

17/02871/OUT

Applicant Mr John Breedon

Location Land To North Of Cliffhill Lane, Aslockton, Nottinghamshire

Proposal Outline application for the erection of up to 9 dwellings together with associated access, landscaping and other infrastructure works

Ward Cranmer

THE SITE AND SURROUNDINGS

1. The 0.82 hectare site comprises the southern part of a level agricultural field in arable use, located on the north side of Cliffhill Lane, adjacent to the northern edge of the built up part of the settlement. There is deciduous hedgerow along the west and southern (Cliffhill Lane) boundaries, and fragmented hedgerow along the eastern boundary. There is also a section of hedgerow on the western part of the site.
2. The adjacent and nearby built development is residential, including a cul-de-sac of what appear to be 1960s suburban bungalows and houses on the opposite side of Cliffhill Lane (Meadow Close), a number of 19th century houses to the west of the site, and an area of ribbon development comprising interwar and mid to late 20th century suburban houses and bungalows along the north side of Cliffhill Lane to the east.

DETAILS OF THE PROPOSAL

3. The application seeks outline permission for up to 9 dwellings with all matters reserved for future approval. An Illustrative Masterplan and Development Framework have been submitted which show 7 detached dwellings and a pair of semi-detached dwellings fronting Cliffhill Lane. 5 dwellings in the centre of the site would be served by a shared access, with the remaining 4 dwellings each served by individual accesses. The frontage hedgerow would be retained 'where possible' and reinforced with new planting, and the hedgerow within the site would be retained and reinforced. The access from Cliffhill Lane adjacent to the eastern boundary would be retained, and part of the field between the westernmost dwelling and the western boundary would be retained.
4. The Planning, Design and Access Statement refers to national and local planning policy, ecology, highways/access, flood risk & drainage and sequential test analysis of alternative sites, heritage, and village character. It states that two storey dwellings are proposed with a variety of house types and sizes in terms of scale form and massing to create a high quality street scene. The scheme would be designed to 'reflect the distinct character of rural cottage houses in Aslockton'.
5. A Flood Risk Assessment was also submitted.

SITE HISTORY

6. Outline permission was refused in 2015 for the erection of up to 50 dwellings including creation of new access, new green open space and planting, sustainable drainage and associated infrastructure (ref. 14/01393/OUT).
7. Outline permission was refused in 2016 for the erection of up to 50 dwellings including the creation of a new access, together with the provision of new open space and landscaping, sustainable drainage and associated infrastructure (ref. 16/00733/OUT). The reasons for refusal included that the development of the scale proposed would not constitute small scale infill development of the type envisaged in villages such as Aslockton, undermining the Council's strategy for the delivery of housing within the Borough, and would not respect the character and built form in this part of the village, resulting in a substantial incursion into the rural setting of the settlement. A subsequent appeal was dismissed in July 2017.

REPRESENTATIONS

Ward Councillor(s)

8. The Ward Councillor (Cllr Mrs Stockwood) objects and supports the Parish Council's comments.

Town/Parish Council

9. Aslockton Parish Council objects on the following grounds:
10. *"Contradictions in the documentation submitted with the application*

Planning Policy and Design and Access Statement

Point 1.2 In the introduction, by it's definition the site is an open field. Previous applications on this site and at the adjacent property on the west side, Greengates (ref 08/00146/OUT), have been referred by Rushcliffe Borough Council as beyond the settlement and in open countryside. How then can this now be classified as infill?

11. *Point 2.1 Having stated above that the site is an open field, the applicant goes on to say that the field has been used for arable farming. This is high grade agricultural land and as such the application is contrary to Policy EN21 of Rushcliffe's NSRLP.*
12. *Point 2.2 "The site therefore constitutes an 'infill' site within Aslockton village." Although there is no exact definition of infill within Rushcliffe Borough Council's planning policies, it is generally understood to be of a limited size for one to two properties. Quoting from Planning Policy Statement 21 5.34 "Many frontages in the countryside have gaps between houses or other buildings that provide relief and visual breaks in the developed appearance of the locality and that help maintain rural character. The infilling of these gaps will therefore not be permitted except where it comprises the development of a **small gap** " Replacement of this policy by the NPPF still does not take away the basic implication of what infill means, it is referred to as "limited". Therefore housing to the east and west sides of a large open*

field do not constitute "infill", the site of 0.82 hectares with a frontage of 125 metres, can hardly be called a "gap"!

13. *Point 2.7 The applicant has deemed that the site has no archaeological features. Aslockton Parish Council questions this statement when the County Archaeologist has previously indicated there is prehistoric remains on the site, and had not restricted her recommendation of archaeological mitigation to any particular area, but for the whole site and therefore this should be applied to any part thereof. (see Appendix 1)*
14. *Point 2.8- The applicant refers to assessment work undertaken on a previous application concluding the site is in a sustainable location with good access to services and facilities. In terms of road access, Aslockton Parish Council defers the consideration to Highways but wishes to point out that a speed survey was carried out on Cliffhill Lane by Highways in late 2016 which was also cited in the appeal decision made on the previous application for this location -"Point 45. Cliffhill Lane has a speed limit of 30mph. The Parish Council refers to the results of a traffic survey undertaken in November 2016 by the County Council, which demonstrates that along Cliffhill Lane the average 85th percentile speed was 44mph. This is significantly in excess of the 33mph found within the appellants speed survey within the HS undertaken in 2014. Following discussion at the hearing the appellant agreed that a condition could be imposed requiring a scheme for an interactive speed sign, to be agreed by the Council, to seek to address the speed of cars along Cliffhill Lane. Given the findings of the more recent speed survey we find such a condition would be reasonable and necessary."*
15. *With reference to the "sustainable location with good access to services and facilities" it has been repeatedly stated, and evidence supplied, in the many recent applications the limitations of the local facilities and the inadequate public transport outside commuter times.*
16. *Point 2.9 Refers to photographs showing the local character of Aslockton. These photographs are not indicative of the village as there is a large proportion of bungalows spread throughout the village. We provide more information on this point later in our objection.*
17. *Point 4.3 The applicant quotes from the NPPF paragraph 14. The key argument being one of sustainability. It has been demonstrated at two recent appeals that Aslockton is not sustainable for further housing, the 74 houses on Abbey Lane more than satisfying housing requirement. Two recent appeal decisions at Aslockton have clearly deemed Aslockton as NOT a sustainable location. Please refer to Appendix 2.*
18. *Point 4.4 The applicant quotes from the NPPF paragraph 17 quoting one of the core principles "not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives".Aslockton Parish Council considers this application to be only about speculation - it fails to meet the core principles*
 - *It is not plan led*
 - *There is no local need*
 - *Is NOT land of low environmental value, indeed it is grade 2 agricultural land*

- *It will not reduce pollution as most journeys will be by car*
 - *It will not promote health and social well being as these facilities cannot be accessed at all times by public transport and therefore there will be a dependency of car ownership.*
19. *Point 4.9, 4.10 and 4.11 Aslockton Parish Council also note that on the two previous applications for this site, the application included an adjoining footpath link to the existing footpath (number 3) running across the rear of the site. However this application fails to include such a link which would have at least offered a token promotion of social well being, encourage the active and continual use of public areas and deliver recreational facilities. The applicant quotes from Paragraph 73 of the NPPF actually quoting "adding links to existing rights of way networks" but fails to offer such an easily achievable facility.*
20. *Points 4.19,4.22, 4.23 and 4.29 Aslockton Parish Council is somewhat surprised at some of the quotes from Local Plan Part 1 that surely draw attention to reasons why permission should be refused -*
- *4.19 and 4.22 - there is NO local need !!!*
 - *4.23 "need to deliver new homes outside the main locations". Other villages have already been identified in the emerging Local Plan Part 2 and of those 5 originally suggested the appeal inspector of appeal ref APP/P3040/W/16/31627 agreed with the Parish Council that "in my view, the other villages under consideration have a wider range of facilities and services than those readily available at Aslockton."*
 - *4.29 "need to travel, especially by private car, will be reduced". Although sited by a bus stop, it has been repeatedly demonstrated on previous applications and appeals that the bus and train service do not provide an adequate public transport service to access to health, leisure and recreational needs, especially in the evening and there is practically no service on Sunday.*
21. *Point 4.34 The applicant refers to Policy HOU2 considering development on unallocated sites. However the application contravenes at least four of the following conditions of that Policy which states:*
- b) *the site is one which does not make a significant contribution to the amenity of the surrounding area by virtue of its character or open nature;*
 - c) *the development of the site would not extend the built-up area of the settlement;*
 - f) *the proposal does not fall within an area of sporadic or ribbon development outside a settlement, nor is situated in the countryside, and*
 - g) *the site is accessible to a range of services other than by use of the private car*
22. *Point 5.6 Scale "The design proposals are for two storey dwellings with some single storey detached garages. This is in keeping with the existing buildings in the village of Aslockton that are predominately two storeys. " Even looked at as a village, Aslockton has a good mix of housing but in particular the area surrounding the proposed site is one of predominantly of bungalows - indeed the applicant has included a photograph of the bungalows to the south at*

Meadow Close on page 9 of the Design and Access Statement. Further proof of one:two storey ratio can be seen to the east and west of the site (see appendix 3).

23. *Point 6.1 "The site is located within the village of Aslockton, a settlement with a good range of services and facilities. The site is boarded by existing residential development to its south, east and its west. The site currently forms part of a larger field which whilst open would not be regarded as open countryside given the position of the site within the village and presence of existing development around it." This statement is inaccurate - Aslockton has limited facilities and services, and the location has always been defined by Rushcliffe as beyond the settlement and in open countryside.*
24. *Point 6.2 Although not in the Conservation Area, the site is on it's approach and the loss of open countryside so close, would have some detrimental effect.*
25. *Point 6.3 "Given the position of the site and its context it is considered that the proposal would represents infill development. Policy 3 of the Core Strategy supports development in 'other settlements', such as Aslockton for local needs and the supporting text to the Policy confirms that this can include small scale infill development. Given the scale of development proposed and the form of the site it is considered that the proposal accords with Policy 3 of the Core Strategy." Again an inaccurate statement. Although "infill" is a matter of interpretation, it cannot be argued there is any local need with the 74 houses being built on Abbey Lane, so development of this site does NOT accord with Policy 3 of the Core Strategy.*
26. *Point 6.5 The applicant cites two examples of recent small scale sites in the Borough, but neither of these cases closely resemble the proposed site. Application 17/01628/FUL in Barnstone is fundamentally different on two crucial accounts - It is for 4 properties (noted one is a bungalow) less than half the proposed site in Aslockton and there has been a proven local need by way of a Rural Housing Needs Survey. Application 16/03101/FUL in Thoroton was replacing existing unattractive farm buildings within a farm yard curtilage and received substantial support from local residents, the comments of support outweighing those of objections.*
27. *Point 6.12 and 6.13 The applicant refers to the Inspector on the Abbey Lane site (which was at a higher level of flood area, therefore this must be referring to Abbey Lane South) being particularly relevant. However nowhere on that appeal decision is the sequential test mentioned? Presumably as there were no other local sites of that size? If the policy of the sequential test is to have any relevance, than it must be applied to this application, otherwise it becomes totally redundant if the shortfall of houses across the whole Borough outweighs any risk of flooding. This would then surely bring into question the gravitas of the NPPF? If the argument that Rushcliffe does not have a five year housing supply is applied to this policy, then it could be applied to the whole of the NPPF, and as such the NPPF Policies would not apply to Rushcliffe whilst it does not have a five year housing supply. As there is a current application in for ten houses on Abbey Lane at a lower flood risk, which the applicant confirms, this application fails the sequential test. Also under Planning and Flood Risk within the current PPG it states that flood risk should be managed and mitigated "Where development needs to be in*

locations where there is a risk of flooding as alternative sites are not available". As we have said above there is an alternative site and as there is no local need then there is no need for development in this location.

28. Point 6.19 "The proposed layout and scale of development responds positively to the character of this part of Aslockton, particular the predominance of frontage properties to the north of Cliff Hill Lane. The proposal includes for a mix of house types and sizes placed largely on large plots, again reflective of the character of the area." Again we refer to the mix of one:two storey houses surrounding the proposed site (appendix 3), proving the proposed scaling is not in character.

29. Flood Risk Document

This documentation has been submitted previously for a different application and it is therefore questionable about some of it's relevance, for example referring to a series of swales and ponds are recommended to manage and control runoff from development.

30. Summary

1. Policy 3 Spatial Strategy of the Core Strategy states that "in other settlements, development will meet local needs only. Local needs will be delivered through small scale infill development or on exception sites. Development will be of a scale appropriate to local needs.", as there is no local need (as cited on recent Appeals ref APP/P3040/W/16/3143126 and APP/P3040/W/16/3162739) this application fails to satisfy planning criteria. This is further backed up on the Local Plan Part 2 Preferred Housing Allocation document, currently at the consultation stage. Rushcliffe have determined their preferred housing allocation sites to satisfy the housing needs and Aslockton is not deemed a sustainable location based on existing service and infrastructure provision for any further **greenfield sites**, having already had an allocation of 75 houses on Abbey Lane. (Refer to Local Plan Part 2 Further Options).

2. The application cannot be considered as either infill or small. A "gap" of 125 meters made up of open field cannot be reasonably considered as infill in terms of planning. It is also to be noted that in the introduction section of saved policy of NSRLP, HI Housing, point 3.8 states that "small" refers to sites well below ten -"during the plan period, development is likely to take place on unallocated sites which, as a result of the policies of the plan, is likely to be limited to small scale developments, around infill levels and usually **well below** 10 dwellings".

3. Sustainability - Aslockton Parish Council again question the sustainability of further housing in Aslockton for anything other than local need. Much has been quoted from the NPPF during the recent Appeals at Aslockton, but the fact is that to be sustainable, the NPPF, under the social rule says "with accessible local services that reflect the community's needs and support its health, social and cultural well-being". Rushcliffe Borough Council have stated in their draft Local Plan Part 2 Further Options that it is "in our view it would not be sustainable, based on existing service and infrastructure provision, for any further **greenfield sites** to be identified for housing development at Aslockton or Whatton." Aslockton Parish Council therefore

asks the Borough to stay true to their conviction, and refuse permission for this application on a **greenfield site in open countryside**.

31. **Conditions** - Aslockton Parish Council requests that in the event of permission be granted the following considerations are to be incorporated within that permission:
32. 1. *Housing mix. The applicant has drawn attention to the predominance of single storey bungalows opposite the site at Meadow Close (point 2.3) and included a photograph. The surrounding area in all directions is a mix of houses and bungalows - (see Append 3). Aslockton Parish Council therefore asks for a condition of a similar mix to meet guidelines of Policy 8 of the Local Plan Part 1.*
33. 2. *The applicant has stated (point 5.3) "The retention of a landscape gap on the western and eastern edge of the site to allow views through, to protect the amenity of adjacent residents and provide access to the future management and maintenance of the Dyke" In view of this Aslockton Parish Council request a short footpath link to the public right of way to the rear along the western edge of the site as this would be beneficial to local residents and meet the policy demand of Paragraph 73 of the NPPF. (as referred to earlier).*
34. 3. *An interactive speed sign to be placed near to the site on Cliffhill Lane.*
35. 4. *Bus stop - The bus stop currently has safety issues regarding the use of wheelchairs and pushchairs. Aslockton Parish Council therefore ask that in constructing a foot pavement along the site it is of width compliant with wheelchair use and the bus stop be modified to allow wheelchair access."*
36. The Parish Council included with their submission a number of appendices. These can be viewed in full on the Borough Council's website under the reference for the current application.
37. Whatton in the Vale Parish Council objects on grounds summarised as follows:
 - a. While the development could be regarded as in-fill, in conjunction with the 75 unit development on land South of Abbey Lane, it is clear that Aslockton-Whatton has more than accounted for any housing need within the local area.
 - b. There is an insufficient number of smaller more affordable properties of 2-3 bedrooms, which would be more appropriate for meeting any housing demand within the local area and the wider borough.
 - c. While it is recognised that any new residents could use New Lane to access the A52, there will be increased pressure on the A52 junction at the end of Old Grantham Road, Whatton where there is already a significant amount of traffic traveling through this rural residential area, especially at peak times. This would increase with the development Land South of Abbey Lane, especially for eastbound traffic creating significant congestion and an increased risk to pedestrians within Whatton.

- d. There is lack of public transport within Whatton-Aslockton to support a significant increase in new residents as identified by the Planning Inspectorate when rejecting recent appeals for large scale housing developments in Whatton and Aslockton.
- e. There is lack of community, convenience and leisure facilities within Whatton-Aslockton which, together with the lack of public transport, means all new residents will rely on car usage, significantly increasing traffic and congestion within Whatton-Aslockton.

Statutory and Other Consultees

- 38. The Design & Conservation Officer comments that there is a known archaeological site to the north of suspected Iron Age / Roman period which consists of two areas identified by survey, one area to the north west more clearly defined features which was, at one point, explored for possible scheduling by Historic England (but ultimately not scheduled), and a continuation of what appeared to be contemporaneous, but far less well defined, features extending south-eastwards to near the boundary of the northern edge of the field of which the current application is focussed on the southern edge.
- 39. He comments that, when the full site was being proposed for extensive development, there was a real possibility that the northern edge might encounter archaeological material. He advises that the extent of development now proposed is 200 metres further south than the extent of what was previously proposed. Given that there are no reported archaeological remains encountered during construction of other property along the frontage of Cliffhill Lane, he considers that the distance from known archaeological sites is now such that there would be no reasonable expectation to encounter archaeology within the area proposed for development. The site is also outside of the historic core of the village and is equally unlikely to encounter archaeology associated with the settlement of Aslockton itself.
- 40. Environmental Sustainability Officer notes that an ecological survey and assessment was supplied for the site under application ref. 16/00733/OUT which appears to have been completed according to best practice and, as it was carried out in 2016, is still current although it covers a much larger area than the current application. He considers that recommendations in the ecological survey should be subject to conditions.
- 41. The Nottinghamshire County Council as Highway Authority have no objection to the principle of 9 dwellings from a traffic generation and capacity standpoint and comment that, generally speaking, the proposed access arrangements are considered suitable. They do have a concern regarding the location of the access for the most westerly property due to its location directly opposite the Meadow Close junction and the potential for vehicle conflict between residents accessing the property and those using the junction opposite. They would, therefore, wish to see the access to this property amended such that access is gained via a shared driveway with the neighbouring property located as far as possible from the bellmouth of the Meadow Close junction.

42. They note that it is intended to retain the existing hedgerow on site as far as possible. Whilst they have no objection to the principle of this arrangement, they point out that the height of the hedgerow is such that it may obscure visibility of vehicles exiting the proposed properties onto Cliff Hill Lane. They advise that care will need to be taken in the detailed design of the driveways to ensure a suitable width is provided to ensure the requisite visibility standards (2.4m x 43m visibility splays) can be met at each of the proposed driveway locations.
43. The Nottinghamshire County Council as Lead Local Flood Authority have no comments in relation to flood risk as it falls outside of the guidance set out by Government for those applications that do require a response.
44. Via East Midlands Limited (on behalf of the County Council) comment that no rights of way are recorded within or adjacent to the application site; however, it is always possible that there are public rights that have not yet been recorded.
45. The Environment Agency advises that the site falls in Flood Zone 2 and that Flood Risk Standing Advice can be applied.
46. Severn Trent Water has no objection subject to a condition to ensure the submission of drainage plans for the disposal of surface water and foul sewage before development commences, and implementation of the approved details before the development is brought into use.
47. Trent Valley Internal Drainage Board comments that the site is within the Board's district and that there is an open watercourse along the site boundary to which byelaws and the Land Drainage Act 1991 applies. They advise that surface water run-off rates to receiving watercourses must not be increased as a result of the development, and that the design, operation and future maintenance of on-site drainage systems must be agreed with the Lead Local Flood Authority and the Local Planning Authority.

Local Residents and the General Public

48. 24 written representations have been received raising objections which are summarised as follows:
 - a. Development of a green field site and would extend the built up part of the village.
 - b. Cannot be classified as an infill site as the gap is too large and the number of dwellings too many.
 - c. There are already 74 houses being built on Abbey Lane and there have been several small developments. Therefore there seems to be no need for more houses to be built within the area.
 - d. Any additional houses would result in considerable growth for a small village which is not required or sustainable.

- e. Local Plan Part 1 clearly states any development in other villages should be solely to meet local housing needs, and the proposed houses would be too expensive for local first time buyers.
 - f. Two recent appeals in Aslockton have already agreed that the village is not sustainable for further development and, in the emerging Local Plan Part 2, Aslockton is deemed not to be a sustainable location for further development of greenfield sites.
 - g. Aslockton has very poor public transport facilities, little employment in the village, one shop-cum post office, one pub, very limited sports facilities and no health centre. All this points to a reliance on transport by car.
 - h. These large properties are not in keeping with other properties on Cliffhill Lane which are predominately single storey.
 - i. Would further degrade the rural nature of Cliffhill Lane.
 - j. Significant increase in traffic and congestion and negative impact on safety of residents.
 - k. The site is in Flood Risk Zone 2 on the Environment Agency Flood Risk Map and it fails the NPPF Sequential Test as there is a similar sized site at a lower flood risk being considered at The Maltings off Abbey Lane.
 - l. The application is "developer led" not "plan led" and is contrary to both Local Plan parts 1 and 2.
 - m. Loss of important arable land.
 - n. Increase in air and light pollution.
 - o. No benefit to the village or environment.
 - p. In a matter of months/years further applications to "infill" will be made.
 - q. Concerned that the proposal is the 'thin edge of the wedge' and that, if granted, it would be followed by further applications seeking to develop the whole of the site where planning has already been refused.
 - r. Loss of view.
 - s. The developer of the land south of Abbey Lane where 74 houses are under construction have already had to drop their prices and offer inducements to purchase.
49. 2 written representations have been received expressing support which are summarised as follows.
- a. Small developments like this should be welcomed to continue to help local clubs, shops and pub to continue to operate.

- b. The village needs to grow and move with the times.

PLANNING POLICY

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

Relevant National Planning Policies and Guidance

53. The NPPF includes a presumption in favour of sustainable development. Local Planning Authorities should approach decision making in a positive way to foster the delivery of sustainable development and look for solutions rather than problems, seeking to approve applications where possible. In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development. Development proposals that accord with the development plan should be determined without delay.
54. There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:
- an economic role – 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 role – 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 role – 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.
55. Paragraph 14 states that, where relevant policies in the development plan are out of date, permission should be granted unless:

- any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against policies in the NPPF as a whole; or
 - specific policies in the NPPF indicate that development should be restricted.
56. The NPPF includes 12 core planning principles. 5 of these principles state that planning should:
- Be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area. Plans should be kept up-to-date, and be based on joint working and co-operation to address larger than local issues. They should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency;
 - Proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places the country needs;
 - Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of building and land;
 - Take account of the different roles and character of different areas, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;
 - Support the transition to a low carbon future in a changing climate, taking full account of flood risk.
57. Chapter 4: 'Promoting sustainable transport' states that decisions should ensure that developments that generate significant movement are located where the need for travel will be minimised and use of sustainable transport modes can be maximised. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
58. Chapter 6: 'Delivering a wide choice of high quality homes' states, at paragraph 49, that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
59. Chapter 7: 'Requiring good design' states that good design is a key aspect of sustainable development and should contribute to making places better for people. Planning policies and decisions should aim to ensure that developments will function well and add to the overall quality of the area, incorporate green open space, and respond the local character and history, and reflect the identity of local surroundings and materials.

60. Chapter 10: 'Meeting the challenge of climate change, flooding and coastal change' states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. The Strategic Flood Risk Assessment will provide the basis for applying this test. A sequential approach should be used in areas known to be at risk from any form of flooding. If, following application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exception Test can be applied if appropriate. For the Exception Test to be passed it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk informed by a Strategic Flood Risk Assessment, and a site specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall. Both elements of the test will have to be passed for development to be permitted.
61. The National Planning Practice Guidance (NPPG) on Flood Risk and Coastal Change states that for individual planning applications where there has been no sequential testing of the allocations in the development plan, or where the use of the site being proposed is not in accordance with the development plan, the area to apply the Sequential Test across will be defined by local circumstances relating to the catchment area for the type of development proposed.
62. The NPPG on Rural Housing states that it is important to recognise the particular issues facing rural areas in terms of housing supply and affordability, and 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.

Relevant Local Planning Policies and Guidance

63. The Rushcliffe Local Plan Part 1: Core Strategy sets out the overarching spatial vision for the development of the Borough to 2028. It is considered that the following policies are relevant.
- Policy 1 - Presumption in Favour of Sustainable Development
 - Policy 3 - Spatial Strategy
 - Policy 8 - Housing Size Mix and Choice

- Policy 10 - Design and Enhancing Local Identity
 - Policy 17 - Biodiversity
64. Policy 3 outlines the distribution of development in the Borough during the plan period. It ensures the sustainable development of Rushcliffe will be achieved through a strategy that promotes urban concentrations by directing the majority of development towards the built up area of Nottingham and the Key Settlements identified for growth of Bingham, Cotgrave, East Leake, Keyworth, Radcliffe on Trent and Ruddington. In other settlements, such as Aslockton, development will meet local needs only which will be delivered through small scale infill development or on exception sites. Beyond this, where small scale allocations are appropriate to provide further for local needs, these will be included in the Local Plan Part 2.
65. The Local Plan Part 2: Land and Planning Policies Further Options states that it is now believed that a number of 'other villages' may need to accommodate some level of new housing on greenfield sites in order to help resolve the current shortfall in the amount of land that is available for housing development over the next few years. This is because it is doubtful that Local Plan Part 2 will be able to allocate enough suitable land at the main urban area of Nottingham and at the key settlements alone, which is fully capable of delivering a sufficient number of new homes quickly enough to completely meet the shortfall. In which case, the allocation also of a limited level of new housing land at some of Rushcliffe's other settlements would hopefully resolve this situation. However, it goes on to refer to the 74 dwellings currently under construction on the south side of Abbey Lane, which already contributes to the supply of land available for housing development over the next few years, and that it would not be sustainable, based on existing service and infrastructure provision, for any further greenfield sites to be identified for housing development at Aslockton.
66. The Rushcliffe Non-Statutory Replacement Local Plan has been used in decision making since 2007 and, despite the Core Strategy having been adopted, it is still a material consideration in the determination of planning applications. It is considered that the following policies are relevant.
- GP1 - (Delivering Sustainable Development)
 - GP2 - (Design and Amenity Criteria)
 - EN12 – (Habitat Protection)
 - EN13 - (Landscaping schemes)
 - EN19 - (Impact on the Green Belt & open countryside)
 - EN20 - (Protection of open countryside)
 - EN21- (Loss of agricultural land)
 - HOU2 - (Development on unallocated site)
 - WET2 - (Flooding)
 - WET3 - (Groundwater resources)
67. The appeal decision on application ref: 16/00733/OUT, for residential development for up to 50 dwellings on a wider area incorporating the current application site, is a material consideration.

APPRAISAL

68. Application ref. 16/00733/OUT was refused and an appeal was dismissed on the following grounds:
1. A development of up to 50 dwellings would increase the size of the settlement by 30% and would not constitute the type of small scale infill development envisaged by policy 3 of the Core Strategy, and would harmfully undermine the spatial strategy for the Borough, with a risk of distorting the spatial strategy with respect to the distribution of housing across the Borough over the plan period, which would be inconsistent with the fundamental objectives of sustainable development.
 2. The development would fail to respect the character and built form of this part of the village and would appear as a substantial incursion into the rural setting of this part of the village, clearly extending the settlement beyond its existing limits and significantly changing its form and character to its detriment.
69. In the appeal decision the inspector found that Aslockton is not an accessible location to accommodate the proposed number of houses and that there would be a significant harm in terms of impact on the character and appearance of the area. In particular, with respect to the second reason for refusal, the inspector commented:
70. *“While the houses along the frontage of the site could be set back in line with the adjacent ribbon development, and the impacts of the houses behind could be effectively mitigated in views from the wider landscape through the inclusion of woodland planting which effectively links to the existing orchard to the west and the parkland landscape to the north east, the visual effects on the settlement pattern when viewed from Cliffhill Lane would be more difficult to avoid.”*
71. *“I would agree that the presence of houses across the site frontage may not be a surprise.”*
72. *“Even though the site is lower than the road, the presence of a large number of houses to the rear of those along the frontage would still be particularly intrusive in views from Cliffhill Lane especially given the need to remove part of the existing hedge to facilitate the site access. The extent of the houses to the rear of the frontage properties would substantially encroach into the rural area reducing the openness introducing an extent of development which is not seen elsewhere on the northern side of the village. As a result, the rural character of the approach into and out of Aslockton would be materially harmed through the introduction of development in depth and the consequent significant erosion of the strong ribbon pattern of development on this side of the village.”*
73. It is considered that a development of up to 9 dwellings in a settlement of this size (with around 400 dwellings and a population approximately 885) can be regarded as ‘small scale’. As the site is located between two areas of residential development of one dwelling depth which extend by around 200m

to the west and around 500m to the east, and as the proposed development would be frontage only, it is also considered that it would represent infill.

74. Furthermore, the Borough Council's 2017 Strategic Housing Land Availability Assessment concludes that, whilst the whole field would not be suitable for housing development, for the reasons supported by the appeal inspector, 10 dwellings may be appropriate along the frontage. Whilst the appeal inspector had serious concerns about the impact of up to 50, dwellings in the form proposed, which would extend northwards from Cliffhill Lane into the countryside by around 180m, she appeared to indicate an acceptance of the principle of frontage only development along Cliffhill Lane.
75. It is acknowledged that the proposal would change the rural character of the site and this part of Cliffhill Lane, and it is considered that this would represent a minor adverse impact. However, as it appears that the majority of the boundary hedgerow could be retained, and as there would be views of the countryside either side of the proposed dwellings and to a limited extent in between, it is considered that there would be no significant adverse impact on the character of the area.
76. The majority of the site is located in Flood Zone 2 as determined by the Environment Agency which is at medium risk of flooding. In relation to application ref: 16/00733/OUT, the applicant provided details of potential alternative sites across the Borough which were discounted and, before the application was determined, it was concluded that the sequential test had been passed. However, at the appeal hearing the Borough Council suggested that a site in Flood Zone 1 in Whatton, which was subject to an outline application for up to 90 dwellings at the time (ref: 17/00969/OUT), was available and that consequently the sequential test had not been passed. The Inspector, however, considered that, as the Council suggested that the site in Whatton would not comply with policy 3 of the Core strategy, it would be premature to suggest that the site is available for development and, therefore, capable of being considered within the sequential test. The inspector was, therefore, satisfied that the appeal site passed the sequential test.
77. The applicant has provided details of potential alternative sites with the current application. It is considered that the majority are not reasonable alternatives, primarily because they are in the Green Belt, planning permission has been refused or the number of dwellings is not comparable with the current proposal. Two sites, in Costock and Stanford on Soar, are highlighted as potential alternatives. However, as they have potential capacity for 5 and 54 dwellings, and part of the site in Costock is currently in use, it is considered that they are not reasonable alternatives. In view of this and the appeal Inspector's conclusions, it is considered that the sequential test is passed.
78. A site which was subject of a recent outline application for up to 10 dwellings at land north of Abbey Lane, Aslockton is in Flood Zone 1 and, therefore, sequentially preferable to current application site. However, permission has been refused for the site north of Abbey Lane as it is considered that development of that site would not represent small scale infill.

79. The same Flood Risk Assessment that was submitted with application ref: 16/00733/OUT has been submitted with this application. The Environment Agency did not object to the previous application subject to the site passing the sequential test. They also recommended a condition to ensure that the finished floor levels of the dwellings are no less than 150mm above existing ground levels. Subject to such a condition, it is considered that the risk of flooding to future occupants should be adequately mitigated without increasing flood risk elsewhere. Details of the disposal of surface water and foul sewage could also be required by condition.
80. Subject to siting, scale and design, there should be no significant adverse impact on the amenities of adjacent and nearby properties, and future occupants should have a good degree of amenity.
81. The access arrangements would be considered in detail under a reserved matters application when the exact position(s) and detailed design would be assessed. At the appeal hearing into application ref: 16/00733/OUT,5 the applicant agreed that a condition could be imposed requiring a scheme for an interactive speed sign to seek to address the speed of cars along Cliffhill Lane, which has a speed limit of 30mph. The applicant had carried out a traffic survey in 2014 where the average 85th percentile speed was 33mph and, in November 2016, a survey was undertaken by the County Council which found the average speed to be 44mph. Given the findings of the more recent survey the inspector considered that such a condition would be reasonable and necessary. As only up to 9 dwellings are now proposed, it is considered that a condition is not now reasonable or necessary, and enforcement of speed limits is a Police matter. Whilst the objections of local residents relating to increase in traffic, congestion and impact on highway safety are noted, in the absence of an objection from the County Highway Authority, a refusal on highway safety grounds could not be justified.
82. The appeal decision on this site and at land north of Abbey Lane in Aslockton referred to by the Parish Council relate to up to 50 and 65 dwellings respectively. It has been accepted that the limited services/facilities in Aslockton and limited public transport outside of commuter hours would result a high level of car borne travel. However, the number of dwellings proposed under those applications was significantly greater than now proposed, and it is considered that the proposal for up to 9 dwellings would not conflict with the aims of the Core Strategy with respect to the sustainable distribution of housing across the Borough.
83. The loss of Grade II agricultural land was considered on the previous application and it was concluded that a refusal on such grounds could not be justified. Furthermore, the majority of the field of which the application site forms a small part would be retained.
84. In view of the Design & Conservation Officer's comments, a refusal on grounds of damage to/loss of archaeological remains could not be justified.
85. 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.
86. In this case the protected species survey submitted with application ref: 16/00733/FUL, no evidence was found of protected species and no potential/little suitability for habitats on the site and the watercourse along the boundary, although the hedgerows provide a suitable habitat for nesting birds. Whilst the survey was carried out more than 2 years ago, the Environmental Sustainability Officer considers that it is still current, and the application site is significantly smaller than in 2016. However, as no evidence of protected species was found, it is considered that it is unnecessary for the recommendations in the survey to be subject to conditions. The conservation status of the species would, therefore, be maintained.
87. It is considered that a request to provide a footpath link could not be justified for a development of the scale proposed.
88. Fear of precedent cannot be used to resist proposed developments, and every case has to be considered on its merits.
89. In considering this application, it has to be borne in mind that the Council does not have a 5 year housing land supply. Consequently, in accordance with paragraph 49 of the NPPF, Policy 3 of the Core Strategy, which is a policy for the supply of housing, is not up to date. In such circumstances, paragraph 14 NPPF and the so-called 'tilted' balance are engaged. This means that any benefits of the proposed development must be weighed against any adverse impacts.
90. In terms of benefits, the proposed development would make a limited contribution to addressing the Borough Council's lack of a 5 year housing land supply. There would also be a limited temporary economic benefit during construction, and future occupants may use local services/facilities in Aslockton and nearby settlements. There would also be a limited social benefit from widening the choice of available homes. Whilst it is acknowledged that the proposed development would change the character of the site and this part of Cliffhill Lane, it is considered that this would not represent a significant adverse impact. Subject to conditions, it is also considered that there would be no other adverse impacts.
91. The application was subject to pre-application discussions and it was not necessary to contact the applicant during processing of the application.

RECOMMENDATION

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

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

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

2. Application for approval of reserved matters shall be in accordance with the parameters set in the Development Framework Plan (Drawing No. 7112-L-04 D) and the Illustrative Masterplan (Drawing no. 7112-I-02 I).

[In order to establish the parameters of the development in the interests of amenity and to comply with policies 10 (Design and enhancing local identity) of the Rushcliffe Local Plan Part 1: Core Strategy and GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

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

- A detailed layout plan of the whole site;
- The means of enclosure to be erected on the site;
- The finishes for the hard surfaced areas of the site;
- The layout and marking of car parking, servicing and manoeuvring areas;
- The design and external appearance of the proposed buildings;
- The means of access; and
- Sections and cross sections of the site showing the relationship of the proposed development to adjoining land and premises.

[To ensure the development will be satisfactory and in the interests of visual amenity and to comply with policies 10 (Design and enhancing local identity) of the Rushcliffe Local Plan Part 1: Core Strategy and GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

4. Prior to construction of the buildings hereby permitted reaching damp proof course level, details of the facing and roofing materials to be used on all external elevations shall be 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 development will be satisfactory and in the interests of visual amenity and to comply with policies 10 (Design and enhancing local identity) of the Rushcliffe Local Plan Part 1: Core Strategy and GP2 (Design &

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

5. No dwellings shall be occupied until a detailed landscaping scheme for the site has been submitted to and approved in writing by the Borough Council. The approved scheme shall be carried out in the first tree planting season following the substantial completion of the development. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Borough Council gives written consent to any variation.

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

6. No operations shall commence on site until the 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 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 Borough Council. No changes of ground level shall be made within the protected area without the written approval of the Borough Council.

[To ensure existing hedges are adequately protected during the development and to comply with policy EN13 (Landscaping Schemes) of the Rushcliffe Borough Non Statutory Replacement Local Plan. This condition needs to be discharged before work commences on site to ensure that no damage is caused to the hedges]

7. No dwellings shall be occupied until details of the proposed vehicular access/accesses and visibility splays of 43m x 2.4m together with a new footpath link connecting the site to the existing footpath have been submitted to and approved in writing by the Borough Council, and the approved facilities have been provided in accordance with the approved details. The facilities shall be retained for the life time of the development.

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

8. The development shall not be occupied until facilities for the disposal of foul and surface water drainage have been provided, in accordance with details to be submitted to and approved in writing by the Borough Council. The details shall be informed by the report 'Cliffhill Lane, Aslockton – Flood Risk Assessment, dated March 2016 by BWB' (submitted with application ref. 16/00733/OUT) and the following measures:

- Provision, implementation and maintenance of a Sustainable Drainage (SuDs) System with storage provided up to the 100 year plus climate change allowance and surface water run-off limitation to existing greenfield run-off rates.

- Provision to prevent the unregulated discharge of surface water from the driveways and parking areas to the public highway. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.

[To ensure that adequate drainage facilities are provided to minimise the risk of flooding and pollution, and to comply with policies WET2 (Flooding) and WET3 (Groundwater Resources) of the Rushcliffe Borough Non-Statutory Replacement Local Plan]

9. The finished floor levels of the dwellings shall be set no lower than 150mm above the existing ground level.

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

10. With the exception of the sections to be removed to provide vehicular and pedestrian access, the hedgerow located along the southern boundary of the application site shall be retained at a minimum height of 2m (unless a lower height is required to provide adequate visibility), and any part of the hedgerow removed, dying, being severely damaged or becoming seriously diseased shall be replaced, with hedge plants of such size and species, details of which shall be submitted to and approved in writing by the Borough Council, within one year of the date of any such loss being brought to the attention of the Borough Council.

[The hedgerow is an important feature in the area and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

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.

With regard to works affecting the highway you are advised that Nottinghamshire County Council are the Highway Authority and it is suggested that you contact the Highways Area Office by telephoning 08449 808080 for further information.

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.

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 958 8242 or by email at info@nottswt.co.uk. If bats are present you should contact Natural England on 0300 060 3900 or by email at enquiries@naturalengland.org.uk.

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.

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.

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.