to submitting the current application, the applicants undertook a public consultation exercise holding an open event for existing residents to attend and comment on the proposed alterations to the scheme. The developer considered, based on the feedback at that event, that community as a whole (including the proposed new residents) would benefit from the removal of the restricted access on Wellington Avenue as currently approved. As such, an updated Transport Assessment was undertaken to consider the implications of removing the bus gate, specifically on the vehicle flows, junction capacity and alignment. The proposed removal of the bus gate from Wellington Avenue would allow private vehicles to route into and out of the proposal site via Wellington Avenue to the sites north, as well as to the east via Newton Lane.
- 61. The Transport Assessment states that, in relation to Wellington Avenue, *“whilst the forecast increase does represent a material uplift in traffic, the cumulative flows would continue to fall well within the link capacity of a single carriageway road. Furthermore, assessments undertaken of the Main Street/Wellington Avenue junction shows that there is sufficient capacity at the junction to accommodate this increase in vehicle flows.”*
- 62. Likewise, in terms of the potential impact on Newton Village, the Assessment notes that *“based on the revised assignment assumptions...whilst this does represent a material uplift in traffic against that previously assumed..., the cumulative flows would continue to fall well within the link capacity of a single carriageway road”*.
- 63. The Assessment further highlights that the S106 Agreement pursuant to the current planning permission secures a 'Traffic Calming Contribution' of £80,000 towards the future implementation of a gateway feature and traffic calming measures to discourage through-traffic on Main Street through Newton Village.
- 64. As such, the Transport Assessment concludes that the impact of the s73 application proposals (specifically including the removal of the bus gate) on the operation of the local highway network demonstrates that the proposals can be accommodated with appropriate mitigation.
- 65. The implications of this in terms of highway safety, vehicle flows, junction capacity and assignment are considered in significant detail within the Transport Assessment, and a subsequent addendum that were assessed by the Highway Authority. Following the initial request for additional traffic modeling and measures to discourage and/or prevent traffic movements (depending on vehicle type) through Main Street in Newton the Highway



Authority advised that they accepted the measures proposed, subject to conditions being attached to any grant of planning permission.

66. In relation to Heavy Goods Vehicles (HGV) movements specifically, it is proposed that a Traffic Regulation Order (TRO) would be implemented to prohibit HGVs from accessing the site and the existing employment area/hangars via Wellington Avenue. A scheme of traffic calming measures along Wellington Garden making it less accessible and more tortious to HGVs also formed part of the revised traffic documents submitted for consideration. Furthermore, the roundabout within the scheme is to be designed and constructed such that its geometry would not permit access to the employment land via the principle access road into the employment/hangar site. In addition to the above, the proposed secondary access point into the employment area is proposed to be conditioned to require physical design and signage (to be submitted and agreed prior to the access being brought into use) that would not permit HGV's access to (or egress from) the existing employment site into the proposed residential area. As such, all HGVs would access the existing employment land via Newton Lane and Newton Gardens. Subject to conditions requiring the scheme to ensure the secondary access point to the existing employment area is submitted to and approved in writing prior to being brought into use, the Highway Authority do not object to the proposed alterations to the scheme on the grounds of highway safety, traffic flow or other highway grounds.
67. Ultimately, access is a matter reserved for subsequent approval and with the principal route as shown on the revised masterplan, it is considered that the access route can be designed in an appropriate manner to ensure a safe environment with appropriate provision for safe crossings to link the residential areas and adequate buffers and layouts designed to ensure satisfactory residential amenity.
68. The application also seeks to vary the requirements of Condition 13 which relates to Bridleway 23, Footpath 2 or such similarly aligned route, requiring the applicants to provide a surfaced, illuminated footway/cycleway between the old A46 (B687) and Chapel Lane, Bingham. At the time of the original application (2014), this condition was imposed by the Council to ensure that future residents at the site were provided with a safe and sustainable route into Bingham. Since the original application was granted there has obviously been significant progress in the delivery of the David Wilson Homes (DWH)/Barratt Homes scheme (known as Roman Quarter) on the eastern side of the 'old A46'. This development itself provides some services/facilities (including open space, retail, education and community facilities) that will be accessible by future residents at the former RAF Newton scheme as well as providing footpath/cycle links to Bingham. As such it is proposed that the applicant be provided with the option to link into the DWH/Barratt Homes routes, as opposed to upgrading Bridleway 23/Footpath 2 as per the existing condition.
69. Councillors are also advised that the footpath/bridleway crosses proposed employment land (within the Bingham development) that could come forward at any time in the future, at which point the Bridleway would presumably need to be diverted in any case. It is proposed that, should the applicant opt for the alternative option, a link is provided between Bridleway 23/ Footpath 2 to the east of the old A46 to the access point to the new DWH/Barratt Homes development to the north (a distance of approximately 500m), which in turn

would provide connection through to Chapel Lane. A plan showing this connection is detailed at Appendix G of the Transport Assessment submitted with the application. In light of the above, agreement has therefore been reached between the applicant and the Area Rights of Way Officer at the County Council to revise the wording of the condition such that the applicant can opt to provide suitable connections up to Bridleway 23/Footpath 2 and connections are also provided to the Barratts/DWH development to ensure future residents have access to services/facilities by sustainable modes of transport.

70. The applicants also seek to remove the reference to the 'Proposed Pedestrian /cycle bridge across A46 Dual Carriageway option 3 drawing no. RAF- BWB- GEN- DR- TR- 103- P2' under the current wording of Condition 43 (which deals with the approved drawings/documents). The applicants advise that the bridge would be delivered by the landowner (not the housing developer), pursuant to the obligations within the section 106 agreements, and the design of the bridge would be refined through negotiations with Highways England and the Local Planning Authority. There is considered to be sufficient control through the S106 agreement to manage the design and delivery of the bridge such that reference to a plan under the wording of condition 43 is considered to fail the test of being 'necessary'.

#### Impact on Surface Water Drainage beneath Wellington Avenue

71. In addition to the concerns regarding highway safety and traffic flows increasing as a result of the proposed removal of the bus gate, a significant number of the residents have also objected to the proposal citing concerns regarding the impact on the surface water drains that lie beneath Wellington Avenue as a result of the additional traffic movements generated by the proposal. The issue was also raised by the Parish Council in their objection.
72. Officers have sought clarification as to who is responsible for the surface water drainage beneath the carriageway as the Trenchard Close Residents Company Limited (TCRCL), which comprises 143 property owners on Trenchard Close, Fairway Crescent and Friars Walk, stated that they are responsible for the 4x surface water drains that run beneath Wellington Avenue, however the applicants believed that the drains should have been/could be adopted by Severn Trent Water as a result of the revised Flood and Water Management Act 2011. Officers have discussed the issue directly with Severn Trent Water and the TCRCL have also provided officers with documents from Severn Trent Water that confirmed that, whilst the foul drainage was adopted by Severn Trent Water as a result of the change in legislation, as the surface water drainage empties into either a natural water course or soakaway it is not included on the scope of the 2011 legislation. Therefore, Severn Trent Water will not formally adopt the surface water drainage beneath Wellington Avenue and they remain the responsibility of the TCRCL.
73. It is important to note that Wellington Avenue, and therefore the drains beneath them, fall outside of the redline area for the application, as the site connects to the adopted highway on Newton Lane to the south-eastern corner of the site. The applicants have confirmed that they do not need to connect into the surface water drains beneath Wellington Avenue, although the surface water may actually drain through the proposal site due to the topography of the site,

but that the specific details would form part of the drainage scheme which is conditional to the extant grant of outline permission.

74. The issue of privately owned and maintained drainage lying beneath adopted highway, and the potential impact on the drainage as a result of increased usage of the highway, was therefore discussed with the Borough Solicitor to understand the implications and the weight to be afforded to it in the determination of this planning application. Whilst the presence of the drainage is capable of being a material planning consideration, it is considered that the matter be given very little weight in the determination of the application. The highway (Wellington Avenue) is built to an adoptable standard and is adopted by the Highway Authority. The proposed Traffic Regulation Order (weight restriction) along with the proposed traffic calming measures proposed along Wellington Avenue, the configuration of the carriageway/roundabout and secondary access into the employment site within the site and the signage to advise as such would all serve to discourage the use of Wellington Avenue by HGVs, as it would be far more torturous than using Newton Lane even if an HGV could navigate its way through the site from Wellington Avenue.
75. It is acknowledged that the proposed removal of the bus gate would increase the vehicle numbers using Wellington Avenue when compared to the fall-back position, however as Wellington Avenue is adopted, it is built to a standard such that it is considered to be capable of adoption by the Highway Authority i.e. it meets their construction standards. Furthermore, whilst the proposal would result in additional traffic movements along Wellington Avenue, the speed of those movements would be restricted by traffic calming measures and the suggested wording of Condition 43 would also serve to prevent any vehicles over 3.5 tonnes being able to exit the commercial site via the northern exit and introduce a scheme to discourage the use of Wellington Avenue. It is also noteworthy that no restrictions were seemingly raised or restricted through the development of Phase 1 of the site that is now completely built out and occupied. The Borough Solicitor also noted that buses currently travel along Wellington Avenue on a regular basis and although it is acknowledged that the surface of Wellington Avenue is currently in need of repair/replacement, there has been no claim or evidence provided that the current level of usage has accelerated any decline of the surface water drainage beneath the highway.
76. The presence of drains and other infrastructure beneath the highway is not an uncommon situation, although the private ownership of the surface water drainage is less common. Nevertheless, with the highway built to a minimum standard required for it to be formally adopted by the Highway Authority, this standard serves to protect not only the premature erosion of the highway surface, but also damage to any other services and utilities beneath the highway structure. As such, it is considered that the additional vehicle movements along Wellington Avenue as a result of the proposal would not demonstrably harm the surface water drainage beneath the highway to a sufficient degree that would warrant the refusal of the application nor is it considered justifiable to require the applicants to make a s106 contribution towards the potential damage to said drainage as it is impossible to evidence that any accelerated damage to any infrastructure beneath the highway would be as a directly attributable to just the vehicles generated by the proposed development.

## Loss of TPO Trees

77. There are three (3) separate Tree Preservation Orders (TPOs) on the site:
- a) TPO 2011: TI-T23 & G1 (52 trees in total)
  - b) TPO 2013: TI-T60 & G1, G2, G3 (102 trees in total)
  - c) TPO 2018: W1 Ash Holt (2.06 ha woodland)
78. TPO 2011 relates to trees at the northern end of the site. The approved Illustrative Masterplan shows many of the TPO trees to be dispersed across a development parcel. A cluster of TPO trees are located between the existing residential properties on Fairway Crescent and the development site.
79. TPO 2013 relates to trees at the south eastern corner of the site. The approved Illustrative Masterplan does not detail all trees that form part of this TPO. It shows the main spine road routing around the trees with a footpath/cycleway through the centre and a dedicated cycle/footpath/linear park between the trees and the existing residential development.
80. TPO 2018 comprises the woodland known as Ash Holt. The TPO was issued following the grant of the outline approval and thus is not detailed on the approved Illustrative Masterplan.
81. Tree Preservation Orders are a means of protecting specific trees, groups of trees and woodlands of amenity value so as to prohibit removal, pruning or damage occurring to them without the prior consent of the Local Planning Authority. It does not mean that trees which are the subject of an Order, should not have any works carried out to them if it is considered appropriate. Furthermore, a TPO can be used to protect trees where there may be a threat from development, but the final layout is not known, i.e. there may be a need to remove certain trees once the details of the development are known. The online Planning Practice Guidance (PPG) states that in considering applications for works to trees protected by a TPO, Local Planning Authorities are advised to, inter alia:
- a) assess the amenity value of the tree or woodland and the likely impact of the proposal on the amenity of the area;
  - b) consider, in the light of this assessment, whether or not the proposal is justified, having regard to the reasons and additional information put forward in support of it;
  - c) consider other material considerations, including development plan policies where relevant.
82. The trees subject to the 2011 order are indicated to be removed on the revised masterplan as a significant number of those trees would be scattered across the indicative development parcels. Retention of these trees would, therefore, not be possible without the loss of a significant amount of developable land. It is notable that the same could be said to be true of these trees when reviewed on the approved masterplan. Those trees that are in a cluster close to the existing residents and proposed local centre are indicated to be retained where possible. Notably, the "Category A" English Oak tree, positioned at the end of Wellington Avenue, is also shown to be retained and is stated to form a backdrop to the proposed memorial.

83. With regard to the 2013 TPO, the approved Illustrative Masterplan shows the main spine road passing around a number of trees subject to the Order with a footpath/cycleway retained through the trees to form a short boulevard in this location. It is noteworthy that not all the trees subject to this Order are shown on the approved Illustrative Masterplan. Again, if these were all to be retained, given the root protection areas associated with the trees, it would result in a loss of developable land with housing delivery significantly reduced on the allocated site, contrary to what is shown on the approved illustrative masterplan. Regardless of this, digging up the existing road in order to replace it with a footpath/cycleway is likely to disturb the root network associated with the trees. Through various iterations of the proposed Illustrative Masterplan, detailed work has been undertaken by the applicants to seek to retain as many as possible of the TPO trees in this location. In particular, the trees that are on the northern side of the boulevard, adjacent to existing residents on Firefly Close, are shown to be retained as they are considered to offer the most amenity value. Similarly, the main access/spine road into the site appears to have been designed to minimise the loss of TPO trees and as such is routed around the root protection area (RPA) of the trees where possible.
84. The developer has calculated that if they were to retain all the trees currently protected by the 2011 and 2013 TPOs, this would result in a loss of circa 120 dwellings amounting to over 20% of the site (based on the policy allocation of 550 dwellings). Councillors must weigh the loss of the trees, which the developer proposes to replace with significant amounts of new planting across the entire site, against the efficient use of this brownfield site which has a strategic allocation for up to 550 dwellings. The developer has sought to remind officers that an inefficient use of brownfield land could be judged to be contrary to the provisions of the National Planning Policy Framework and would also most likely result in the Council needing to find an additional housing site in the Borough to compensate for the loss of dwellings. Councillors are reminded that Policy 22 of the Local Plan Part 1: Core Strategy allocates the site at former RAF Newton for around 550 dwellings and this is reflected in the Council's housing trajectory. Reducing the number of units that can be delivered at former RAF Newton would put pressure on greenfield parcels of land around the Borough to accommodate further development.
85. Councillors are reminded that the proposal is a variation to an outline planning permission with all matters reserved. The proposed illustrative masterplan does indicate that there would be the loss of some protected trees within the site to facilitate the residential development and the access road from Newton Lane towards the existing employment site. The same was true of the approved masterplan. The submission also includes an Illustrative Landscape Masterplan which indicates that the site currently contains 154 trees covered by two separate Tree Preservation Orders (TPO) along with a woodland area of 2.06ha of trees that is covered by a third TPO. The Illustrative Landscape Masterplan shows that 66 trees and the entire 2.06ha of woodland would be retained by the proposal, but that 83 TPO trees would be required to be felled, and 5 TPO trees relocated elsewhere within the proposal site. The Illustrative Landscape Masterplan also shows that 166 new trees would be planted, i.e. on a basis of two for one to replace those protected trees, and the covering letter accompanying the submission states that in addition to those 166 new trees, it is estimated that 5000-6000 new trees would be planted across the site resulting in a significant net gain of trees on the site. Whilst officers acknowledge that the landscaping is a reserved matter, these numbers seem

plausible when viewing the level of planting indicated on the proposed illustrative masterplan for the areas around the perimeter of the site to form part of the orbital walk (incorporating the bridleway), new native woodland areas, foraging areas and community orchard features along the northern, western and southern perimeter of the site. It is again reiterated that landscaping is a reserved matter at this time and, therefore, the information provided is purely indicative.

86. In response to the consultation and with specific regard to the Parish Council's comments regarding the "Princess Anne" Blue Cedar, the Borough Council's Design and Landscaping Officer commented that they were surprised that the applicants considered that the (Princess Anne) Blue Cedar could be relocated and advised that when the Borough Council made the previous TPO's it did consider protecting that specific tree, but focused on the trees that were most visible from public vantage points and adjoining areas of housing. The Design and Landscaping Officer also clarified that they do not believe it would be reasonable to expect the particular Cedar to be retained within an area of housing as ultimately it will be a very tall, wide tree that should ideally be sited in a large area of public open space. He concluded that if the applicant can demonstrate the relocation is a viable option this would be supported.
87. The Design and Landscape Officer also commented that they have been aware for some time that the road linking the main part of the RAF base to the former officer housing (on the street then known as Newton Gardens) would need to be widened and that it makes sense to sacrifice the row of trees on the south side of the road and retain the row of trees closest to the existing housing within Phase 1. The Design and Landscape Officer advised that the indicative site layout and indicative replacement planting for the southern side of the road looks appropriate, however officers need to ensure there is sufficient space in the front gardens to allow reasonable sized trees to grow to maturity without the need for them to be drastically pruned in the future. Again, councillors are reminded that the application before them is for revisions to an outline permission and, therefore, assessment of garden sizes and suitability of tree placement would form part of a Reserved Matters application.
88. The Design and Landscape Officer also comments (understandably given that landscaping is a reserved matter) that it is difficult to comment on the need to remove some of the other protected trees within the site without more detailed plans. The Design and Landscape Officer comments that the 6 Lime trees in the north eastern part of the site were protected as the original masterplans indicated there could be some open space or residential grouping that would allow at least some to be retained. The current proposal to have one area of open play space changes that initial indication. He also advises that he would expect the prominent Oak at the end of Wellington Avenue to be retained but that he would be prepared to allow other protected trees to be removed to enable the guard hut to be converted into a community facility. Councillors are advised that the documentation provided, albeit as an indicative landscape Masterplan do show the retention of the mature Oak at the end of Wellington Avenue.
89. The Design and Landscape Officer concludes that he would require greater details of the site layout before deciding whether the removal of the TPO'd trees is appropriate, however Councillors are again reminded that this would form part of the assessment at the time of determining any subsequent

Reserved Matters submission. The Design and Landscape Officer also notes that whilst little greenspace is provided within the proposed areas of housing, given the generous open space provision on the western boundary of the site, he does not object to this proposed revision. He also requests whether it is possible for the avenue of trees on the main road through the site to be extended towards the school and recreational provision. Finally, the Design and Landscape Officer also questions the width of the bunds and screen planting on some of the cross sections, requesting that they be increased, noting section DD looks reasonable, but section CC with a bund only 4m wide seem a little narrow and may not offer much of a visual screen. Updated information increasing the width of that specific bund was provided by the applicant, but again this is a reserved matter.

90. In relation to the concerns raised regarding the trees on the site, a revised masterplan has been submitted, showing a revised alignment of the access road, which would enable the retention of the trees covered by a Tree Protection Order on its northern side, but the trees along its southern side needing to be felled to provide adequate width of a single carriageway. Conditions are suggested to ensure adequate provision is in place to protect the trees to be retained at the development stage. It is considered that the reserved matters stage can adequately address amenity issues in its final design and layout.

#### Consolidation of Play Areas

91. The approved masterplan also depicts the majority of the play facilities, such as the formal sports pitches, teenage area including a Multi-Use Games Area (MUGA), located at the northern edge of the site with pockets of toddler incidental and junior play areas located throughout the development. The current submission proposes removing the pockets of toddler and junior play from within the residential areas of the site and locating them to form one larger, consolidated area of play at the northern end of the site amongst the other formal and informal play facilities.
92. The applicants advise that this alteration is sought as a result of discussions with the Parish Council, who requested that play facilities were provided in a single location on the site rather than 'scattered' around it. This would ensure that children of all ages could play within a similar location, ensuring that parents/guardians could supervise children of different ages at one time. As such a hierarchy of play space has been provided to the north of the site, close to the community facilities and primary school. The location would benefit from natural surveillance from existing and proposed properties and is within easy reach of both existing and the future residents who would occupy the site. This would also have the benefit of serving residents across the wider RAF Newton site.
93. The Community Development Officer advised that they do not object to the relocation of the smaller play areas to the northern edge of the site but requested that consideration be given to the long, linear nature of the development and the access to play provision for new residents living at the southern end of the development.
94. Following discussions with the applicants, an updated masterplan was submitted detailing trim trail/exercise equipment along the orbital route around

the northern, western and southern perimeter of the site in addition to the already proposed forage walks and also proposing footpaths through the existing woodland towards the south-east of the site (to the east of Firefly Close) to facilitate access to the newly installed play equipment within Phase one. The footpath along the desire lines that currently already exist through the woodland were discussed with Design and Landscape Officer who advised that they do not object to the principle of these paths being formalized. The additional connectivity through the woodland to phase 1 (and beyond) would also serve to extend the orbital perimeter walk away from trafficked highway as far as is possible around the development. The future formalisation of connections through the woodland would also serve to provide easier, more direct access for the residents in both phase 1 and the former MOD housing to the footbridge over the A46 towards Bingham, without having to walk entirely along the trafficked highway within the wider development. The Community Development Officer reviewed this additional information and advised that they do not object to the proposal following the submission of clarification on the updated masterplan.

### Relocation of Community Facilities

95. The approved masterplan for the site shows the school, community hall, allotments and formal and informal play areas located at the northern edge of the site with the “village centre” comprising a small retail offering located more centrally with in the strategic allocation. The current proposal seeks to retain the school, community centre, formal and informal sports areas and allotments along the northern edge of the site, but to relocate the proposed local centre and recycling centre closer to the above facilities at the south-western end of Wellington Avenue, broadly in the location where the guard room used to be located (now demolished).
96. The applicant states that this is proposed to provide easily accessible facilities to both the existing and future residents of Newton. Furthermore, the retail units are positioned (on the proposed masterplan) where they can attract the most users and therefore would be more attractive to potential developers, hopefully insuring an early delivery of these facilities.
97. It is also proposed to move the Memorial, such that it is located at the end of Wellington Avenue. The Memorial would be integrated into the site alongside existing landscape features and would provide a vista when approaching the site from a north east direction.
98. The consolidation of the community facilities towards the north-eastern part of the site is considered to better serve the existing community of Newton as it would ultimately be more centralised within the village once the strategic allocation is constructed. The Highway Authority has not objected to the principle of the local centre being relocated on the revised masterplan and the proposal is considered to accord with the requirements for provision of such a facility within Policy 22 of the Local Plan Part 1: Core Strategy. Furthermore, it is considered the relocation of the local centre would not be contrary to the requirements set out in Policy 1 of the Local Plan Part 2: Local and Planning Policies.



## Other matters and conclusions

99. The concerns of the Nottinghamshire County Council as the Highway Authority in relation to the design of the access route have been carefully considered and revised plans and information have been submitted to overcome these concerns.
100. Issues relating to the proposed varied wording of Conditions 8 (Ecology Management Plan) and 16 (Structures Retention Scheme) have already been justified through the submission and formal discharge of application 19/01054/DISCON approved in September 2019.
101. Other concerns raised by the Parish Council and other interested parties have been carefully considered. The nature of the development in relation to the provision of community facilities, including a local centre and community hall, provision of footpath linkages, design and positioning of the majority of the children's play area has not changed significantly from the outline planning permission and further consideration can be given to the details of this at the reserved matters application stage.
102. The original outline application was accompanied by an Environmental Impact Assessment. It is not considered that the changes proposed under this S73 application make a material change to the development and a new EIA is not required.
103. It is concluded that the changes to the conditions are both necessary and reasonable to ensure a permission brings forward the commencement of development and delivery of housing that will contribute to the Borough Council's housing supply. The proposed development, whilst not now fully compliant with the requirements of Policy 22 of the Core Strategy, in relation to the level of affordable housing to be delivered, would deliver much needed dwellings, as part of the Council's five year housing supply, and provide appropriate facilities to serve the new and existing community. The changes proposed to the masterplan in relation to the commercial road, necessitating the removal of the protected trees along its southern edge are considered acceptable in design terms and the reserved matters application(s) would address any outstanding issues in relation to detailed design, relationships with new and existing residential properties etc. Accordingly, the application is recommended for approval. A new S106 agreement/deed of variation will need to be entered into to ensure the requirements of the previous permission are brought forward in association with any new permission granted.
104. The proposal was subject to pre-application discussions with the applicant and their 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. Negotiations have also been undertaken during consideration of the application in an attempt to address comments received from interested parties. As a result of this process, modifications were made to the proposal and a recommendation has been made in a timely manner.

## RECOMMENDATION

It is RECOMMENDED that the Executive Manager – Communities be authorised to grant planning permission, subject to the prior signing of a deed of variation to the S106 agreement, and the following conditions:

1. Application for approval of the final reserved matters shall be made to the local planning authority not later than 28th July 2022 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 the requirement of Section 92 of the Town and Country Planning Act 1990 (as amended) and to ensure the development will be satisfactory and in the interests of visual amenity and to comply with Policy 10 and 22 of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

2. No development shall take place until a Phasing Programme for the whole site has been submitted to and approved in writing by the Borough Council. This shall substantially accord with the Phasing Programme shown on the Phasing Plan P18-2350\_08 Rev G received on 12 November 2019 and shall include the phasing of the highways works.

The development shall thereafter be implemented in accordance with the details approved. All infrastructure and facilities within a particular residential phase shall be completed in accordance with the approved details prior to the occupation of any dwelling in a subsequent phase.

[To comply with the requirement of Section 92 of the Town and Country Planning Act 1990 (as amended) and to ensure the development will be satisfactory and in the interests of visual amenity and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies] and Policy 10 and 22 of the Rushcliffe Local Plan Part 1: Core Strategy. These details are a pre-commencement requirement due to the need to design an appropriate scheme for the site to ensure a comprehensive development].

3. No development of an individual phase of development shall take place until a Statement of Design Principles for that specific phase of the site as agreed under Condition 2 has been submitted to and approved in writing by the Borough Council. This shall substantially accord with the Design and Access Statement (Ref: P18-2350\_27 Rev F July 2019) received on the 1 August 2019 and the Illustrative Master plan (Drawing Number: P18-2350\_06 Rev L) received on 12 November 2019 and shall include site specific architectural principles; justification of the innovative, sustainability features; range, type and quality of materials; focal point for the development (where relevant); the village centre features; variations in block form, street layout and elevational treatment. The development shall thereafter be implemented in accordance with the details approved.

[To comply with the requirement of Section 92 of the Town and Country Planning Act 1990 (as amended) and to ensure the development will be

satisfactory and in the interests of visual amenity and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies] and Policy 22 of the Local Plan Part 1:- Rushcliffe Core Strategy. These details are a pre-commencement requirement due to the need to design an appropriate scheme for the site to ensure a comprehensive development].

4. No development shall take place until a Public Transport Strategy for the site has been submitted to and approved in writing by the Borough Council. This shall substantially accord with the Design and Access Statement (Ref: P18-2350\_27 Rev F July 2019) received on the 1 August 2019 and the Illustrative Master plan (Drawing Number: P18-2350\_06 Rev L) received on 12 November 2019 and shall include bus routes through the site with bus stops within 400m of any building; bus layover space near to the Community/village hall.

The development shall thereafter be implemented in accordance with the details approved and for any phase the part of the development to which the particular item or facility relates shall not be occupied until each one has been completed for that phase in accordance with the approved details.

[To promote the use of public transport facilities and services in accordance with Policies 10, 14 and 22 of the Rushcliffe Local Plan Part 1: Core Strategy. These details are a pre-commencement requirement due to the need to design an appropriate scheme for the site to ensure a comprehensive development].

5. No development shall take place until a Surface Water Drainage Scheme based on sustainable drainage principles in the context of an assessment of the hydrological and hydrogeological context of the site has been submitted to and approved in writing by the Borough Council. This shall substantially accord with the Design and Access Statement (Ref: P18-2350\_27 Rev F July 2019) received on the 1 August, the Illustrative Master plan (Drawing Number: P18-2350\_06 Rev L) received on 12 November 2019 and Flood Risk Assessment and Drainage Strategy Rev B received 20th June 2011 under 10/02105/OUT and shall include:

- The utilisation of holding sustainable drainage techniques;
- The limitation of surface water run-off to equivalent green field rates;
- The ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus an appropriate allowance for climate change, based upon the submission of drainage calculations; and
- Responsibility for the future ongoing maintenance of drainage features;
- The use of long term storage should be considered in the detailed design stage of the drainage scheme;
- Detailed design details of the proposed balancing pond and swales, including cross-sections and plans; and
- Proposals to ensure that there is no surface/storm water runoff onto adjacent land.

The development shall thereafter be implemented in accordance with the details approved and the part of the development to which the particular item or facility relates shall not be occupied until each one has been completed in accordance with the approved details.

[To comply with the requirement of Section 92 of the Town and Country Planning Act 1990 (as amended) and to ensure the development will be satisfactory and in the interests of visual amenity and to comply with Policy 18 (Surface Water Management) of the Rushcliffe Local Plan Part 2: Land and Planning Policies] and Policy 10 and 22 of the Rushcliffe Local Plan Part 1: Core Strategy. These details are a pre-commencement requirement due to the need to design an appropriate scheme for the site to ensure a comprehensive development].

6. No development shall take place until an Energy/low carbon Strategy for the site has been submitted to and approved in writing by the Borough Council. This shall substantially accord with the Design and Access Statement (Ref: P18-2350\_27 Rev F July 2019) received on the 1 August, the Illustrative Master plan (Drawing Number: P18-2350\_06 Rev L) received on 12 November 2019 and shall show how renewable energy/energy efficiency and climate change proofing, and the provision of public electric charging points within the village centre and commercial areas, together with a phasing plan showing the implementation of the proposals in each phase, are to be incorporated into the proposed development.

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

[To achieve improved energy conservation and the protection of environmental resources in accordance with national planning guidance as set out in the NPPF and in accordance with Policy 1 (Delivering Sustainable Development) of the Rushcliffe Borough Non-Statutory Local Plan and Policies 2 (Climate Change) and 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy. These details are a pre-commencement requirement due to the need to design an appropriate scheme for the site to ensure a comprehensive development].

7. No residential development shall take place until an Employment and Skills Strategy for the construction phase of the approved development has been submitted to and approved in writing by the Borough Council and no development of the commercial elements of the approved development shall take place until an Employment and Skills Strategy for the construction and operational phases of this form of development has been submitted to and approved in writing by the Borough Council. These strategies shall provide for the recruitment of people in the locality and apprenticeships for young persons and shall include the date by which the Employment and Skills Strategy is to be implemented by the developer.

The development shall thereafter be implemented in accordance with the terms of these strategies.

[To comply with the requirement of Section 92 of the Town and Country Planning Act 1990 (as amended) and to ensure the development will be satisfactory and satisfy Policy 22 of the Rushcliffe Local Plan Part 1: Core

Strategy. These details are a pre-commencement requirement due to the need to design an appropriate scheme for the site to ensure a comprehensive development].

8. No development of an individual phase of development shall take place until an Ecology Management Plan for that specific phase of the site as agreed under condition 2 above has been submitted to and approved in writing by the Borough Council. This shall substantially accord with the Design and Access Statement (Ref: P18-2350\_27 Rev F July 2019) received on the 1 August, the Illustrative Master plan (Drawing Number: P18-2350\_06 Rev L) received on 12 November and shall include updated ecological surveys, measures to be taken to establish the existence of any protected species prior to site clearance, mitigation measures; bat boxes/barn; bird and barn owl nesting boxes) management, maintenance and monitoring schedules. Further updates shall be submitted if the development of part of any particular phase does not commence within 24 months of approval of the details approved pursuant to this condition.

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

[To comply with the requirement of Section 92 of the Town and Country Planning Act 1990 (as amended) and to ensure the development will be satisfactory and satisfy Policy 22 of the Rushcliffe Local Plan Part 1: Core Strategy. These details are a pre-commencement requirement due to the need to design an appropriate scheme for the site to ensure a comprehensive development].

9. No development shall take place until an Affordable Housing Scheme for the site has been submitted to and approved in writing by the Borough Council which will allow for the provision of a minimum of 5% affordable housing across the site as a whole and include the proposed affordable housing types, sizes and tenures for each phase of the site with a minimum of 5% affordable housing in each phase. The development shall thereafter be implemented in accordance with the details approved.

[To comply with the requirement of Section 92 of the Town and Country Planning Act 1990 (as amended) and to ensure the distribution of affordable housing assists in the creation of an inclusive and mixed community in accordance with the National Planning Policy Framework and Policy 22 of the Rushcliffe Local Plan Part 1: Core Strategy. These details are a pre-commencement requirement due to the need to design an appropriate scheme for the site to ensure a comprehensive development]

10. No development shall take place until an On-site Leisure Scheme for the site has been submitted to and approved in writing by the Borough Council. This shall substantially accord with the Design and Access Statement (Ref: P18-2350\_27 Rev F July 2019) received on the 1 August, the Illustrative Master plan (Drawing Number: P18-2350\_06 Rev L) received on 12 November 2019 and Phasing Plan (Drawing Number P18-2350\_08 Rev G received on 12 November 2019) and shall include a minimum provision for allotments - 0.85ha; 1.6ha of non-equipped play areas; 0.54ha equipped play areas; details of the proposed play equipment; 2.2ha formal playing pitches (priority use football/cricket); community orchards, green infrastructure, open space and

lay-by for a youth bus identifying in which phase(s) the specific elements of the on-site leisure provision will be made, and shall include proposals for the ongoing management and maintenance of the site thereafter.

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

[To comply with the requirement of Section 92 of the Town and Country Planning Act 1990 (as amended) and to ensure the development will be satisfactory and in the interests of visual amenity and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policies 10 (Design and Enhancing Local Identity) and 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy. These details are a pre-commencement requirement due to the need to design an appropriate scheme for the site to ensure a comprehensive development].

11. Prior to the commencement of the 50th dwelling a Community/village Hall Scheme including its estimated construction cost for the site shall have been submitted to and approved in writing by the Borough Council. This shall substantially accord with the Design and Access (Ref: P18-2350\_27 Rev F July 2019) received on the 1 August, the Illustrative Master plan (Drawing Number: P18-2350\_06 Rev L) received on 12 November 2019 and the Community Hall Plan (Drawing Number: 10548-01 Rev A) submitted under 10/02105/OUT and shall include ensuring the provision of the Hall before the commencement of construction of the 250th dwelling. The development shall thereafter be implemented in accordance with the details approved.

[To comply with the requirement of Section 92 of the Town and Country Planning Act 1990 (as amended) and to ensure the development will be satisfactory and in the interests of visual amenity and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policy 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy.].

12. No development shall take place until a Primary School Scheme for the site has been submitted to and approved in writing by the Borough Council. This shall substantially accord with the Design and Access Statement (Ref: P18-2350\_27 Rev F July 2019) received on the 1 August 2019, the Illustrative Master plan (Drawing Number: P18-2350\_06 Rev L) received on 12 November 2019 and the illustrative Primary School Plan (Drawing Number: 110548-0010) submitted under 10/02105/OUT and shall ensure the provision of a serviced site in Phase one of the development. The development shall thereafter be implemented in accordance with the details approved.

[To comply with the requirement of Section 92 of the Town and Country Planning Act 1990 (as amended) and to ensure the development will be satisfactory and in the interests of visual amenity and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policies 10 (Design and Enhancing Local Identity) and 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy. These details are a pre-commencement requirement due to the need to design an appropriate scheme for the site to ensure a comprehensive development].

13. No development shall take place until a Highways Delivery Scheme for the site has been submitted to and approved in writing by the Borough Council. This shall substantially accord with the Design and Access Statement (Ref: P18-2350\_27 Rev F July 2019) received on the 1 August, the Illustrative Master plan (Drawing Number: P18-2350\_06 Rev L) received on 12 November 2019 and shall provide for the delivery of the following works:

- a) The provision of informal pedestrian crossing arrangements (dropped kerbs) on both sides of the Kirkhill railway level crossing including tactile paving;
- b) The A6097 Kirk Hill signal controlled junction has been improved as shown for indicative purposes only in the Transport Assessment December 2010 Appendix 9;
- c) Either:
  - (i) Improvement to Bridleway 23, Footpath 2; or
  - (ii) The provision of suitable connections to Bridleway 23, Footpath 2 on the eastern side of the old A46 (B687) and to the residential development site known as Roman's Quarter:

as shall be agreed with the LPA.

Should the Applicant/Developer require either:

- (i) the use of any third party land; or
- (ii) any third party landowner to agree or grant rights /permissions/licenses over their land

to enable the construction of improvements to Bridleway 23, Footpath 2 or future maintenance thereof the requirement to improve Bridleway 23, Footpath 2 shall cease and the Applicant/Developer shall provide connections to Bridleway 23, Footpath 2 on the eastern side of the old A46 (B687) and to the residential development site known as Roman's Quarter.

Such works shall be **completed** within 6 months of the completion of the construction of the new pedestrian/cycle bridge over the A46 and the adoption thereof or such later timescale as **previously** agreed with the Local Planning Authority.;

- d) The pedestrian/cycle bridge/link across the A46/B687 in accordance with the approved details;
- e) Main Street/new Newton link road junction modifications to restrict turning movements;
- f) A school safety zone including appropriate signage, lining, traffic calming, parking restrictions, and pedestrian crossing arrangements; and
- g) The provision of a main residential/commercial access road within the site including roundabouts (or other features to be agreed), pedestrian/cycle crossing and traffic calming measures.

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

[In the interest of highway safety and to ensure a satisfactory development in accordance with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policy 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy. These details are a pre-commencement requirement due to the need to design an appropriate scheme for the site to ensure a comprehensive development].

14. No development on new commercial land falling within use classes B2 and B8 as defined in the Town and Country Planning Use Classes (Amended) Order 2005 (or in any provision equivalent to the Class in any statutory instrument revoking and re-enacting that Order with or without modification) shall be occupied, until the Newton link road has been widened to generally 7.3m with appropriate additional widening on bends.

[In the interest of highway safety and to ensure a satisfactory development in accordance with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policy 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy. These details are a pre-commencement requirement due to the need to design an appropriate scheme for the site to ensure a comprehensive development].

15. No development of an individual phase of development shall take place until an Archaeological Investigation Scheme for that particular phase of the site has been submitted to and approved in writing by the Borough Council. This shall substantially accord with the Design and Access Statement (Ref: P18-2350\_27 Rev F July 2019) received on the 1 August, the Illustrative Master plan (Drawing Number: P18-2350\_06 Rev L) received on 12 November 2019 and shall include timescales for archaeological investigation, mitigation and proposed timescales. The development shall thereafter be implemented in accordance with the approved details.

[To comply with the requirement of Section 92 of the Town and Country Planning Act 1990 (as amended) and to ensure the development will be satisfactory and in the interests of visual amenity and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies] and Policy 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy. These details are a pre-commencement requirement due to the need to design an appropriate scheme for the site to ensure a comprehensive development].

16. The proposed development shall be implemented in accordance with the Structures Retention Scheme (dated 26 April 2019) discharged under application reference 19/01054/DISCON that provides details for the retention of the control tower, the measures for its protection/enhancement/ongoing maintenance and the provision of a memorial in accordance with the approved scheme.

[To comply with the requirement of Section 92 of the Town and Country Planning Act 1990 (as amended) and to ensure the development retains a sense of place and link with the history of the site and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policy 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy].



17. No development of an individual phase of development shall take place until a Contaminated Land Investigation and Risk Assessment Report undertaken by competent persons to assess the nature and extent of any contamination on the site, whether or not it originates on the site for that specific phase of the site as agreed under condition 2 has been submitted to and approved in writing by the Borough Council and shall include:
- a) The outcome of further assessments of the contamination hotspots referred to in the Geodyne Combined Phase 1 Desk Study and Baseline Ground Investigation Report submitted on the 7th October 2011.
  - b) A revised ground gas risk assessment shall be submitted for completion of the gas monitoring programme to confirm if gas protection methods are required on the site.
  - c) Further testing shall be carried out on the existing topsoil to determine suitability for retention on site.
  - d) A full radiological risk assessment and a survey report and remediation method statement.
  - e) An unexploded ordnance search.

[To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policy 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy. These details are a pre-commencement requirement due to the need to design an appropriate scheme for the site to ensure a comprehensive development]

18. No development of an individual phase of development shall take place until a Detailed Remediation Scheme, to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment for that specific phase of the site as agreed under condition 2 above has been submitted to and approved in writing by the Borough Council. This include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

[To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policy 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy. These details are a pre-commencement requirement due to

the need to design an appropriate scheme for the site to ensure a comprehensive development]

19. No development of an individual phase of development shall take place until a Construction Method Statement for that specific phase of the site as agreed under condition 2 has been submitted to and approved in writing by the Borough Council and shall include the:
- a) measures for ensuring the means of exit from the site for demolition and construction traffic is restricted to the new Newton link road (with no exit onto Wellington Avenue) and best practicable measures for ensuring that the majority of such traffic entering the site does so by way of the new Newton link road and not by way of Wellington Avenue;
  - b) parking provision for site operatives and visitors;
  - c) storage of plant and materials used in constructing the development;
  - d) wheel washing facilities (including full details of its specification and siting);
  - e) measures to control the emission of dust and dirt during construction;
  - f) scheme for recycling/disposing of waste resulting from construction works;
  - g) siting and appearance of contractor's compounds including heights of stored materials, boundaries and lighting together with measures for the restoration of the disturbed land and noise mitigation;
  - h) proposals for topsoil handling, stripping, stockpiling, re spreading and after use;
  - i) procedures for the developers to monitor and enforce compliance with the principles and detailed requirements of the Statement.

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

[In the interests of highway safety, to maximise the retention of agricultural soils on site and to protect the amenities of the area and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policy 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy. These details are a pre-commencement requirement due to the need to design an appropriate scheme for the site to ensure a comprehensive development].

20. No development of an individual phase of development shall take place until a Waste Disposal Strategy for that specific phase of the site as agreed under condition 2 above has been submitted to and approved in writing by the Borough Council and shall include arrangements for maintenance and servicing including refuse collection/bin storage and incorporating a waste and recycling storage plan and a phasing plan for implementation. The recycling site shall be an area of no less than 15m x 15m within the village centre, the subsurface of which shall not have any utilities or services and include acoustic fencing on the perimeter of the site. The development shall thereafter be implemented in accordance with the details approved.

[To ensure that the development provides adequate facilities for waste collection and promotes recycling in accordance with Policies 1 (Development Requirements) 17 (Managing Flood Risk) and 18 (Surface Water Management) of the Rushcliffe Local Plan Part 2: Land and Planning Policies

and Policy 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy. These details are a pre-commencement requirement due to the need to design an appropriate scheme for the site to ensure a comprehensive development]

21. No development shall take place on any individual phase until details of the access, appearance, landscaping, layout, and scale ("the reserved matters") for that specific phase of the development have been submitted to and approved in writing by the Borough Council. The development shall be carried out in accordance with the approved details.

[To comply with the requirements of section 92 of the Town and Country Planning Act 1990 (as amended) and to ensure the development will be satisfactory and Policy 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy. These details are a pre-commencement requirement due to the need to design an appropriate scheme for the site to ensure a comprehensive development].

22. Each reserved matters application shall be accompanied by the following details, and this shall substantially accord with the Design and Access Statement (Ref: P18-2350\_27 Rev F July 2019) received on the 1 August, the Illustrative Master plan (Drawing Number: P18-2350\_06 Rev L) received on 12 November 2019 and details approved under the above conditions:

- a) A detailed layout plan of the phase in context with the whole site.
- b) The siting, design and external appearance of the proposed buildings.
- c) The means of access; car parking and provision for service vehicles.
- d) Facing, roofing and hard surfacing materials.
- e) 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 bridges, culverts, drainage, sewerage and public utilities.
- f) The layout and marking of car parking, servicing, manouvering areas and cycling storage for each building.
- g) The means of enclosure to be erected on site.
- h) The finished ground levels for the site and floor levels of the buildings relative to existing levels and adjoining land and in relation to the ground levels or contours proposed in any adjacent landscaping scheme.
- i) Plant and equipment and other structures.
- i) Recycling and bin storage facilities including an area for 3 wheeled bins for each dwelling and community bin storage for apartments and commercial areas.
- k) Details of the means of foul and surface water drainage together with a programme of implementation and means to ensure there is no run off

onto Wellington Avenue.

- l) The detailed design of all junctions, which shall include details of visibility splays.
- m) Drainage and rainwater run off systems including SuDS which shall accompany any road layout submission and detail maintenance/management arrangements.
- n) 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.
- o) The number and location of the affordable dwellings to be provided together with the mix of dwellings in terms of the number of bedrooms and the proportion of houses and flats, broken down between social rented, affordable rented and intermediate units for each phase.
- p) Detailed plans of the layout of the play areas, equipment, open space and other green infrastructure.
- q) Detailed plans and information relating to the opening up of culverted water courses.
- r) Each reserved matters application for residential development shall be accompanied by a statement assessing the development against the Building for Life Standards. The development shall thereafter be carried out in full accordance within the approved scheme.
- s) Each reserved matters application for a non-residential use (excluding the Community Hall and Local Centre Units) shall be accompanied by a statement detailing how each nonresidential building shall achieve a minimum of BREEAM Very Good (or the equivalent level of such national measure of sustainability for employment building design that replaces BREEAM).

The development shall thereafter be implemented in accordance with the details approved and for any phase the part of the development to which the particular item or facility relates shall not be occupied until each one has been completed for that phase in accordance with the approved details.

[To comply with the requirement of Section 92 of the Town and Country Planning Act 1990 (as amended) and to ensure the development will be satisfactory and in the interests of visual amenity and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policies 10 (Design and Enhancing Local Identity) and 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy. These details are a pre-commencement requirement due to the need to design an appropriate scheme for the site to ensure a comprehensive development].

23. No development of any phase shall begin until reserved matters submissions on landscaping have been submitted to and approved in writing by the Borough Council. The submissions shall include full details of both hard and soft

landscape works for that phase and a programme for their implementation. Hard landscaping details shall include proposed finished levels or contours, means of enclosure, car parking layouts, other vehicle and pedestrian access and circulation areas, surfacing materials, minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs and lighting) and proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines). Soft landscaping details shall include proposed contours, planting plans (including woodland planting and the community orchard), written specifications (including cultivation and other operations associated with plant and grass establishment) and schedules of plants/trees, including species use of plants/trees, numbers and densities. Only native species appropriate to the local area and of native genetic origin shall be used in areas of 'natural' planting around the boundaries of the site in habitat creation areas, and in green corridors through the site. The works shall be carried out as approved. Any tree (s) or planting which die, are removed or become seriously damaged or diseased within 5 years of completion of the development within that phase shall be replaced in the next planting season with others of a similar size and species.

[In the interests of amenity and to comply with Policy 1 (Development Requirements) of the Rushcliffe Borough Non-Statutory Replacement Local Plan and Policies 10 (Design and Enhancing Local Identity) and 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy. These details are a pre-commencement requirement due to the need to design an appropriate scheme for the site to ensure a comprehensive development]

24. No work shall be carried out and no plant, equipment or materials brought on to the site, in any phase, until there has been submitted to and approved in writing by the Borough Council for that phase:
- a) a plan showing the location of, and numbering, each existing hedge and tree within the phase (including trees and hedges on the route of construction traffic), plus trees on adjoining land whose crowns overhang the site, and identifying all trees and hedges which are to be retained;
  - b) details of the species, trunk diameter, height and general health and stability of each tree to be retained;
  - c) details of any proposed lopping or topping of any tree to be retained;
  - d) details of any proposed alterations in ground levels and of any excavations proposed within the crown spread of any tree to be retained;
  - e) details of the position and specification of fencing or other measures for the protection before and during the course of development of any tree or hedge to be retained.

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

[To ensure existing trees and hedgerows are adequately protected during the development and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policies 10 (Design and Enhancing Local Identity) and 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy. These details are a pre-commencement requirement due to the need to design an appropriate scheme for the site to ensure a comprehensive development].

25. Development shall not begin on any phase until the existing trees and hedges in that part of the site which are to be retained have been protected in accordance with the details approved pursuant to condition 24 above. Protection shall be retained for the whole of the construction period of that phase. No materials, machinery or vehicles shall be stored, no buildings erected and no excavation works undertaken within the protected areas. No changes to ground levels shall be made within the protected areas without the prior written agreement of the Borough Council.

[In the interests of amenity and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policies 10 (Design and Enhancing Local Identity) and 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy. These details are a pre-commencement requirement due to the need to design an appropriate scheme for the site to ensure a comprehensive development]

26. The maximum heights (to ridge) of any building shall not exceed a maximum of 3 storeys for B1 (office space); 13.5metres (Commercial); and 10.5metres (residential).

[To protect the visual amenities of the area and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policies 10 (Design and Enhancing Local Identity) and 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy.]

27. No residential unit shall be occupied until the access, servicing and car parking facilities associated with that unit has been provided in accordance with details submitted to and approved in writing by the Borough Council and these facilities shall be retained for the lifetime of the development.

[In the interest of highway safety and to ensure a satisfactory development in accordance with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policies 10 (Design and Enhancing Local Identity) and 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy.]

28. No residential unit or occupier of any business unit hereby permitted shall be occupied until a Travel Plan Framework relating to that type of development has been submitted to and approved in writing by the Borough Council. This shall set out proposals (including targets, a timetable and enforcement mechanism) to promote travel by appropriate sustainable modes as agreed with the Borough Council and shall include arrangements for monitoring of progress of the proposals. The approved Travel Plan / Plans shall be implemented in accordance with the timetable set out in that plan.

[To promote sustainable travel in accordance with the aims of Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policies 10 (Design and Enhancing Local Identity) and 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy.]

29. No residential unit or business unit hereby permitted shall be occupied or brought into use until the owners/occupiers of the site have appointed and thereafter continue to employ or engage, a site-wide travel plan coordinator who shall be responsible for the implementation, delivery, monitoring and promotion of the sustainable transport initiatives set out in the Travel Plan Framework approved under Condition 28 for the lifetime of the Travel Plan. The details of the site-wide travel plan coordinator shall be provided and continue to be provided to the Local Planning Authority for the duration of the approved Travel Plan monitoring period.

[To promote sustainable travel in accordance with the aims of Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policies 10 (Design and Enhancing Local Identity) and 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy.]

30. The site-wide travel plan coordinator shall submit reports to and update the TRICS database in accordance with the Standard Assessment Methodology (SAM) or similar to be approved and to the Local Planning Authority in accordance with the Travel Plan Framework monitoring periods. The monitoring reports submitted to the Local Planning Authority shall summarise the data collected over the monitoring period and propose revised initiatives and measures where travel plan targets are not being met including implementation dates to be approved in writing by the Local Planning Authority and which shall inform individual Travel Plans.

[To promote sustainable travel in accordance with the aims of Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policies 10 (Design and Enhancing Local Identity) and 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy.]

31. Prior to the occupation of any business employing more than 20 employees, the owner and the occupier of each business unit, shall work with the site wide travel plan coordinator and within 5 months of occupation produce a detailed travel plan that sets out preliminary model split information and final targets with respect the number of vehicles using the site and the adoption of measures to reduce single occupancy car travel consistent with the approved Framework Travel Plan. The Travel Plan shall be implemented in accordance with the approved timetable and be updated consistent with future site-wide travel initiatives including implementation dates to the satisfaction of the Local Planning Authority.

[To promote sustainable travel in accordance with the aims of Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policies 10 (Design and Enhancing Local Identity) and 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan

Part 1: Core Strategy.]

32. No dwelling shall be occupied until a standard 32 amp single phase socket for the charging of electric vehicles has been fitted at an appropriate position in accordance with details previously submitted to and approved in writing by the Borough Council.

[To enable the use of non-carbon based technology in accordance with the guidance contained within the National Planning Policy Framework, Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policies 10 (Design and Enhancing Local Identity) and 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy.]

33. Notwithstanding the provisions of the Town and Country Planning Use Classes (Amended) Order 2005 (or in any provision equivalent to the Class in any statutory instrument revoking and re-enacting that Order with or without modification), any non-residential buildings falling within Classes B2 and B8 constructed pursuant to this outline planning permission shall only be used for B2 and B8 purposes. There shall be no subsequent change of use to one falling within Class B1(a) without the benefit of obtaining planning permission. Any such an application shall be supported with a Transport Assessment.

[To clarify the extent of the permission, to limit traffic generation and to ensure that adequate parking facilities are provided in connection with the development and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policies 10 (Design and Enhancing Local Identity) and 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy.]

34. No new non-residential unit shall be occupied until a scheme has been submitted to and agreed in writing by the Borough Council to cover the following:

- a) hours of operation of those premises,
- b) details of delivery handling equipment and industrial processes to be undertaken,
- c) details of externally mounted plant, equipment, tools and machinery or internally mounted plant, equipment, power tools and machinery which vents externally,
- d) associated structural planting and external and internal buffer zones to mitigate any noise generated
- e) hours of deliveries taken at or dispatched from and waste collection.

The units shall thereafter be used, and any plant /equipment shall be installed, and retained in accordance with the approved scheme.

[To ensure a satisfactory development and to protect the amenities of the area in accordance with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policies 10 (Design and Enhancing Local Identity) and 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy.]



35. Deliveries to and distribution associated with the existing B8 uses (hangars 1 - 5) including plant and equipment, shall only take place between the hours of 08:00 - 18:00 Monday to Friday, 09:00- 13:00 Saturday and not at all on Sundays and Bank Holidays.

[To protect the amenities of neighbouring residential properties and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policies 10 (Design and Enhancing Local Identity) and 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy.]

36. No goods or materials shall be stored or displayed for sale and no work shall be undertaken on the open area of any B1, B2 and B8 units on the site without the prior written approval of the Borough Council.

[To protect the amenities of the area and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policies 10 (Design and Enhancing Local Identity) and 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy.]

37. No security lighting or floodlighting shall be installed, on the employment premises or associated open areas, until full details have been submitted to and approved in writing by the Borough Council. Such details shall include a lux plot of the estimated illumination. The installations shall be designed, located and installed so as not to cause a nuisance to neighbouring residents, and to avoid significant impacts on foraging commuting bats. The development shall take place in accordance with the approved scheme and shall thereafter be retained in accordance with the approved details.

[To protect the amenities of the area and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policies 10 (Design and Enhancing Local Identity) and 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy.]

38. No part of the non-residential development shall be brought into use until the access, servicing and car parking facilities associated with that part of the development have been provided in accordance with details which shall first have been submitted to and approved in writing by the Borough Council and these facilities shall be retained for the lifetime of the development.

[In the interest of highway safety; and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policies 10 (Design and Enhancing Local Identity) and 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy.]

39. The approved Detailed Remediation Scheme must be carried out in accordance with its terms prior to the commencement of any development other than that required to carry out remediation in that phase. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a written verification

report that demonstrates the effectiveness of the remediation carried out must be submitted to and is subject to the approval in writing of the Borough Council. No new buildings shall be occupied until the verification report relevant to that building has been approved by the Borough Council.

[To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policies 10 (Design and Enhancing Local Identity) and 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy.]

40. If, during the development, contamination not previously identified is found to be present at the site then no further development in that phase shall be carried out until the developer has submitted, and obtained written approval from the Borough Council for, an amendment to the Detailed Remediation Scheme detailing how this unsuspected contamination shall be dealt with, and the development shall be carried out in accordance with the approved scheme.

[To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policies 10 (Design and Enhancing Local Identity) and 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy.]

41. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there are multiple tankages, the compound shall be at least equivalent to the capacity of the largest tank, vessel or the combined capacity of the interconnected tanks or vessels plus 10%. All filling points, associated pipework, vents, gauges and sight glasses must be located within the bund or have a separate secondary containment. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank/vessels overflow pipe outlets shall be detailed to discharge downwards into the bund.

[To prevent pollution of the existing water environment and to comply with Policies 1 (Development Requirements) 17 (Managing Flood Risk) and 18 (Surface Water Management) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policy 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy.]

42. This permission shall relate to the details submitted under 10/02105/OUT as originally submitted on the 3rd February 2011 and revised under 15/00583/VAR and 16/02864/VAR as amended by the following additional/revised plans and documents (such plans and documents may be subject to revision to accord with the above conditions):

- a) Illustrative Masterplan (P18-2350\_06 Rev L, Pegasus Group)
- b) Phasing Plan (P18-2350\_08 Rev H, Pegasus Group)
- c) Illustrative Landscape Masterplan (P18-2350\_23 Rev G, Pegasus Group)
- d) Illustrative Landscape Sections A-G (P18-2350\_24 Rev D, Pegasus Group)
- e) On-Site Leisure Provision (P18-2350\_25 E, Pegasus Group)
- f) TPO'd Tree Removal, Retention and Replacement Plan (P18-2350\_28 Rev E, Pegasus Group)
- g) Nottinghamshire Rapid Health Impact Assessment Matrix (Rev A, 07.11.2019)
- h) Phase I & II Geo-Environmental Investigation (GML19112/2/0, Geo-Matters Ltd)
- i) Transport Assessment (SKP/TM 21095-01\_Transport Assessment Rev 2, David Tucker Associates)
- j) ES Addendum – Transport (SP/TM/21095-02 ES Addendum – Transport Rev 1, David Tucker Associates)
- k) Design and Access Statement (P18-2350\_27 Rev G, Pegasus Group)
- l) Technical Justification (Condition 22) June 2019, Turley
- m) Transport Assessment Addendum (SP/TM21095-03 Transport Assessment Addendum, David Tucker Associates)

[For the avoidance of doubt and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policies 10 (Design and Enhancing Local Identity) and 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy.]

43. The highway link between the northern most egress from the existing hangars/commercial area, marked as “Non-Commercial Vehicle Exit Only” on the Illustrative Masterplan (drawing number P18-2350\_06 Rev L, Pegasus Group) between blocks “R2” and “R3” and the main development spine road shall not be brought into use until a scheme to prevent its use by commercial vehicles (greater than 3.5t in weight), restricting its use to exit only , and to discourage use of Wellington Avenue by traffic associated with the hangars / commercial area has been submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be implemented in accordance with approved details and retained and maintained as such for as long as the link serves a commercial area. Any such measures required by the aforementioned scheme shall be installed within the Highway on the residential side of the link only.

[In the interest of highway safety; and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policies 10 (Design and Enhancing Local Identity) and 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy.]

### **Notes to Applicant**

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

This permission 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 education, open space, allotments, orchards, play areas, leisure contribution, highways, bridge, travel plan coordinator, travel plan, bus service, affordable housing, community hall, community contributions, Suds and monitoring. You are advised to view the Agreement for full details. The contributions have been calculated in relation to 550 dwellings. Payments are subject to indexation.

The term 'affordable housing' in this instance is as defined in the National Planning Policy Framework (Annex 2: Glossary) Social rented, affordable rented and intermediate housing provided to eligible households whose needs are not met by the market. Eligibility is determined with regard to local incomes and local house prices. Affordable housing should include provisions to remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable housing provision.

Social rented housing is owned by local authorities and private registered providers (as defined in section 80 of the Housing and Regeneration Act 2008), for which guideline target rents are determined through the national rent regime. It may also be owned by other persons and provided under equivalent rental arrangements to the above, as agreed with the local authority or with the Homes and Communities Agency.

Affordable rented housing is let by local authorities or private registered providers of social housing to households who are eligible for social rented housing. Affordable Rent is subject to rent controls that require a rent of no more than 80% of the local market rent (including service charges, where applicable).

Intermediate housing is homes for sale and rent provided at a cost above social rent, but below market levels subject to the criteria in the Affordable Housing definition above. These can include shared equity (shared ownership and equity loans), other low cost homes for sale and intermediate rent, but not affordable rented housing.

Homes that do not meet the above definition of affordable housing, such as "low cost market" housing, may not be considered as affordable housing for planning purposes.

It should be noted that no financial contributions towards secondary school provision has been required on the basis that it has been demonstrated that South Nottinghamshire Academy at Radcliffe on Trent has sufficient capacity to accommodate pupils arising from this development. It is therefore anticipated that children of secondary school age would attend the South Nottinghamshire Academy at Radcliffe on Trent and not Toothill Academy.

The overall scheme for the development of this site will involve the provision of on-site infrastructure including road, foul and surface water sewers, mains water and other direct services. In addition to discussing normal planning requirements with the planning authority, the developer should approach

- a) the highway authority with regard to the formation of access to the highway and the requirement for the adoption of the estate road(s), if applicable; 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 in writing before any work commences on site.
- b) Severn Trent Water on 0800 783 4444 should be contacted about the design and provision of foul and surface water sewers and for adoption information; the Environment Agency, for information on flood risk and on- or off-site storm water requirements; the Nottinghamshire Constabulary Architectural Liaison Officer regarding measures to combat crime;
  - c) the Council's Leisure Services Division for information on the provision and specification for open spaces and play areas,
  - d) the Council's Landscape Officer for advice on incorporating existing landscape features as well as the principles for new landscaping and planting species and specifications, and tree preservation;
  - e) East Midlands Electricity, if provision needs to be made for a new sub-station.
  - f) Natural England in relation to nature/ecology matters and soil conservation

A flood risk assessment should be submitted at each stage of the planning process. For example, when more detail concerning the location of dwellings/ land parcels is available, then areas must be identified to be set aside for the provision of SUDS measures. The Environment Agency do not consider oversized pipes or box culverts as sustainable drainage. Should infiltration not be feasible at the site, alternative above ground sustainable drainage should be used. Surface water run off should be controlled as near to source as possible through a sustainable drainage approach to surface water management. Sustainable Drainage Systems (SuDS) are an approach to managing surface water run - off which seeks to mimic natural drainage systems and retain on -site as opposed to traditional drainage systems which involve piping water off- site as quickly as possible. Please contact Stuart Taylor at the Environment Agency on 0115 8463654 regarding flood risk queries and your attention is drawn to the requirements and advice of the Environment Agency contained in the attached copy letter.

The site will be subject to the Control of Pollution (Oil Storage)(England) Regulations 2001 which apply to the storage of oil or fuel of any kind in any kind of container which is being used and stored above ground, including drums and mobile bowsers, situated outside a building and with a storage capacity which exceeds 200 litres.

A person with custody or control of any oil or fuel breaching the Regulations will be guilty of a criminal offence. The penalties are a maximum fine of £5000 in Magistrates' Court or an unlimited fine in Crown Court. Further details of the regulations are available from the Environment Agency

In relation to condition 5 and 22 (q) you are advised that the current 750mm diameter surface water culvert runs underneath the existing development as shown within the submitted Flood Risk Assessment ( Appendix B) drawing SK01:- Existing 750mm Diameter Sewer and Existing Ditches. The opening of the culvert would bring amenity and biodiversity benefits to the watercourse. Culverts also bring blockage risks and could increase risk of flooding to others. The Environment Agency would expect the details and information to cover the following requirements:-

- a) Information to demonstrate there is no flood risk from the open watercourse to the new development.
- b) Information showing the new alignment of the watercourse
- c) Cross sections of the new open watercourse
- d) Method statement for the planned works include bank works
- e) Biodiversity and ecological benefits from the works including all new planting
- f) Information to demonstrate adequate easements from the open watercourse.

The increased amount of waste water and sewage effluent produced by the new developments will need to be dealt with to ensure that there is no deterioration in the quality of the water courses receiving this extra volume of treated effluent. As such there may be a requirement for the expansion and upgrading of current sewage treatment systems, if the volume of sewage requiring treatment with the district increases. Close liaison with Severn Trent will be required. You are advised to 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.

Severn Trent Water advise 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 and you are advised to contact Severn Trent Water directly on 0116 2343834.

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 development should comply with the Site Waste Management Regulations 2008.

The individual dwellings should be designed so as to accommodate:

- a) 3 x wheeled bins within the individual curtilages.
- b) apartment blocks should have land available to accommodate bulk containers for refuse and recycling. For each type of waste the formula is number of apartments x 240/1100= number of bulk containers.

Please contact Dave Thomas at Rushcliffe Borough Council on 0115 9148396 for further information.

Dog fouling bins and on street litter/ recycling bins as specified by the Borough Council will need to be located within areas such as open spaces and play areas, footpaths, car park and thoroughfares. Please contact Dave Thomas on 0115 9148396 for further information.

You are advised to contact Nottinghamshire Police Force Architectural Liaison Officer in respect to achieving a scheme that complies with Secured by Design and the seven attributes contained in the ODPM Document - Safer Places - The Planning System and Crime Prevention.

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.

For further information on the content of contaminated land reports please contact the Borough Council's Environmental Health Department on 0115 9148322.

You are reminded that a number of trees on the site are protected by a Tree Preservation Order and therefore careful attention will need to be paid to any reserved matters application to ensure their retention and long term protection.

It is suggested that the developer works with artists/designers/design teams in order to create a high quality environment for people to work, live and play, which reflects the characteristics of local landscape and heritage. The developer is also encouraged to consider the use of public art which can be decorative or functional.

It is suggested that the developer work with the Parish Council and local youth groups to ascertain the type of equipment sought for the play area space.

Construction traffic shall use preferred routes which shall exclude such traffic passing through Newton Village.

The proposed development lies with a coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development this should be reported to The Coal Authority. Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Property specific summary information on coal mining can be obtained from The Coal Authority Properties Search Service on 0845 7626848 or at [www.groundstability.com](http://www.groundstability.com).

The evidence base for the site wide Energy Statement, referred to in conditions 6 shall include a detailed assessment of anticipated energy usage patterns across the site when occupied. The strategy shall include identification of opportunities for reducing energy loads and for generating on-site low or zero carbon energies.

The proposed development includes a bridge crossing of the A46. Such a crossing will require the prior consent of Highways Agency and County Council as Highways Authority.

Attention is drawn to the fact that this permission does not entitle the applicant to obstruct in any way the public rights of way are within the application site. If it is intended to divert or stop up any public rights of way the appropriate legal steps must be taken before development commences. Please contact the Borough Solicitor for advice on the procedures. (Tel 01159 9148215) Due regard must be had at the reserved matters stage to ensure that access to these are maintained.

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 road works.

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 Nottinghamshire County Council as Highway Authority as early as possible.

In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact Nottinghamshire County Council.

The highway proposals associated with this permission involve works within the public highway which is land over which you have no control. The Highways Agency therefore requires you to enter into a Section 278 agreement to cover the design and construction of the works. Please contact Assistant Area Development Manager, Kamaljit Khokhar on 0121 678 8390 at an early stage to discuss the highways agreement.

With regard to condition 4 such a strategy shall ensure that the bus services and corresponding bus stops are available whether temporary or permanent within 400m of any building prior to it becoming occupied or being brought into use. This shall ensure the bus route is attractive to customers, the route through the site shall include fully lit bus stop poles with timetable cases and bus stop flags, raised kerbed bus boarders, and dropped kerbed wheelchair and pushchair access at all locations, lit bus shelters at 1 in 3 locations with real time displays, bus stop clearways and bus stop cages at key locations, 'supa' shelters at the district centre, appropriate layover points, and an information kiosk.

Advice regarding travel plans can be obtained from the Travel Plans Officer on telephone 0115 9774523.

Natural England have confirmed that they support the proposed mitigation strategy and given that bats are a European protected species through the Conservation of Habitats and Species Regulations ( 2010) , a licence for works affecting the bat roosts will need to be obtained. Under Regulation 53, activities which would otherwise contravene the strict protection regime offered to European Protected Species under regulation 41 can only be permitted where it has been shown that certain tests have been met. Within the context of a planning application these are:

- a) The activity is for the purpose of preserving public health or safety or for other imperative reasons of overriding public interest
- b) There is no satisfactory alternative
- c) The favourable conservation status of the species in question is to be maintained.

You are advised to contact Natural England on 0300 0600789 for further advice.

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

Nesting birds and bats, their roosts and their access to these roosts are protected



under the Wildlife and Countryside Act 1981. Should birds be nesting in the trees concerned it is recommended that felling/surgery should be carried out between September and January for further advice contact Nottinghamshire Wildlife Trust on 0115 9588248. If bats are present you should contact English Nature on 01476 584800.

Defra (now Natural England) advise an appropriately experienced soil specialist should be instructed to advise on and supervise soil handling, including identifying when soils are dry enough to be handled and how to make the most sustainable use of the different soils on site, in particular in retaining the long term potential of agricultural soils on the site. Guidance is available in Defra 'Construction Code of Practice for Sustainable Use of Soils on Construction Sites and it is recommended that this is followed. Condition 19. Relating to the CEMP requires measures at (i) to minimise the potential compaction and structural degradation of top soils and ensure potential for re use is maximised. These measures should aim to ensure that:-

- a) Potential damage to top soils by vehicles is minimised
- b) Top soils are excavated and moved only when dry and friable in consistency
- c) The amount of organic matter incorporated into excavated soil strips is minimised (including by ensuring grass sward is closely mown and all cuttings are removed at an appropriate time prior to soil excavation);
- d) Topsoil stripping methods and construction of topsoil stockpiles are appropriate.

The fume extraction scheme should include both projected noise levels and details of equipment installed to suppress and disperse fumes and/or odour produced by cooking and food preparation.

In addition the following advice is given by the Head of Environmental Health:-

- a) The extract vent should terminate no less than 0.6 m (ideally 1m) above the ridge of the building and not less than 1m above any open able window/skylight.
- b) The extract vent should be installed internally as far as possible, if there is a likelihood of conflict with any planning requirements).
- c) The system must be in use at all times when cooking is carried out in the premises.
- d) Details of the expected noise levels generated by the fan, which are required to be supplied, must include full octave band analysis.
- e) All mountings and fixings shall incorporate anti-vibration mounts in order to reduce airborne and structure-borne noise transmission.
- f) The extract vent should not be fitted with any restriction at the final opening i.e. cap or cowl
- g) The system should be designed to allow the collection and removal of rainwater in order to prevent water entering the fan unit.

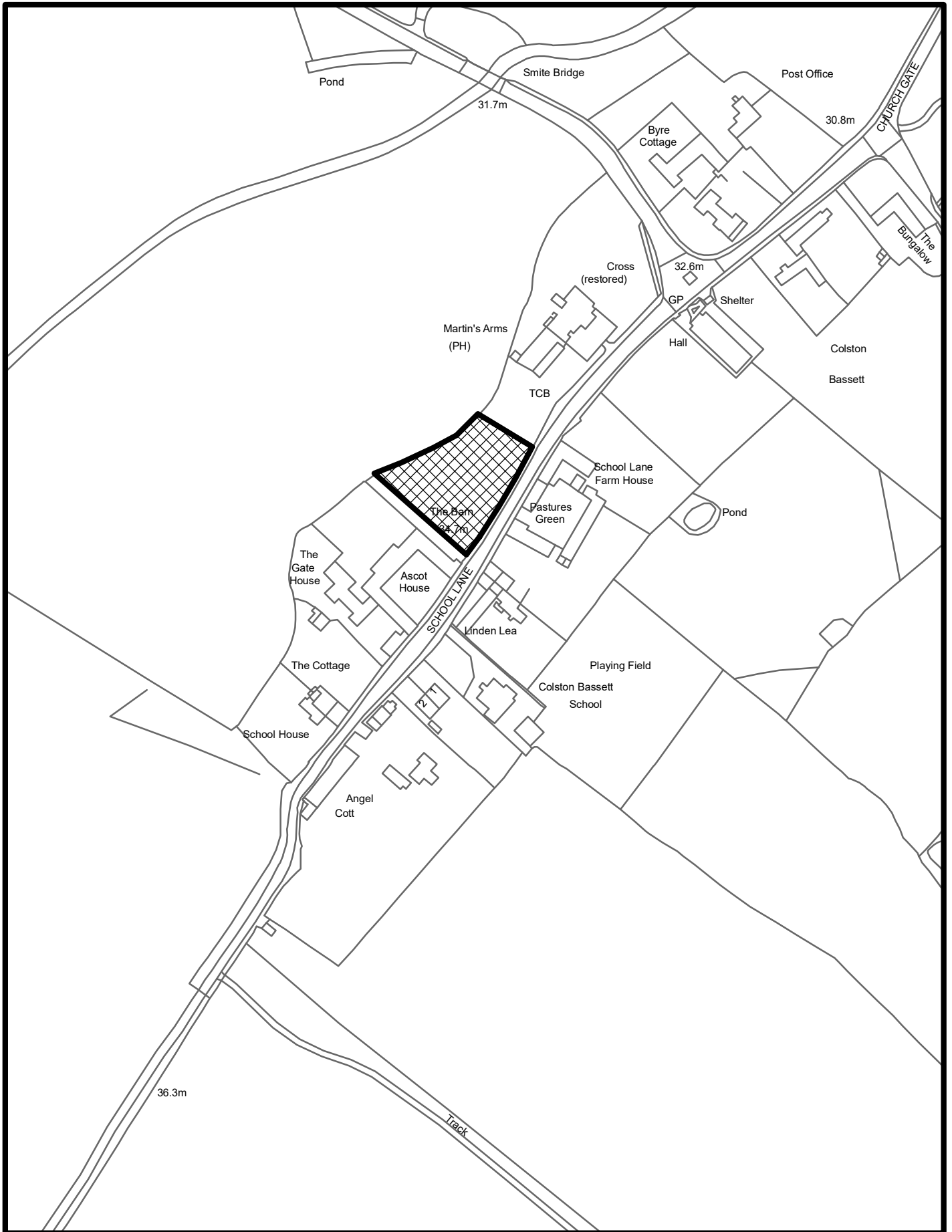
Prior to preparing the scheme you are advised to discuss the details with one of the Borough Environmental Health Officers on (0115) 914 8322

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) 914 8322 beforehand

You are advised that the demolition and disposal of asbestos requires special measures. Further advice can be obtained from Nottinghamshire County Council (0115 977 2019). Alternatively you can obtain an asbestos fact sheet from their website [www.nottinghamshire.gov.uk](http://www.nottinghamshire.gov.uk)

For further information on the content of contaminated land reports please refer to the Borough Council's publication "Developing Land within Nottinghamshire - A Guide to submitting Planning Applications for Land that may be contaminated". This booklet is available from Rushcliffe Borough Council's web site [www.rushcliffe.gov.uk](http://www.rushcliffe.gov.uk) or by contacting the Environmental Health Services directly on (0115) 914 8322.

Where identified as required in the Detailed Remediation Scheme, prior to occupation of any building in a phase a total cover of 700mm, including 200mm imported certificated clean soil, plus a capillary break layer of 100mm shall be used for garden and landscaped areas (with the exception of the allotment land and community orchard). A scheme for the certified clean soil and capillary break layer for the allotment and community orchard areas shall be submitted to the Borough Council, prior to the commencement of development of these respective areas, and the scheme shall be carried out in accordance with the approved details. The certificates of analysis for the use of on site or imported clean soils for each phase shall be submitted to the Borough Council.



**Application Number: 19/02622/FUL**  
**west of School Lane, Colston Bassett**



scale 1:2000

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# 19/02622/FUL

**Applicant** Mr Adrian Kerrison

**Location** Land West Of School Lane Colston Bassett Nottinghamshire

**Proposal** Proposed New Dwelling (resubmission)

**Ward** Nevile And Langar

## THE SITE AND SURROUNDINGS

1. The site comprises a grassed paddock on the west side of School Lane within the Conservation Area. The School Lane boundary is formed by a section of brick wall and slatted fencing with a gated vehicular access, and there is a group of mature deciduous trees on the northern part of the site, and along the north west and north east boundaries. The car park for the Martin's Arms is adjacent to the east, with the Grade II listed public house beyond. Adjacent to the west is a group of former farm buildings/stables converted to dwellings, and there is a farmhouse and number of 'barn' conversions on the opposite side of the lane. All of these buildings are identified as key unlisted buildings in the Townscape Appraisal of the Conservation Area Appraisal and Management Plan, and the trees within and adjacent to the site are identified as a 'wooded area'. In addition, the land to the north is identified as a positive open space.
2. A strip of land adjacent to the south western boundary shown to become part of the residential curtilage of the adjacent dwelling (Ascot House) on a previous application (ref. 19/00167/FUL) has been gravelled and a small damaged part of the boundary wall has recently been repaired/rebuilt.

## DETAILS OF THE PROPOSAL

3. The proposed two storey dwelling with a basement with adjacent light wells and up to 6 bedrooms (two rooms are labelled study/bedroom) would have the form and appearance of a converted barn/farm building to the front elevation, with a combination of traditional and contemporary elements to the side and rear. A vehicular access would be formed adjacent to the north east corner of the site, with a driveway and parking area to the north east side of the dwelling. The materials would be brickwork & clay pantiles with powder coated aluminium windows, tarmac & gravel for the driveway, and paving around the dwelling. The plans also show measures to protect trees on the site during construction, and landscaping proposals.
4. In addition to a Design & Access Statement, an Arboricultural Report (and subsequent addendum), Drainage Report, Landscape & Visual Impact Assessment and an ecology report were submitted.

## **SITE HISTORY**

5. Permission was refused and two appeals were dismissed in 1998 and 1999 for the erection of a dwelling and new vehicular access (refs: 98/00790/FUL & 99/00406/FUL).
6. Outline applications for a dwelling were refused in 2016 and 2017 (refs: 16/01959/OUT & 17/00102/OUT respectively).
7. Permission was granted in 2019 for a new dwelling (ref: 19/00167/FUL), and permission was subsequently refused for a revised scheme (ref: 19/02040/FUL).

## **REPRESENTATIONS**

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

8. The Ward Councillor (Cllr Combellack) objects on grounds summarised as follows.
  - a. Concerned about the impact of the proposed rear of the property and the contemporary element of the north west elevation on the conservation area and visual aspect of the rear of properties along School Lane, in particular, the extent of glazed areas giving rise to external light pollution which is not easily mitigated.
  - b. Concerned about the displacement of water by the basement element. In recent flooding the River Smite caused flooding and properties along School Lane are on land sloping towards the Smite.

### **Town/Parish Council**

9. The Parish Council objects on ground summarised as follows:
  - a. The revisions do not mitigate the substantial harm the proposed design would cause to the heart of the Conservation Area, as was noted by the Borough Council in their refusal of the original application.
  - b. The proposal does not match or address local housing need as identified in the Colston Bassett Neighbourhood Plan, nor does it meet required ecological design considerations.
  - c. Concerned as to the impact the proposed substantial basement excavation may have on local drainage patterns, as espoused by several local residents, with recent flooding episodes in an area that has a high water table.
  - d. Keen to see the site developed but to a design, scale & impact in keeping with its location at the heart of the Conservation Area.

### **Statutory and Other Consultees**

10. The Borough Council's Conservation Officer comments that this revised and resubmitted scheme is much closer to that proposed under application ref.

19/00167/FUL, and that it is encouraging to see that feedback and comments made when application 19/02040/FUL was refused have been taken on board in shaping the current scheme. As the current scheme is not substantially different from the approved one (19/00167/FUL), she does not have significant concerns, and agrees with the comprehensive comments given by the former Design and Conservation Officer, and finds that these apply similarly to the current scheme.

11. As such, she considers that the resubmitted proposal would achieve the objectives described as desirable within sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in preserving the special architectural and historic character and appearance of the conservation area (s72) and the special architectural and historic significance of listed buildings and their settings (s66).
12. Additionally, she considers that an archaeological watching brief should be secured for any groundworks undertaken on site in order to identify and secure a record of any archaeology on site.
13. The Borough Council's Design and Landscape Officer has read the addendum to the tree report and visited the site to take a look at tree 17. He largely agrees with the addendum and the points it makes, many of the arguments put forward were the same he considered when he chose not to object to the previous application, such as the depth of the basement not being a major factor given that the majority of the roots will be in the top 600mm of topsoil and the overall extent of encroachment into the root protection area. In light of this, he does not object to this application.
14. He takes the point the addendum makes that T17 is likely to have a limited useful life left due to its condition. He also thinks the appropriateness of the tree will change following development as the new building will introduce a new layer of risk whereas, at the current time, the site is unused and there would be no repercussion should the tree fail. If the applicant wanted to remove the tree, he would take a pragmatic approach should a suitable replacement be offered, but it seems that at the current time, we are being asked to consider the application based on the retention of the tree as it is shown to be retained on the drawings.
15. The construction work and a basement would result in a huge amount of spoil and that will need to be managed. This can be controlled through a condition to require submission and approval of an Arboricultural Method Statement prior to commencement of development which would need to be strongly worded to ensure there is on site arboricultural supervision at key build stages.
16. Nottinghamshire County Council as Highway Authority do not envisage that the proposal would have an unacceptable impact on highway safety and do not object subject to conditions to ensure that occupation of the proposed dwelling does not take place until the driveway has been surfaced in a bound material for a minimum distance of 5.0 metres behind the nearside carriageway edge & drained to prevent the discharge of surface water on to the public highway, the parking/turning area has been provided, the access is fronted with a vehicle crossing, and the visibility splays shown on the plans have been provided.

17. Nottinghamshire County Council as Lead Local Flood Authority (LLFA) comment that, as a statutory consultee, the LLFA should only be consulted on major developments with regards to surface water drainage. Having considered the scale of this application, the LLFA believes it is not required to respond to the surface water management details for this application and, as such, they will not be making any bespoke comments regarding this. On the specific proposal to build a basement on the site, based on the submitted information provided including the groundwater report by BSP Consulting, they have no objection to the proposals.
18. The Environment Agency advise that if the application site is within Flood Zone 1, they have no comments irrespective of local concerns on drainage. The County Council as LLFA have ultimate responsibility for any surface water flooding issues as well as groundwater flooding.
19. Trent Valley Internal Drainage Board comment that the site is outside the board's district but within its catchment. The board maintained River Smite is in close proximity to the site to which byelaws and the Land Drainage Act 1991 apply. The board's consent is required for any works which increase the flow or volume of water to any watercourse or culvert in the board's district, and surface water run-off rates to receiving watercourses must not be increased as a result of the development. The design, operation and future maintenance of site drainage systems must be agreed with the Lead Local Flood Authority and local planning authority.
20. Historic England - do not wish to make any comments and suggest that the views of the Borough Council's specialist conservation and archaeological advisers are sought as relevant.

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

21. 6 written representations have been received (from 5 properties), 4 raising objections & comments and 1 expressing support which are summarised as follows:

#### *Objections/comments*

- a. In the past 2 months there has been significant localised flooding (6 incidents) and a basement pool seems an inappropriate risk. There is still a risk to adjacent houses and it may exacerbate local flooding issues.
- b. Experience of flooding has clearly identified that several of the agencies (County Council, Severn Trent, Environment Agency) are not fully aware of the risks of the impact on flooding in the village, and it is expected that these extreme conditions will become the norm in line with climate change.
- c. The existing surface drainage down School Lane already struggles to cope and there is frequently a large area of standing water above the drain.
- d. If the basement is allowed a condition should be included to avoid affecting groundwater and reliance on mains drainage.



- e. Our cellar is generally dry but we have experienced flooding of the cellar on an intermittent basis this past year.
- f. The quantity of glazing seems at odds with a conservation area, giving rise to unnecessary external light pollution, and the south eastern aspect which overlooks School Lane is very heavily glazed and looks totally out of keeping with the local character.
- g. The area including trees is home to a range of wildlife and a detailed landscaping plan needs to be produced that will protect and provide homes for wildlife and help reduce light pollution created by the new building.
- h. Parking in school lane is already busy with a school, pub and village hall, and the provision of just two spaces and a small turning circle for a 5/6 bedroom dwelling appears insufficient.
- i. Conditions on previous approval should be imposed, and there should be conditions to ensure protection of great crested newts and to avoid light pollution.
- j. The resubmission does not go far enough in addressing previous concerns and inadequate account has been taken of the submission version of the Neighbourhood Plan (NP) particularly in relation to flooding, parking and lighting, and is contrary to policies ENV17, H2 and D1 of the NP.
- k. There is no turning head on School Lane and it is doubtful if lorries will be able to access the site and, prior to any construction, detailed proposals need to be submitted as to how construction traffic will access the site and how spoilage will be removed.

*Support*

- a. The site is currently untidy and overgrown and would greatly benefit from the proposal. The house is relatively modest for a plot of this size and would have no obvious adverse impact on the Martins Arms PH.
- b. The Martins Arms has a significant cellar and groundwater egress has not been encountered. There are no flooding issues on School Lane. Recent flooding has only affected lower lying areas of the village towards the church.

**PLANNING POLICY**

- 22. The Development Plan for Rushcliffe consists of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).
- 23. Other material considerations include the emerging Colston Bassett Neighbourhood Plan, the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG).

## Relevant National Planning Policies and Guidance

24. The National Planning Policy Framework February 2019 (NPPF) includes a presumption in favour of sustainable development. There are three overarching objectives to sustainable development: economic, social and environmental.
- an economic objective – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
  - a social objective – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations, and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and
  - an environmental objective – contributing to protecting and enhancing our natural, built and historic environment, and as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.
25. Chapter 5 ‘Delivering a sufficient supply of homes’ states, at paragraph 78, that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.
26. Chapter 12 ‘Achieving well designed places’ states that planning policies and decisions should ensure that developments 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, are visually attractive as a result of good architecture, are sympathetic to local character and history, including the surrounding built environment and landscape setting while not preventing or discouraging appropriate innovation or change, with a high standard of amenity for existing and future users.
27. Chapter 16 ‘Conserving and enhancing the historic environment’ states, at paragraph 192 that, in determining applications, local planning authorities should take account of:
- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
  - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
  - c) the desirability of new development making a positive contribution to local character and distinctiveness.

28. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
29. The National Planning Practice Guidance on Rural Housing states that it is important to recognise the role of housing in supporting the broader sustainability of villages and smaller settlements. A thriving rural community in a living, working countryside depends, in part, on retaining local services and community facilities such as schools, local shops, cultural venues, public houses and places of worship. Rural housing is essential to ensure viable use of these local facilities. Assessing housing need and allocating sites should be considered at a strategic level and through the Local Plan and/or neighbourhood plan process. However, all settlements can play a role in delivering sustainable development in rural areas, and so blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided unless their use can be supported by robust evidence.
30. Sections 66 and 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990 require that special regard is given to the desirability to preserve the settings of listed buildings, and that special attention is given to the desirability to preserve or enhance the appearance and character of Conservation Areas.

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

31. Policies 1 (Presumption in favour of sustainable development), 3 (Spatial Strategy), 10 (Design and enhancing local identity) and 11 'Historic Environment' of the Rushcliffe Local Plan Part 1: Core Strategy are relevant to the current proposal.
32. Policy 3 states that in 'other' settlements, such as Colston Bassett, housing development will meet local needs only, which will be delivered through small scale infill development or on exception sites.
33. Policy 10 states that all new development should reinforce valued local characteristics and have regard to local context, and that development will be assessed in terms of its impact on the amenity of occupiers or nearby residents.
34. Policy 11 states that proposals and initiatives will be supported where the historic environment and heritage assets and their settings are conserved and/or enhanced in line with their interest and significance. Planning decisions will have regard to the contribution heritage assets can make to the delivery of wider social, cultural, economic and environmental objectives.
35. The Rushcliffe Local Plan Part 2: Land and Planning Policies (Local Plan Part 2) provides clarification on the definition of '*small scale infill development*' stating that '*small scale infilling is considered to be 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*'.

36. Policy 28 'Conserving and enhancing heritage assets' of Local Plan Part 2 states that Proposals that affect heritage assets will be required to demonstrate an understanding of the significance of the assets and their settings, identify the impact of the development upon them and provide a clear justification for the development in order that a decision can be made as to whether the merits of the proposals for the site bring public benefits which decisively outweigh the harm arising from the proposals.
37. The Colston Bassett Neighbourhood Plan (NP) was submitted for examination in July 2019. The Borough Council received the examiner's report in January 2020 which concludes that, subject to amendments, the plan meets the basic conditions and should proceed to referendum. It is considered that the NP can currently be afforded reasonable weight.
38. Policy D1: 'Design' of the NP states that all new housing should continue to reflect the character and historic context of existing developments within the Parish and incorporate a range of local materials where possible. However, contemporary and innovative materials and design will be supported where positive improvement can be robustly demonstrated without detracting from the historic context.
39. Policy H2 'Housing Mix' states that housing development proposals should provide a mixture of housing types specifically to meet identified local needs in Colston Bassett as evidenced in the Parish Housing Needs Report (2016) or any more recent document updating this report.
40. Policy ENV4 'Important Trees and Woodland' states that development proposals that damage or result in the loss of trees, woodland and hedges of arboriculture/ecological significance and amenity value will be not generally be permitted unless there is a clear mitigation proposal close to the site.
41. Policy ENV7 'Managing Flood Risk' states that new development will be required to demonstrate that the site is safe from flooding and does not increase the risk of flooding to third parties, taking climate change projections into account.
42. Policy ENV 8 'Light Pollution' states that development must be designed to limit the impact on light pollution and light spillage from artificial externally visible light sources including security lights, through the use of motion sensors, timed lights and softer lighting.

## **APPRAISAL**

43. The Conservation Area Appraisal and Management Plan describes Colston Bassett as a village of '*exceptional quality*'. Numerous fine brick and pantile barns and cottages form an intrinsic part of its rural character, and there are period cottages and barns as well as Georgian and Victorian houses of quality, such as the Martin Arms, throughout the village. Key characteristics are a strong rural character both in terms of architecture and landscape with a large number of important trees, and modern infill development hasn't reduced the quality of the Conservation Area.
44. The majority of land, including land to the west of the site, is identified as positive open space in the Conservation Area Townscape Appraisal. Whilst

this site is not included, it is considered that, together with the boundary wall, it makes an important contribution to the rural character of School Lane, and the Conservation Area. The trees on the site are also important features of the Conservation Area, and the buildings adjacent to the south west and those on the opposite side of the lane are identified as key unlisted buildings. The Martins Arms is a Grade II listed building.

45. For over 20 years development on the site has been resisted on grounds of the loss of an open space which contributes significantly to the character and visual amenities of the Conservation Area, and as the design, scale and siting of the dwellings proposed would detrimentally affect the character and appearance of the Conservation and be unsympathetic to the character of surrounding properties.
46. Most recently, application refs. 16/01959/OUT and 17/00102/OUT were refused on grounds that the siting, scale and design of the proposed dwellings, together with an associated driveway/parking areas, would have a significant adverse effect on the character and appearance of School Lane and the Conservation Area, and that the provision of adequate visibility at the vehicular access would be likely to require partial demolition of the boundary wall, which would further erode the character of School Lane and the Conservation Area.
47. During the assessment of the subsequent application, ref:19/00167/FUL, it was considered that one dwelling on the site would represent the type of small scale infill development envisaged by policy 3 of the Core Strategy, as clarified by Local Plan Part 2.
48. It was also considered that the siting, scale and design of the dwelling proposed under that application would represent a carefully considered and sensitive development which responded sympathetically to the constraints of the site, and would adequately retain the open character of the site, and address the reasons for refusing the previous applications.
49. In particular, whilst the front elevation would have a traditional barn conversion style appearance, with the exception of the two storey height threshing barn style opening, there would be relatively few openings and those proposed would be relatively small and of a simple design with no glazing bars. The other contemporary large openings would be to the rear where they would not be highly visible from the public realm, and it was considered that the combination of traditional and contemporary design would be appropriate.
50. The dwelling would also be sited further back from School Lane than previously proposed (under application refs: 16/01959/OUT and 17/00102/OUT) with a smaller footprint which would retain views of the side elevation of Ascot House, and the simple form and relatively uncluttered appearance of the front elevation would not compete with the adjacent barn conversions. Re-positioning of the vehicular access would avoid the need to remove part of the boundary wall to ensure adequate visibility, and the route of the driveway and siting of the parking area was carefully considered to minimise the impact on trees within the site.
51. A further subsequent application, ref:19/02040/FUL, was refused as the dwelling proposed would be of a larger scale and footprint, with changes to the design and materials, including an increase in the scale of the main front part

of the building resulting in it being 2.5m closer to the School Lane boundary, a larger rear projection with the ridge height the same as the front part (which would no longer be subservient to the front part of the building), a larger asymmetrical north east side gable, additional/larger windows/dormers to the rear and north east side elevations, and incorporation of a first floor balcony and timber cladding.

52. It was concluded that the changes to the siting, scale, design and materials would be intrusive and not sympathetic to the rural character of the site and surroundings, and that the proposal would also not preserve or enhance the character and appearance of the Conservation Area.
53. The current proposal seeks to address the reason for refusal of the previous application (ref: 19/02040/FUL) with the scale reduced and design amended. In particular, the footprint has been reduced and the dwelling would be 1m further from the School Lane boundary, the north east gable has been altered to be symmetrical as on the original scheme, with previous two large openings omitted, the rear dormers have been reduced in scale, the ridge of the rear projection has been lowered, and timber cladding has been omitted.
54. Although it would be 1m longer and 0.6m higher than the approved scheme, the design and appearance of the most important front elevation would be virtually the same, with only minor changes to the positions of windows and roof lights.
55. The rear elevation is very similar to the refused scheme with large areas of glazing, however, it would not be highly visible from public areas, and the rear elevation of the approved scheme is the most contemporary part. The south west (side) elevation would also not be highly visible from public areas.
56. In considering the previously approved scheme, the Conservation Officer concluded that the general character of this section of School Lane would be preserved, and by extension the character and appearance of the conservation area would also be preserved. Whilst the approved scheme is preferred, the scheme currently under consideration is not significantly different in terms of the impacts on the appearance and character of the conservation area. Furthermore, due to the changes made to the scale and design since the previous application (ref: 19/02040/FUL) was refused, and as the lightwell should not be visible from School Lane, and with conditions to ensure further consideration of external materials and the implementation of tree protection measures and landscaping, it is considered that the proposal would retain the rural character of School Lane and the character and appearance of the Conservation Area. Due to the distance from the Martins Arms and other nearby listed buildings/structures, it is also considered that the settings of adjacent and listed buildings would be preserved. Consequently, the proposal achieves the objectives described as desirable in Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
57. It is considered that occupants of the dwelling would have a high degree of amenity and, due to the siting, scale and design, there would be no significant adverse impact on the amenities of adjacent or nearby properties. Whilst the enlarged rear projection would be closer to Ascott House, the roof would slope away from the boundary and there should be no significant overshadowing or overbearing impact.

58. With respect to ecology, the Borough Council has a legal duty when determining a planning application for a development which may have an impact on protected species. The species protection provisions of the Habitats Directive, as implemented by the Conservation (Natural Habitats Etc) Regulations 1994, contain three tests which Natural England must apply when determining a licence application. This licence is normally obtained after planning permission has been obtained. However, notwithstanding the licensing regime, the Planning Authority must also consider these tests when determining a planning application. A Planning Authority failing to do so would be in breach of Regulation 3(4) of the 1994 Regulations. The three tests are:
- a. the activity to be licensed must be for imperative reasons of overriding public interest or for public health and safety;
  - b. there must be no satisfactory alternative; and
  - c. favourable conservation status of the species must be maintained.
59. In this case the ecology survey submitted with the previous application (ref: 19/00167/FUL - dated December 2018) found that the site supports significant trees, which have potential habitat value to birds, small mammals and invertebrates, some of which may be protected species such as nesting birds and bats. Given the frequent records of bat activity and roosts in the village and surrounding landscape, it is possible that bats may, in the future, seek to roost in trees with roosting features at the site, and the site is likely to form part of bat foraging habitat and commuting routes. During two surveys of a tree to be removed (T12), no evidence of bat roosting was noted in the tree, no bats were seen emerging from or entering the tree, and no specific bat activity was noted around the tree. Breeding birds may use the trees to nest in during the bird nesting season. The grassland/scrub is of low botanical interest but is likely to be used by small mammals and birds for foraging. A condition was imposed on the previous permission requiring the submission of a further ecology report if the permission is not implemented within 1 year of the date of the permission. In view of this, and as an updated ecology report was not submitted with the current application, it is considered that a condition requiring a further ecology report including mitigation measures is necessary.
60. The concerns in the written representations about flooding in relation to the basement are noted. The Drainage Report states that the topography and the local flood mapping (surface water and fluvial) would suggest that there would not be a ground water flooding issue, and that the 'Areas Susceptible to Groundwater Flooding' mapping of the Greater Nottingham Strategic Flood Risk Assessment indicates a susceptibility to groundwater flooding of between 25% and 50%, which is at the lower end of the spectrum. Given this low probability of groundwater flooding, the topography of the locality and critically the low density of local development, it states that it is difficult to envisage how the proposed basement could have any adverse effect on other properties. It also states that, due to the very low density existing development in a semi-rural setting with no buildings directly abutting the proposed construction, the proposed basement excavation, which would take up approximately 17% of the site area with open fields beyond, with almost unlimited soil infiltration capacity, there is very little risk of any groundwater flooding issue as a result of the subterranean construction.

61. The report also refers to recent flooding around Church which, it is understood, related to surface water flooding as a consequence of extraordinary levels of rainfall in a short period at the lowest point in the village and, as far as the applicant is aware, there has been no similar issue encountered on School Lane, which is at a much higher level. Surface water flooding is also an entirely different issue to groundwater displacement resulting from basement construction and thus not relevant to this point.
62. In addition, the site is not within an Environment Agency Flood Zone, and is more than 60m from the edge of the River Smite flood zone.
63. In view of the above, and in the absence of an objection from the LLFA or the Environment Agency, a refusal on grounds of flood risk could not be justified.

#### Other matters raised in the written representations

64. As the site is within an established residential area, it is not considered that the impact of artificial indoor lighting would cause significant harm to the surrounding and nearby environment. Therefore, a condition in this respect is not considered necessary to mitigate impacts of the development.
65. There does not appear to be a parking issue on School Lane, and two parking spaces on the site would be adequate for one dwelling. It is also desirable for hard surfaced areas on the site to be kept to a minimum in order to minimise the impact on trees. Furthermore, in the absence of highway safety objection, a refusal on grounds of inadequate parking could not be justified.
66. The application was not subject to pre-application discussions and it was not necessary to contact the applicant during processing of the application other than to seek agreement to pre-commencement conditions.

#### **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. No operations shall commence on site until a detailed Arboricultural Method Statement including tree protection measures has been submitted to and approved in writing by the Borough Council. The statement shall cover the implementation, supervision and monitoring of all temporary tree protection during the construction period including the appointment of a project arboriculturist, a work programme, and a schedule of monitoring & supervision. The method statement shall also include full details of the erection of tree protection barriers and, if required, the installation of temporary ground protection barriers in accordance with the best practice set out in 'BS5837, Trees in Relation to design, demolition and construction – Recommendations.' It should also take into account the movement of vehicles on site, the storage or materials, ground level changes, the excavation and storage of spoil, the



location of service runs and the installation of hard surfaces. The development shall be undertaken in full compliance with the approved Statement and the approved tree protection shall be retained for the duration of the demolition and construction period. No materials, machinery or vehicles shall be stored or temporary buildings erected within the perimeter of the tree protection barriers, and no excavation work shall be undertaken within the confines of the barriers 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 trees are adequately protected during construction of the development and to comply with policy 37 (Trees and Woodlands) of the Rushcliffe Local Plan Part 2: Land and Planning Policies. This condition needs to be discharged before development commences to ensure that no damage is caused to the trees within/adjacent to the site during the construction phase].

3. The development hereby permitted, including construction of the proposed vehicular access, driveway and parking area, shall be carried out in accordance with the following approved plans:

- \* SAL/1921/Ppsd/10 Revision A
- \* SAL/1921/Ppsd/11
- \* 1132 001 A
- \* 1132 002 A

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

4. No development shall take place until the applicants, or their agents or successors in title, have secured the implementation of a programme for a watching brief to be carried out during construction or excavation work on the site, by a professional archaeologist or archaeological organisation. The details of such a scheme of investigation shall be submitted to and approved in writing by the Borough Council also prior to the commencement of the development on the site.

[To ensure that any archaeological items are recorded and to comply with Policy 11 (Historic Environment) of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 29 (Development Affecting Archaeological Sites) of the Rushcliffe Local Plan Part 2: Land and Planning Policies. This condition needs to be discharged before an excavations take place on site to ensure that measures are in place to record any items of archaeological interest during the implementation of the development].

5. No development shall take place until an Ecology Report has been submitted to and approved in writing by the Borough Council, and the development shall thereafter be carried out in accordance with recommendations/mitigation measures contained in the report.

[To ensure the ecology of the site is protected and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies. This condition needs to be discharged before development commences on site to ensure that any ecological interest is identified before development commences and any impacts appropriately mitigated].

6. The vehicular access, driveway and parking area shall only be constructed using a no-dig construction in accordance with the details to be previously submitted to and approved in writing by the Borough Council.

[To ensure trees are adequately protected during construction of the development and to comply with policy 37 (Trees and Woodlands) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

7. Construction of the building shall not proceed beyond damp proof course level until details of facing and roofing materials to be used on all external elevations have been submitted to and approved in writing by the Borough Council. 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 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies]

8. The development hereby permitted shall not be occupied until details of the materials and method of construction 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.

[To ensure the appearance of the development is satisfactory and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies]

9. The development hereby permitted shall not be occupied until the vehicular access has been surfaced in a hard bound material for a distance of 5m behind the carriageway edge and provided with measures to prevent the discharge of surface water on to the public highway, and the visibility splays as shown indicatively on drawing SAL/1921/PPSD/10 have been provided. These facilities shall be retained and the area within the splays shall be kept free of all obstructions, structures or erections exceeding 1.05 metres in height for the lifetime of the development.

[In the interests of highway safety and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

10. The development hereby permitted shall not be occupied until details of all screen fencing/walling and means of enclosure to be erected on the site have been submitted to and approved in writing by the Borough Council, and screen fencing/walling and means of enclosure shall only be provided in accordance with the approved details.

[In the interests of amenity and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

11. Prior to the installation of external 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 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies]

12. The dwelling shall not be occupied until a landscaping scheme 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 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies]

13. Notwithstanding the provisions of Schedule 2, Part 1 Classes A - D of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) there shall be no enlargement or alteration of the proposed dwelling(s), and no alteration to or insertion of windows or roof lights other than those shown on the approved plans without the prior written approval of the Borough Council.

[The development is of a nature whereby future development of this type should be closely controlled and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies]

14. Notwithstanding the provisions of Schedule 2, Part 1 Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) no buildings or enclosures, swimming or other pools shall be provided on the site without the prior written approval of the Borough Council.

[The development is of a nature whereby future development of this type should be closely controlled and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

15. Notwithstanding the provisions of Schedule 2, Part 1 Class F of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) no hard surfaces shall be provided on the site other than those shown on the approved plans without the prior written approval of the Borough Council.

[The development is of a nature whereby future development of this type should be closely controlled and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

### **Notes to Applicant**

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.

Any alterations to the School Lane boundary wall would require planning permission.

The development makes it necessary to construct a vehicular crossing over a verge of the public highway and 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.

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

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.

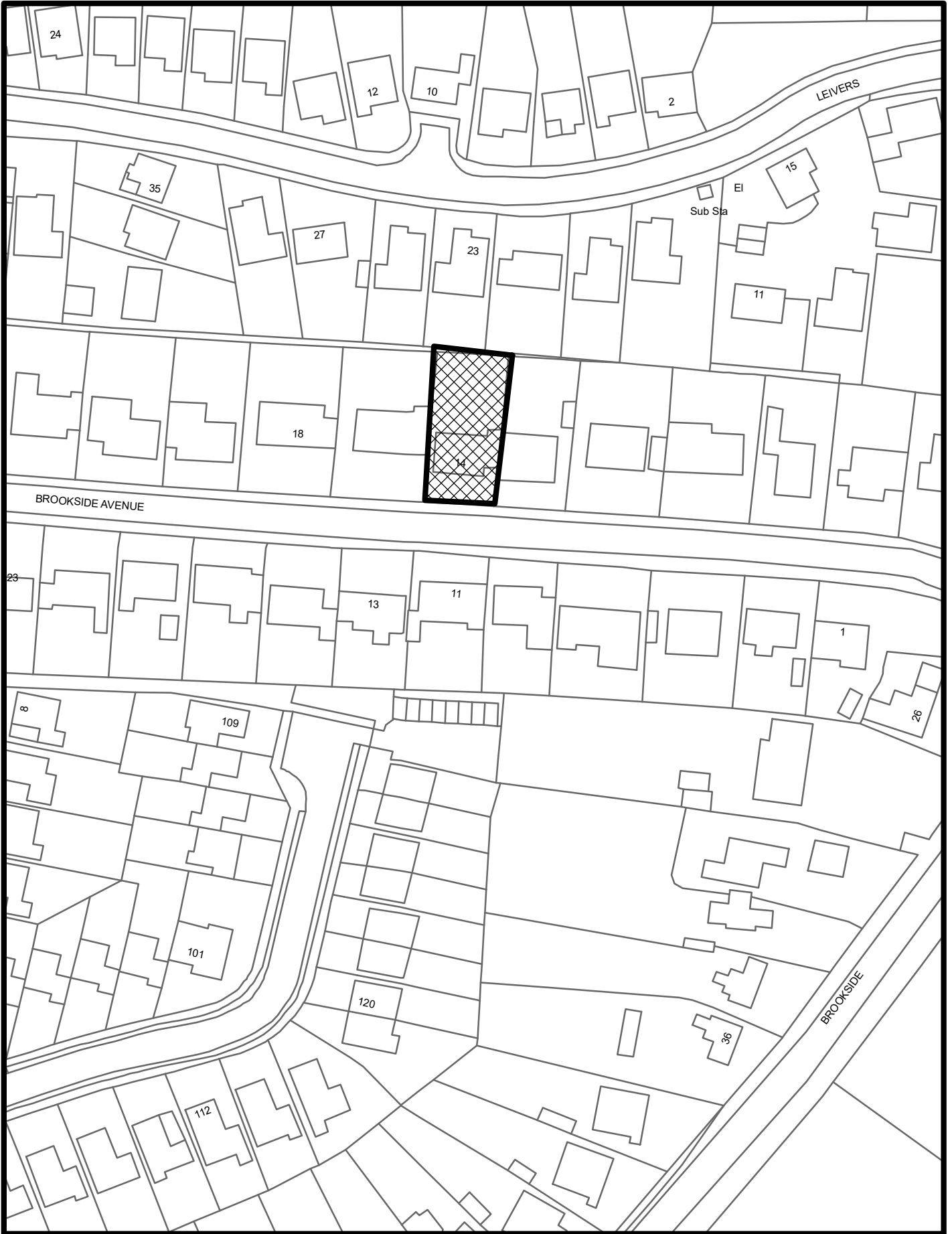
The Borough Council is charging developers for the first time provision of wheeled refuse containers for household and recycling wastes. Only containers supplied by Rushcliffe Borough Council will be emptied, refuse containers will need to be provided prior to the occupation of any dwellings. Please 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 is within a designated Conservation Area and any trees are therefore protected. Prior to undertaking any works to any trees you should contact the Borough Councils Conservation and Design Officer on 0115 9148243 and/or the Councils Landscape Officer on 0115 914 8558.

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.

Condition 8 of this permission requires approval of details of the materials and method of construction for any hard surfaces within the site. Where practicable, the method of construction should ensure that the finished surface is permeable to reduce risk of surface water run off from the site.



**Application Number: 19/02780/FUL**  
**14 Brookside Avenue, East Leake**



scale 1:1000

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# 19/02780/FUL

**Applicant** Mrs Lindsay Harris

**Location** 14 Brookside Avenue East Leake Nottinghamshire LE12 6PA

**Proposal** Front porch; demolition of garage and erection of single story side and rear extension; roof alterations including increase in height, front/ rear box dormer window and rooflights to front elevation to facilitate accommodation in the roof; external render and timber cladding

**Ward** Leake

## THE SITE AND SURROUNDINGS

1. The properties along Brookside Avenue are primarily single storey bungalows, however a number have had alterations and dormers inserted within the roofspace to facilitate accommodation at first floor level. Brookside Avenue rises up from the Brookside junction, therefore the properties are staggered in height as you travel westerly along the avenue.
2. Number 14 Brookside Avenue is a brick built detached bungalow within the built up area of East Leake. There is a garden to the rear of the property approximately 16.5m in depth from the existing rear elevation, with a width of 16.6m. There is a 1m wide footpath on the western side of the property and to the east No 14's garage wall forms part of the boundary with no 12 and the remainder is made up of fencing.
3. Number 16, to the west of the site, has a large dormers to the front and rear. Its garage and a single storey rear extension form part of the boundary with the application site (no facing windows are present). The rear extension extends beyond the rear elevation of the application site property. The remainder of this boundary is comprised of a fence. No 16 is on a slightly higher level than the application site. To the east of the application site is no. 12 which is a single storey bungalow. This property also has a rear projection that extends beyond the rear elevation of the application property.
4. To the rear of the property are single storey bungalows on Leivers Close. No. 23 and 21 are approximately 30m from the existing rear elevation of the property. There is a 2m high boundary fence defining the boundary of the application site with these properties.

## DETAILS OF THE PROPOSAL

5. The application seeks planning permission for a front porch; demolition of garage and erection of single story side and rear extension; roof alterations including increase in height, front/ rear box dormer window and rooflights to front elevation to facilitate accommodation in the roof; external render and timber cladding.
6. During the course of the application a number of changes have been made to the proposal including the increase in the overall ridge height of the property,

reduction in the height of the parapet walls to the flat roof extension, rear first floor door access altered together with removal of the roof terrace.

7. In respect of the proposal now under consideration the side/rear extension would start further back down the side of the bungalow than the existing garage. It would measure 2.592m extending back by 6.06m (4.5m when measured from the rear of the existing dwelling). It is proposed to extend the full width of the existing property having a resulting width of 12.770m. It would have a parapet height of 2.75m, two rooflights would be positioned within the flat roof area to serve the new ground floor accommodation. The resulting garden depth would be 12.3m.
8. The proposal also proposes to raise the ridge of the property to 5.1m in height (measured from dpc level), an increase of 375mm, incorporate 2 rooflights on the front elevation, and a dormer that spans the front and rear roofslope. The dormer would not, therefore, project above the new ridge height. No windows are proposed in the front element of the dormer. The rear dormer would be the full height of the roof and incorporate windows and a Juliet inward opening door and screen on the rear.
9. The proposed front porch would measure 0.9m x 2.24m x 2.645m in height having a flat roof. A side bedroom window is also proposed to be introduced at ground floor facing the side wall of number 12, which does not contain any windows. Other window alterations are proposed to the front elevation.
10. The walls of the existing and proposed alterations are to be clad in white render and timber with grey aluminium windows and doors and grey concrete roof tiles.

## **SITE HISTORY**

11. There is no relevant planning history for the site.

## **REPRESENTATIONS**

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

12. One Ward Councillor (Cllr Thomas) objects to the application. *“This is an area where bungalows back onto bungalows and this proposed large extension is inconsistent with the neighbourhood in terms of massing, scale and proportion. With the full height windows at the rear there would be significant impact on the amenity of neighbours to the side and at the rear. The "terrace" structure remains shown in the plans despite the addition of the Juliet balcony, and should this application be approved, a condition would be needed to prevent the flat roof being used as outdoor space.”*
13. One Ward Councillor (Cllr Way) initially objected to the application on the grounds of an over-intensive development for the area and the lack of privacy afforded to neighbours, particularly with the roof terrace and windows and doors in the rear of the roof extension. However, following clarification that the revised plans involved the removal of the roof terrace she commented that; *“I am reasonably happy with the application if there is assurance that the property will not be developed in a way that compromises the privacy of neighbours. I realised that the balustrade had been removed but had concerns that this could*



*be reinstated at a later date. If a condition that the flat roof cannot be used as a terrace in the future is added, I am happy to withdraw my objection.”*

### **Town/Parish Council**

14. East Leake Parish Council object on the grounds that concern was expressed that a balcony would cause loss of privacy to neighbours and that a bungalow style should be maintained.

### **Statutory and Other Consultees**

15. None sought.

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

16. 2 representations have been received raising the following concerns:
  - a. Overlooking.
  - b. Strongly object to a roof terrace or balcony.
  - c. No objection to the extension at number 14 apart from it being quite large for the property coming out slightly further than existing neighbouring property.
  - d. It would affect the light slightly in kitchen of neighbouring property as window is close to the boundary fence.
  - e. No objection to the dormer windows.
  - f. The development of Leivers Close required bungalow properties to the rear of Brookside to prevent impact on privacy from potential 2 storey detached builds.

### **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 Rushcliffe Local Plan Part 2: Land & Planning Policies (referred to herein as the 'Local Plan Part 2') and, in the case of the East Leake area, the East Leake Neighbourhood Plan. The National Planning Policy Framework (NPPF) is a material consideration in the determination of applications.

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

18. 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.
19. The proposal should also be determined in accordance with section 12 (Achieving well-designed places), particularly the criteria outlined in paragraph 127. 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.

## Relevant Local Planning Policies and Guidance

20. 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 National Planning Policy Framework.
21. Policy 10, Design and Enhancing Local Identity, states that development should make a positive contribution to the public realm and sense of place and should have regard to the local context and reinforce valued local characteristics. Development should be assessed in terms of the criteria listed in section 2 of policy 10. Of particular relevance to this application are the following paragraphs of this policy:
  - 2b) The impact on the amenity of occupiers or nearby residents.
  - 2f) The massing, scale and proportions of a proposed development; and
  - 2g) The proposed materials, architectural style and detailing.
22. Policy 1 (Development Requirements) of the Local Plan Part 2 is relevant to the determination of this application. This states, amongst other things, that there should be no significant adverse effect upon the amenity, particularly residential amenity, of adjoining properties or the surrounding area by reason of the type and levels of activity on the site or traffic generated; that sufficient space should be provided within the site to accommodate the proposal together with ancillary amenity and circulation space; that the scale, density, height, massing, design, layout and materials of proposals should be 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.
23. The 2009 Rushcliffe Residential Design Guide provides guidance on the style and design of an extension, stating it should respect that of the original dwelling and should not dominate over it. Extensions should be designed so that they are not readily perceived as merely 'add-ons' to the original building and therefore scale, proportion and roof form are very important.
24. The East Leake Neighbourhood Plan was adopted on 19 November 2015. The East Leake Neighbourhood Plan forms part of the Development Plan for Rushcliffe and is therefore a material consideration in decision making. Paragraph 30 of the NPPF states that once a neighbourhood plan has been brought into force, the policies it contains take precedence over existing non-strategic policies in a local plan covering the neighbourhood area, where they are in conflict; unless they are superseded by strategic or non-strategic policies that are adopted subsequently. None of the policies within the plan are of direct relevance to the current proposal.

## APPRAISAL

25. The dwelling sits on an ample sized plot and it is not considered that the proposal would lead to an over-intensive or cramped development, ample garden and circulation space would be maintained as a result of this development.

26. The proposed materials would introduce new materials in the vicinity. Whilst it would not be particularly in keeping with the materials used on either the host bungalow or indeed the majority of the other buildings in the vicinity, it is not considered that these changes visible from the public realm would have negative impact on the street scene or the area in general.
27. The single storey side/rear extension would have a projection to the rear of 4.5m. This would run along the boundary with the adjacent dwelling to the east, no. 12 Brookside Avenue, and around 1m off the boundary with number 16 to the west. The proposed rear extension would terminate roughly in line with the existing rear extensions/projections on both no's 12 and 16 adjacent the application site. It considered that the proposed extension would not have an adverse impact on these properties by way of loss of light or overbearing impact.
28. The proposed increase in ridge height and inclusion of a dormer to the front/rear, together with 2 rooflights to the front roofslope, whilst having a different appearance to the other properties along the street, there are a number of properties that do have dormer windows and, therefore, it is not considered that the proposal would have a significant negative impact on the street scene or the area in general.
29. Concern has been expressed regarding the possible overlooking that would result from the introduction of a roof terrace and dormer window to the rear of the property. The Town and Country Planning (General Permitted Development) Order 2015 permits alterations to the roof of a dwelling, subject to certain conditions. These 'permitted development rights' would permit a dormer window on the rear of a dwelling, providing that, amongst other things, the alteration is no higher than the existing roof. This can result in some substantial additions to the roof which would not require the submission of an application to the Borough Council, including a dormer window across the width of the roof which extends out from the ridge and drops down onto the wall plate, close to the eaves of the roof. Therefore, a dormer similar to that proposed in the current application could potentially be built as permitted development. This would represents a fallback position and carries weight in considering the current proposal.
30. The proposal was amended during the course of the application so as to remove the roof terrace. The revised plans, whilst retaining the flat roof to the extension, show a reduction in the height of the structure, by reducing the height of the parapet wall around the roof, and the removal of the glazed balustrade around the roof. The plans show a Juliet balcony with a balustrade across the door opening and this should prevent people stepping out on to the roof. It is considered that a condition restricting the use of the flat roof area, so as to not any time be used as a balcony/roof terrace, would ensure that the reasonable amenities of adjacent properties would be protected from overlooking and potential noise disturbance from this large area being used in such a way.
31. The resulting window and Juliet balcony would serve an en-suite and a bedroom and would result in obscure views of the adjacent properties across the roofs of their rear projections, to the rear garden areas. They would be positioned approximately 17m from the rear boundary (25m) to the rear elevations of properties on Leivers Close. The front roof lights would serve the

hall and staircase and be approximately 23m from the front elevation of no 11 opposite. It is considered that the oblique views and resulting distances of the first floor/roof windows/door to adjacent properties would not result in significant adverse overlooking impacts.

32. The proposed front porch, ground floor side window and window alterations to the front elevation are not considered to have an adverse impact on the street scene, or adjacent occupiers.
33. In light of the above, it is considered that the proposed building would be in conformity with policy 10 of the RLPP1 and policy 1 of the RLPP2 in respect of its impact upon the amenities of occupiers of neighbouring properties and the street scene.
34. Negotiations have taken place during the consideration of the application to address adverse impacts identified by officers/to address concerns/objections raised in letters of representation submitted in connection with the proposal. Amendments have been made to the proposal, addressing the identified adverse impacts, thereby resulting in a more acceptable scheme and the recommendation of granting planning permission.

## **RECOMMENDATION**

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

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

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

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

REV A\_(08) 001 - O.S. SITE LOCATION AND LAYOUT  
(08) 004 - PROPOSED GROUND FLOOR LAYOUT  
REV A\_(08) 005 - PROPOSED FIRST FLOOR LAYOUT  
REV A\_(08) 006 - PROPOSED ELEVATIONS

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

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

[To ensure the appearance of the development is satisfactory and to comply with policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and policy 1 (Development Requirements) of the Rushcliffe Borough Local Plan Part 2: Land and Planning Policies.]

4. The flat roof area of the single storey rear extension hereby approved shall at no time be accessed and used as a balcony/roof terrace.

[To ensure the appearance of the development is satisfactory, to protect residential amenity and to comply with policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and policy 1 (Development Requirements) of the Rushcliffe Borough Local Plan Part 2: Land and Planning Policies].

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any order revoking and re-enacting that Order with or without modification) no additional windows, doors or openings of any kind shall be formed in the rear elevation(s) at upper floor levels of the approved development.

[To ensure the appearance of the development is satisfactory, to protect residential amenity and to comply with policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and policy 1 (Development Requirements) of the Rushcliffe Borough Local Plan Part 2 : Land and Planning Policies].

### **Notes to Applicant**

Please be advised that all applications approved on or after the 7th October 2019 may be subject to the Community Infrastructure Levy (CIL). The Borough Council considers that the approved development is not CIL chargeable, as \*\*\*\*. Further information about CIL can be found on the Borough Council's website at <https://www.rushcliffe.gov.uk/planningandgrowth/cil/>

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.

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 possible that the roofspace, and/or behind the soffit, fascia boards, etc. may be used by bats. You are reminded that bats, their roosts and access to roosts are

protected and it is an offence under the Countryside and Wildlife Act 1981 to interfere with them. If evidence of bats is found, you should stop work and contact Natural England on 0300 060 3900 or by email at [enquiries@naturalengland.org.uk](mailto:enquiries@naturalengland.org.uk).