

# 24/01451/HYBRID

**Applicant** B Roberts & Granby cum Sutton PC

**Location** Land To The North East Of Main Street Sutton Cum Granby  
Nottinghamshire

**Proposal** Outline planning application for four semi-detached homes (appearance, landscaping and scale reserved) and change of use of agricultural land to accommodate community use, with access to land provided.

**Ward** Cranmer

## THE SITE AND SURROUNDINGS

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

1. Sutton cum Granby is a small village/hamlet consisting of a group of dwellings and agricultural buildings surrounded by the open countryside, which is mainly in arable agricultural use. The settlement is linear in form. The proximity of the open countryside, which extends between buildings to the main road through the settlement, and the green boundary treatments add to the areas strong agricultural character.
2. The application relates to a greenfield site comprising the northwest (roadside) portion of a large arable field located to the north east of the main built up part of Sutton cum Granby. The land slopes slightly away from the highway with an existing vehicle access located in the western corner of the site serving the existing agricultural land use. The access is gated with an open bar, metal gate which immediately adjoins the residential curtilage of the adjacent dwelling known as Willow Cottage. There is currently no delineation to the south east of the site area between the application site and the adjoining parcel of land, which currently represent one large agricultural field system. The site's northwest boundary adjoins the highway Main Street and is formed by deciduous hedgerow/trees, this hedgerow, of varying densities and heights extends along the site's eastern boundary. An open, timber, post and rail fence is located along much of the site's western boundary shared with Willow Cottage.
3. There are two dwellings to the south west of the site (Willow Cottage & Bruncot) and five dwellings on the opposite side of Main Street including a Grade II listed building (Highfield House) and three barn conversions. Planning permission ref. 19/01420/FUL has also been granted for a further 3 dwellings on the opposite side of Main Street which is currently under construction.

## DETAILS OF THE PROPOSAL

4. The application is a hybrid planning application which seeks outline consent for the erection of 4 No. semi-detached dwellings with access and layout

included. Appearance, landscaping and scale are set as reserved matters and full planning permission for the change of use of land to community uses.

5. Para 6.21 of LPP2 explains rural exceptions sites and sets out that applications for rural exception sites for affordable housing beyond the physical boundary of a settlement will be allowed where local need is identified in an up to date housing needs survey and the development is well related to and respects the character and scale of the settlement and its landscape setting. Planning permission will be subject to conditions and/or planning obligations which ensure that all initial and subsequent occupiers should be local people (applying the cascade approach where residents within the parish have priority, followed by neighbouring parishes and, if no occupier is found, the wider Borough) and that the restrictions on occupation and its status as an affordable home remains in perpetuity
6. However, the applicant has confirmed that while the residential development is intended to be affordable rent tenure, the proposal development would not be a rural exception site and therefore the policy guidance and legal obligations referred to in LPP2 that would normally allow this form of development outside of the physical boundaries of the village would not apply in this instance.
7. A new access point would be created broadly in the same position as the existing field gate. The access point would have visibility splays either side and a pedestrian path created. The access point would lead through onto a private drive with junction separating the private drive to serve the residential development and a separate drive to serve the community meadow. The plans allow for the provision of dedicated parking for Willow Cottage
8. The proposed dwellings would consist of 2 pairs of semi-detached suggested to be proposed with a cottage style aesthetic. The layout of dwellings would be positioned running parallel with the adjacent highway, albeit set back, with the associated off-street parking and shared driveway in front. Private residential curtilages would be created to the rear.
9. The proposal also includes the change of use of agricultural land to the rear of the proposed residential development to form a community meadow use including allotments, orchard and a pond. Car parking is also shown to be provided for this area.
10. It is stated within the supporting documents that the intentions for the community meadow is to hold a wide range of events and activities including craft workshops, kite flying competitions, community plays and picnics and family celebrations.
11. The application is supported by a design and access statement including information in relation to community involvement, a housing study, outline Parish Council business case and information in relation to legalities for transfer of land, benefits to the Parish and heads of terms for affordable housing.

## **SITE HISTORY**

19/00330/OUT - Outline application with all matters reserved for construction of 4no dwellings - REFUSED - APPEAL DISMISSED

20/01644/FUL - Erection of general-purpose grain store & machine store for farming equipment - APPEAL NON DETERMINATION - APPEAL DISMISSED

20/03272/FUL - Erection of 2 dwelling houses with paddock land to rear – REFUSED

21/02426/FUL - Erection of 2 dwelling houses with a paddock to the rear, creation of new vehicular access (Resubmission of 20/03272/FUL) – REFUSED - APPEAL DISMISSED

23/00925/FUL - Change of use of land from agricultural to caravan storage; Erection of new security fence and gate; Erection of security shed; Formation of hard surfaced roadway. REFUSED

23/00926/FUL - 2no. new agricultural workers dwellings; Single storey detached garage/store; Creation of new access; Construction of new barn; Associated landscaping. REFUSED

## REPRESENTATIONS

### Ward Councillor(s)

12. **Cllr Grocock** – Supports application. Provides detailed comments in relation to the interpretation of policy. He considers that the proposal would deliver affordable housing for which there is a local need. The development would follow the historic linear pattern of development within Sutton.

*He concludes that the planning interpretation of this proposed development, which has the backing of the parish council, strong support from the local community, the dedication of community facilities, the construction of affordable housing, and crucially, respects the historic pattern of development within Sutton and wider area should be positive, where on balance, it does just about qualify as in-fill development, and should therefore, be approved.*

### Town/Parish Council

13. **Granby Cum Sutton Parish Council** – (As joint applicant) support the application for the following grounds

*- This application has the full support of Granby cum Sutton Parish Council. The proposal will provide four houses for a discounted market rent which will be a boon for people wishing to move into the village and may make staying in the village a possibility for some young people.*

*- The proposed allotments will meet a local need which the PC has sought to address, at times, over the last decade. No previous attempt has been successful. The Council has a list of a dozen local people interested in renting an allotment. Local experience suggests that once the project is actually running many people from surrounding villages will be interested in having an allotment. The Council envisages the setting up of an Allotments Society which will administer the allotments and pay rent to the Parish Council on the lines of arrangements at Cropwell Bishop.*

*- The public open space will be very helpful to the mental health of local people from Sutton, Granby and other nearby villages. The allotments will also have big health*

*benefits for people. A recent survey identified Rushcliffe as being particularly short of public open space so this development will help RBC to provide a good environment for local people.*

*- The proposed pond will provide a locally rare habitat for several species which already have populations in the area. Amphibians, including newts and frogs, are likely to take up residence as are snakes. The proposed Community Orchard will be enjoyed by local people whether they seek to make cider or just enjoy the spring blossom. As part of this proposal the PC will be gifted land which it could never afford to buy but which it can develop to the benefit of people in Sutton, in Granby and in a wide area around. A business plan has been prepared which sets out community involvement in the development of this public asset and describes timescales and funding in a realistic way. A survey carried out by the PC identified very strong local support for this proposal.*

*- The Parish Council is ready to take on the responsibility of a very large area of land and has a clear view that it will be a public asset providing a wonderful leisure space for local people. The land will be managed in an environmentally sensitive way to promote precious wildlife. Local farmers have offered free help and expertise managing land. Conversations have already taken place between the PC and local conservation groups. Though it will cost money for the PC to gain proper legal title to the land, in the long term this will be a financial benefit for the Council and, therefore, for local people.*

*- The Parish Council is a joint applicant and has organised events ensuring community engagement. Further community participation is vital and the PC will enable this to happen.*

## **Statutory and Other Consultees**

14. **Nottinghamshire County Council as Highway Authority** - Initial objections were raised in relation to the visibility splays and intensity of use of the proposed access to serve the development.
15. Following the submission of a speed survey the visibility has been deemed acceptable. A condition is stated to be required to restrict events on the community land to overcome highway safety objections. Further conditions are recommended in relation to a dropped pedestrian crossing, driveway/parking for Willow Cottage as well as surfacing of the car park for the allotment and community garden.
16. **RBC Ecology and Sustainability Officer** – No objection. The onsite biodiversity gains will need to be secured via a planning obligation for a minimum of 30 years. Additionally, a Habitat Management and Monitoring Plan (HMMP) should be submitted to the planning authority and approved by the planning authority with the Biodiversity Net Gain Plan. Enhancement measures and RAMS are recommended to be secured by condition.
17. **RBC Landscape Officer** – n. The tree survey seems to be an accurate reflection of the trees. Whilst the application is only outline, the plans showing the access and the parking areas respect the root protection areas of retained trees. Many are Ash so there will be a need for succession planting if approval were to be granted. In fact I have just seen the landscape specification and such planting is proposed between parking spaces. If permission were to be

granted a reserved matters application would need to provide tree protection measures in accordance with BS5837:2012. It would also need to provide a detailed landscape scheme.

18. It seems around an 8 or 9 metre length of hedgerow will need to be removed to create a new access point. Whilst on its own this is a relatively small length, the combined access width will be quite large (15m wide approx.) due to the existing access being given over to providing additional parking to the adjacent property. Such a wide access will look out of character. My preference would be to keep hedgerow removal to a minimum and look to gap up areas either side of the proposed access.
19. The community landscape space would have some public benefit. It would be important that it shouldn't become too ornamental, but clumps of native tree planting, orchards, wildflower meadow and a pond would be acceptable from a landscape perspective. Tree species would have to be in keeping with the local landscape character area, we have a [guide on our website](#). I think it would be important to secure the long term use and maintenance of the area and it might be possible to do this via biodiversity net gain and a long term management plan.
20. **RBC Environmental Health** – Notes that the proposal includes a community use providing allotments, an orchard, a wildflower meadow and a pond. Whilst there are no objection to the uses specified in the Design and Access statement they query if this can be restricted by condition. The red line encompasses a significant area of land and they seek to ensure there is some control over how this may be used so that any further uses do not have an adverse impact on the amenity of neighbouring properties
21. They note that the Parish Council is the joint applicant and the supporting information indicates that the land earmarked for community use will be gifted and thereafter managed by them. If so they recommend a detailed land use management plan be conditioned. Conditions are also recommended in relation to potential contamination and informative on construction times.
22. **RBC Planning Policy and Strategic Housing** – Within the Local Plan Part 2, paragraph 3.10 states that development to meet local needs will be limited to small scale infill development, exception site development and the allocation of land by Neighbourhood Plans.
23. There is no Neighbourhood Plan for Sutton cum Granby, so the application site is not a Neighbourhood Plan allocation. The agent has confirmed that the proposed development is not an exception site. The Inspectors of the previous appeals have confirmed that the application site is part of the open countryside and not a gap site for infill development. Therefore, the proposed development does not fall within one of the permitted development types to meet local needs in other settlements. The proposed development therefore conflicts with policies of the development plan.
24. Strategic Housing recognise there is a need for affordable housing in the Borough and that the provision of four dwellings for affordable private rent will contribute towards meeting this need. It is understood that the proposed development is responding to a community need for discounted rented homes.

They query whether the applicant will look to ensure that the affordable housing is rented to members of the local community through local connection criteria as part of a S106 if the development is to be permitted.

25. **RBC Communities Manager** – confirms that that no records of allotment provision in Sutton Cum Granby are held so any application to provide allotments, community orchards wildflower meadows etc providing community use managed by the parish council would be welcomed from a communities perspective.
26. He is unaware of any waiting list or interest in allotments from this area, and would expect this information to be provided by the parish council. 24 allotment which are a mixture of full and half plots seems reasonable for a typical allotment provision but as the population is 60 it seems to be more than would be required for the immediate area, so he would ask the applicant to justify the amount proposed.

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

27. 11 written representations have been received from 9 properties.
28. All representations received write in support of the application on the following grounds;
  - Much needed housing in the village
  - The community space would provide a fantastic place of interest to villagers and wildlife.
  - The allotments are in demand
  - The proposed community meadow would accessible green space
  - Planning permission has been granted for large dwellings close to the site, to deny the building of the subject dwellings but to allow large executive dwellings appears to only support those that are moving from the city to the country.
  - There is a definite need for affordable housing, community spaces and consideration for allotments and re-wilding areas
  - The land, unlike all the surrounding fields, has always been used for livestock and therefore not subjected to pesticides hence wild flowers and insects can flourish.

The full comments received from all consultees can be found [here](#).

### **PLANNING POLICY**

29. 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. The overarching policies in the National Planning Policy Framework (the NPPF) and the accompanying National Planning Policy Guidance ( the NPPG) are also relevant, particularly where the Development

Plan is silent. Recent appeal decisions affecting the site are also a material planning consideration in the determination of the application.

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

30. The NPPF includes a presumption in favour of sustainable development. Local planning authorities should approach decisions on proposed development in a positive and creative way and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development. Decision-makers at every level should seek to approve applications for sustainable development where possible.
31. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):
- a) an economic objective - to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
  - b) a social objective - to support strong, vibrant and healthy communities, b ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
  - c) an environmental objective - to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

As such, the following national policies in the NPPF with regard to achieving sustainable development are considered most relevant to this planning application:

- Section 5: Delivering a Sufficient Supply of Homes
  - Section 6: Building a strong, competitive economy
  - Section 12: Achieving well designed places
  - Section 15: Conserving and enhancing the natural environment
  - Section 16: Conserving and enhancing the historic environment
32. A copy of the National Planning Policy Framework 2024 can be found [here](#).
33. A copy of the Planning Practice Guidance can be found [here](#).

34. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is relevant.
35. Section 66 states that "In considering whether to grant planning permission for works which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

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

36. Policies in the Local Plan Part 1: Core Strategy can be found [here](#).
37. The following policies in the Rushcliffe Local Plan Part 1: Core Strategy are considered to be relevant to the determination of the application
  - Policy 8 (Housing size, mix and choice)
  - Policy 10 (Design and Enhancing Local Identity)
  - Policy 11 (Historic Environment)
  - Policy 12 (Local Services and Healthy Lifestyles)
  - Policy 13 (Culture Tourism and Sport)
  - Policy 14 (Managing travel demand)
  - Policy 16 (Green Infrastructure, Landscape Parks and Open Spaces)
  - Policy 17 (Biodiversity)
38. Policies in the Local Plan Part 2: Land and Planning Policies can be found [here](#).
  - Policy 1 (Development requirements)
  - Policy 22 (Development in the countryside)
  - Policy 28 (Conserving and Enhancing Heritage Assets)
  - Policy 31 (Sustainable Tourism and Leisure)
  - Policy 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network)

### **APPRAISAL**

39. The main issues in the consideration of this application are the principle of development, heritage, landscape, design, amenity, highways, drainage and ecology.
40. It was established at appeal ref. APP/P3040/W/19/3239537 relating to application reference 19/00330/OUT which sought outline permission for 4 homes that "the proposal would be contrary to the spatial housing strategy of the Development Plan and harm the character and appearance of the area. Accordingly, the proposal would conflict with the development plan."
41. Furthermore, the later application, for the erection of 2 dwelling houses with a paddock to the rear, creation of new vehicular access (Resubmission of 20/03272/FUL) was refused and dismissed at appeal (APP/P3040/W/22/3294802). It is worthy to note that the appeal inspector also concluded that the development would not represent small scale infill development. The proposal would therefore be contrary to the spatial strategy set out in policy 3 of the Core Strategy, and would conflict with the requirements of policy 22 of the LAPP with regards to development in the countryside. The



inspector went on to explain that due to its location, siting, layout and design, the proposal would lead to significant harm to the character and appearance of the area and that the proposal would not be in a location which would provide suitable access for residents to services and facilities by sustainable modes of transport.

42. No significant changes have occurred with regard to the site context or planning policy guidance in regard to new residential development within the open countryside since the latest appeal decision was issued on 18th October 2022.
43. However, this application introduces different elements to the scheme than previously proposed in the form of the provision of affordable housing and the formation of a community use meadow with allotments and parking area which will need to be fully assessed and weighed in the planning balance.

#### Principle of Development

44. Policy 3 of the Core Strategy outlines the distribution of development in the Borough during the plan period. It ensures the sustainable development of Rushcliffe will be achieved through a strategy that promotes urban concentrations by directing the majority of development towards the built-up area of Nottingham and the Key Settlements identified for growth. In other settlements development should be for local needs only which will be delivered through small scale infilling and on exception sites.
45. Policy 22 of the LPP2 confirms that 'Sutton' forms a settlement for which beyond its physical boundary open countryside policies apply. As such Sutton is considered to represent an 'other' settlement under policy 3 of the Core Strategy and as such any development must be for local needs only met through small scale infill development or exception sites. The Local Plan Part 2 (para 3.10) has sought to clarify the definition of infilling as 'the development of small gaps within the existing built fabric of the village, or previously developed sites, whose development would not have a harmful impact on the pattern or character of the area'
46. Policy 22 of the LPP2 states that "Land beyond the Green Belt and the physical edge of settlements is identified as countryside and will be conserved and enhanced for the sake of its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its natural resources, and to ensure it may be enjoyed by all." Paragraph 6.11 confirms that the local plan does not identify settlement boundaries to which Policy 22 will adhere, instead the location of any proposal and its physical relationship with the edge of the settlement will determine whether the application is within the settlement, or within the open countryside.
47. Given the definition of 'infilling' provided in the LPP2, it is important to identify that the site does not represent previously developed land. Therefore, it must be assessed as to whether the scheme would represent the development of a 'small gap within the existing built fabric of the village'. The site forms part of a 270m wide swathe of undeveloped agricultural land, extending from Willow Cottage to the west of the site, across several agricultural fields to Windy Ridge to the east. This gap would not be considered to represent a 'small gap' in context of this settlement. Furthermore, the site is open to the south-east (rear)

and north-east (side), and is not considered to form land 'within the built fabric of the village', with the site having a clearly more established relationship with the surrounding agricultural field systems and land uses than the established settlement form.

48. This conclusion is supported by the previous appeal decision relating to a 2019 outline application for the erection of 4 dwellings on the site (APP/P3040/W/19/3239537 relating to application reference 19/00330/OUT). Of particular relevance are paragraphs 7 and 8 of the Planning Inspectors report which conclude firstly that the site: "Is not between buildings in an otherwise built-up frontage. Furthermore, it is within the open countryside and would not therefore be an infill site." And: "The site is not isolated, being adjacent to a small group of dwellings. However, it would extend the hamlet into open countryside and would be beyond the identifiable boundary of the hamlet. In this circumstance, development of the appeal site would contribute towards ribbon development."
49. The proposed development would include the creation of new shared access to serve both the residential development and the community use meadow and allotments. It is important to note that the provision of a significant access point has formed refusal reasons for the previous applications for residential development at the site which have been upheld at appeal. The reasons were based on both the impact on the character and appearance of the site and wider countryside as well as an unsustainable location in which future occupants would be heavily reliant on private vehicle.
50. Indeed, the appeal inspector for 20/03272/FUL (APP/P3040/W/22/3294802) sets out in para 16 of the appeal report 'The vehicle access and manoeuvring area would also introduce a significant extent of hard surfacing to the front of the dwellings, which would increase the footprint of built development. The design and layout of the proposal would result in development of a suburban nature, and would be of an incongruous appearance compared to the understated rural character of the hamlet.'
51. In para 23 of the same appeal report, the Inspector states 'the proposal would not be in a location which would provide suitable access for residents to services and facilities by sustainable modes of transport. The proposal would therefore conflict with policy 1 of the Core Strategy and policy 39 of the LAPP in respect of the provision of sustainable development and providing homes to meet people's needs in locations that promote walking and cycling.'
52. In terms of affordable housing, it is acknowledged that the proposal comes forward with the intention that the dwellings would be of an affordable rent tenure. It is also acknowledged that there is a general need for all forms of affordable housing within the Borough.
53. However, in relation to development in the countryside planning policy only permits affordable housing forming an exception site supported by a robust housing needs survey identifying the justification for such development in that particular location. The housing survey undertaken by the Parish is not considered sufficiently robust to demonstrate the necessary need and the applicant has confirmed that the site would not constitute a rural exception site. It is therefore considered that the proposal does not therefore fall within one of the permitted development types to meet local needs in other settlements, and

as such only limited positive weight can be afforded to this element of the proposal.

54. Given the above, it is considered that the principle of the residential development at the site would conflict with Policy 3 of the Core Strategy and Policy 22 of LPP2.
55. In relation to the community field and allotments, the provision of such a facility would not conflict with identified policy guidance within the Local Plan. Indeed, Policy 12 of the Core Strategy states 'The provision of new, extended or improved community facilities will be supported where they meet a local need.' and to use the site for allotments and the planting of a orchard and wildflower meadow would not on their own constitute development requiring planning permission.
56. Furthermore Policy 34 of LPP2 states that 'Development that protects, enhances, or widens their Green Infrastructure importance will be supported, provided it does not adversely affect their primary functions.'
57. Given the above policy support for development that includes new community facilities and green infrastructure, no objection is raised in relation to this aspect of the development in principle.

#### Character and appearance of the site and wider countryside.

58. Policy 10 of the Core Strategy requires that new development makes a positive contribution to the public realm and that proposals will be assessed in terms of scale, form and materials and impact on the amenity of occupiers or nearby residents.
59. The site is located outside of the main built up area of the settlement within the open countryside, and is currently agricultural land bounded from the road by a notable mixed hedgerow. The site sits at the entrance to the settlement and can be considered to make a positive contribution to the rural character of the surrounding area, and setting of the settlement.
60. The proposal includes the loss of part of the hedgerow frontage to create the widened vehicular access to serve the residential dwellings and the community meadow and allotments, as well as a private drive and parking area to serve Willow Cottage. The access driveway is shown to be 5.8m in width with visibility splays either side, a 2m wide pedestrian pathway, bin storage area. A separate driveway and parking area to serve Willow cottage is also included adjacent to the proposed main access drive.
61. The main access drive would lead to a junction, with a private driveway leading to 12 off street parking spaces serving the residential development, and a separate driveway leading to a car park area providing 18 spaces for the community field and allotments.
62. Having considered the scale and nature of proposed access, drives and off-street parking, the level of hardstanding proposed appears significant, and the layout overengineered, introducing a very urban character into this rural, countryside setting. Furthermore, the removal of hedgerow would also further increase the visibility through the site, increasing the prominence of the

scheme and the susceptibility of the locality to change. This view is supported by the Councils Landscape Officer.

63. Given the above, by virtue of the nature, scale and design of the access including the driveways and parking area, as well as the removal of a section of hedgerow, it is considered that the proposed development would result in substantial harm to the rural character of the area which would be fundamentally harmful to the public realm contrary to Policy 10 of the Core Strategy and Policies 1 and 22 of the LPP2. This concern is shared by the Councils Landscape Officer
64. As the application is a Hybrid, with the residential development coming forward in outline form, with scale and appearance all left as reserved matters the design of the dwellings cannot be fully assessed within this application and would be a consideration within a reserved matters application should outline planning permission for the proposed development be given.

### Heritage

65. There is a grade II listed building, Highfield Farmhouse, located opposite the application site. This property is characterised by its three-story scale, rendered walls, and hipped slate roofs. There is a statutory duty to have special regard to the desirability to preserve the setting of a listed building. The proposal would result in the loss of an area of open countryside however taking into consideration the distance between the application site and the neighbouring listed building, along with intervening boundary treatments and features including the public highway, it is considered that the proposal would not impact the setting of the neighbouring listed building, and thus preserve its setting, therefore achieving the desirable objectives as set out in Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990

### Residential Amenity

66. The application site would be capable of accommodating the proposed dwellings as well as providing suitable levels of private amenity and circulation space in accordance with the Residential Design Guide. The frequency and type of vehicle movements likely to be generated by the proposed residential development is unlikely to result in significant harm to the amenity of the adjacent residential property Willow Cottage.
67. The proposed layout is considered to include sufficient separation distances between the proposed dwellings and the neighbouring residential properties to protect their residential amenities.
68. The comments from the Environmental Health department in relation to potential contamination are noted, and the recommended conditions in relation to this issue are considered appropriate to attach to any grant of planning permission.
69. Careful consideration must be given to the introduction of community uses on the site which have the potential to impact on existing and potential local residents from both the uses on the site itself and vehicular movements generated by the use. It is noted that whilst in principle the majority of the uses proposed on the site proposed by the Parish such as allotments, community

orchards etc are likely to be of a nature not to generate noise and disturbance the use of the site for events could potentially see the introduction of uses such as festivals, music, fireworks etc could create disturbances which could impact on nearby residential amenity. It is noted that a event management condition is recommended by Environmental Health colleagues.

### Highway Safety

70. In terms of highway safety, there has been extensive discussions with the Highway Authority regarding the access point and the potential safety concerns. Initially the Highway Authority raised an objection over visibility from the access and visibility of/for right turners into the site. However, once a speed survey had become available which indicates 85th percentile speeds of 34.87mph in a southwest bound direction, it was considered that the visibility splays achievable were adequate and the initial objection was overcome.
71. Concerns have also been raised by the Highway Authority in relation to the community use, with the Highway Authority stating that a condition is required to safeguard the local highway, to withdraw what would normally be permitted development rights for uses on the site and to restrict events. It is considered that use of the access/facility for which larger scale events would be detrimental to highway safety. Discussions have taken place in relation to this condition with the applicant concerned that this will unduly restrict the use of the site and the highways authority concerned that other alternative conditions would be impossible to enforce
72. No concerns have been raised in relation to the level and nature of the off street parking amenity for both the residential development and the community use, and the recommended conditions in relation the hard surfacing of the parking and turning areas as well as the parking for Willow Cottage is considered to be appropriate to attach to any grant of planning permission.
73. Given the above, whilst the access arrangements are considered acceptable to serve the proposed dwellings and the use of the site as allotments, community orchard and gardens the highways authority remain concerned over any further potential uses which would intensify the vehicular movements associated with the access. A tightly worded condition has been suggested by the Highways Authority and is therefore considered necessary to restrict events on the site and has not been agreed by the agent. On this basis it is considered that it has not been demonstrated that the use of the site can be adequately controlled through the use of conditions to mitigate any adverse effects in relation to potential highway safety from potential activities on the site. Bearing in mind the in principle objections to the proposal it has not been considered prudent to enter into further protracted discussions on this matter.

### Flood risk and drainage

74. The site lies within flood zone 1 at the lowest risk of flooding. There are no surface water drainage issues highlighted on the site itself. Surface water is proposed to be dealt with by soakaway which would fall in accordance with the sustainable drainage hierarchy as required by policy 18 of the LPP2. Foul drainage is proposed to be dealt with through connection to mains sewerage.

75. No precise details of surface water or foul water have come forward on this element of the proposal. In light of this it is considered that a condition be imposed requiring a scheme of surface and foul water drainage to be submitted to show consideration for the drainage hierarchy and advocate a SUDS first approach (including appropriate infiltration testing for viability), and a full non-mains drainage assessment supporting a final scheme of foul drainage. Only subject this condition, would the scheme meet with the requirements of policy 2 of the Core Strategy and Policy 18 of the LPP2.

### Ecology

76. The application is supported by a preliminary ecological appraisal which has been found to be carried out in accordance with best practise measures. The comments from the senior ecology and sustainability officer are noted which raise no objections and considers the development unlikely to result in a detrimental impact on populations of protected species provided the proposed reasonable avoidance measures, mitigation and enhancements are implemented.
77. With appropriate conditions to secure these measures it is considered that the proposal would meet with the aims of Policy 38 of LPP2.
78. Following discussions with the case officer, a full site BNG metric was supplied. No objection has been raised in relation to this document and it is acknowledged that the BNG enhancements would need to be secured by legal obligation as well as conditions for the associated BNG plan and Habitat Management and Monitoring Plan.

### Community Benefits

79. The benefits of the community meadow, by virtue of creation of a new green space that would be available to use by local residents are acknowledged, as well as the supportive comments from local residents and weigh in favour of the scheme, as does the creation of allotment space.
80. However, the community meadow would need to be restricted from hosting events due to highway safety concerns. This does therefore limit the potential usability and function of this element of the proposal use, and therefore, in turn, also limits the wider benefits to the community which can be brought forward from the proposed development.
81. Furthermore, it is considered that it has not been demonstrated by the applicant that there is local need for this specific type of community use with Sutton Cum Granby, as required by Policy 12 of the Core Strategy.
82. While the provision of allotments within the community meadow is considered to be advantageous, the comments from the Communities Manager in respect of a potential over provision of allotments considering the small population are also noted.

### Other matters

83. Comments have been received drawing attention to other residential developments in the vicinity of the site. Whilst each application should be

considered on their own merits the policy considerations to these other schemes were such that they satisfied planning policies at the time.

### Conclusion

84. The principle of residential development at the site is considered to be contrary to policy, by virtue of forming a continuation of the ribbon development and extending into open countryside. This assessment has been upheld at appeal on multiple occasions. The provision of land with associated community uses which is proposed to be gifted to the Parish could be viewed as effectively an enabling development to justify the development of four dwellings within the countryside. Whilst enabling development is recognised within national planning policy in terms of allowing development which would otherwise conflict with planning policies this is normally used to secure the future conservation of a heritage asset. There is no firm policy justification for this form of enabling development.
85. It is also acknowledged that the proposal is for dwellings with an affordable rent tenure and that there is a need for affordable housing within the Borough generally. However, the applicant has confirmed that the development would not form a rural exception site and at present there is no Neighbourhood Plan to allocate such a site. Whilst a housing survey has been submitted with the application this does not follow the normal criteria for such a survey and is not considered robust enough to demonstrate local need to overcome the normal presumption against new residential development in the open countryside. Therefore, the proposed development does not fall within one of the permitted development types to meet local needs in 'other' settlements.
86. The Borough Council is able to demonstrate a five year land supply and therefore whilst the proposal would represent a windfall site which would contribute to the provision of housing this would carry little weight in favour of the proposal particularly in light of its unsustainable location.
87. Furthermore, the proposal would result in a significant adverse impact on the character and appearance of the site and wider countryside from the new built form, creation of a significant access, hard standing and parking area, as well as the loss of hedgerow. Such impact weighs negatively for the scheme and is contrary to the aims of both national and local planning policy.
88. The benefits of the community allotments and meadow and biodiversity net gain potential weigh in favour of the development. It is noted that the Parish Council are a joint applicant in the application and the suggested level of local support for this element of the proposal is acknowledged and have been very carefully considered. It is noted that the potential range of community uses of this land would however need to be limited and controlled in the interests of highway safety and residential amenity. Such limitations may impact on the Parish Councils ability to raise capital to manage the site as set out within their business plan.
89. At the present time without the agreement of conditions which would satisfy the necessary tests to restrict the community uses on the site in the interests of highway safety there remains concerns over the potential highway safety impact of an unrestricted use on the site

90. The proposal raises complex policy and technical matters to be considered and pre application advice was provided to identify the issues which would need to be addressed in any application. Additional information has been provided through the application process in an attempt to overcome highway safety concerns and to further justify the development. Whilst benefits of the scheme have been identified and considered carefully these benefits are not considered to sufficiently outweigh the fundamental policy objections or provide sufficient reassurance that highway safety concerns can be adequately mitigated and therefore a recommendation to refuse planning permission is recommended.

## RECOMMENDATION

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

1. Policy 3 of the Rushcliffe Borough Local Plan Part 1: Core Strategy sets out the spatial strategy for housing delivery in the Borough which seeks to ensure that sustainable development will be achieved through a strategy which promotes urban concentrations by directing the majority of development towards the built up areas of Nottingham and Key Settlements. In other settlements the Core Strategy at para 3.3.17 envisages that development should be for local needs only through small scale infill development or on exception sites. Paragraph 3.9 of the Local Plan Part 2 lists a number of smaller settlements which are capable of accommodating a limited number of dwellings. Paragraph 3.10 states that beyond these allocations, development will be limited to small scale infill development, defined as development of small gaps within the existing built fabric of the village or previously developed sites whose development would not have a harmful impact on the pattern or character of the area. The application site is outside the built up part of the settlement of Sutton Cum Granby within the open countryside and the proposed development would not, therefore, constitute infill development. The site does not represent previously developed land and as such the development would be contrary to policy 3 of the Rushcliffe Local Plan Part 1: Core Strategy and paragraph 3.10 of the Local Plan Part 2 as well as policy 22 of the Rushcliffe Local Plan Part 2: Land and Planning Policy and the National Planning Policy Framework.
2. The site is in an isolated location in relation to services and facilities and there are no services or facilities in Sutton Cum Granby. It is, therefore, likely that future occupants of the proposed dwelling would be reliant on the use of private car for day to day needs. The development would, therefore, be unsustainable and contrary to policy 1 of the Rushcliffe Local Plan Part 1: Core Strategy and policy 39 of the Rushcliffe Local Plan Part 2: Land and Planning Policies.
3. Due to its location, siting and layout the proposed development including the significant access, parking and driveway areas resulting in the removal of boundary hedgerows would fail to respect the defining local characteristics of the area. The development would appear as an incongruous incursion into the rural setting of the hamlet which would have significant adverse impacts on the rural character of the site and surroundings, and the rural setting and approach to the hamlet, clearly extending the built-up part of the settlement and changing its form and character to its detriment. The proposal is, therefore, contrary to policy 10 (Design and enhancing local identity) of the Rushcliffe Local Plan Part 1: Core Strategy, Policies 1 (Development requirements) and 22



(Development within the countryside) of the Rushcliffe Local Plan Part 2: Land and Planning Policies, and the design objectives of the National Planning Policy Framework.

4. Part of the site is proposed for community uses which may result in activities that could result in unacceptable levels of vehicular movements to the detriment of highway safety. It has not been demonstrated how this risk can be adequately mitigated and controlled and therefore the proposal is contrary to Policy 1 (2) of the Local Plan Part 2 Land and Planning Policies.