

19/00412/OUT

Applicant The Plowright Trust

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

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

Ward Gotham

THE SITE AND SURROUNDINGS

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

DETAILS OF THE PROPOSAL

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

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

SITE HISTORY

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

REPRESENTATIONS

Ward Councillor(s)

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

Town/Parish Council

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

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

Statutory and Other Consultees

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

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

Local Residents and the General Public

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

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

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

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

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

PLANNING POLICY

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

Relevant National Planning Policies and Guidance

- 20. The relevant national policy considerations for this proposal are those contained within the National Planning Policy Framework (NPPF) and the proposal should be considered within the context of a presumption in favour of sustainable development as a core principle of the NPPF. The proposal falls to be considered under section 12 of the NPPF (Achieving well-designed places) and it should be ensured that the development satisfies the criteria outlined under paragraph 127 of the NPPF. Development should function well and add to the overall quality of the area, not just in the short term but over the lifetime of the development. In line with paragraph 130 of the NPPF, permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Under paragraph 197 of the NPPF, the effect of the application on the significance of any non-designated heritage assets should be taken into account in determining the application.
- 21. As the site falls within the Green Belt, the proposal falls to be considered under section 13 of the National Planning Policy Framework (Protecting Green Belt Land) and should satisfy the 5 purposes of Green Belt outlined in paragraph 134 of the NPPF, which includes assisting in safeguarding the countryside from encroachment. Paragraph 143 sets out that development in

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

22. The proposal falls to be considered under section 14 of the NPPF (Meeting the challenge of climate change, flooding and coastal change). Paragraph 155 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. Development should take a sequential, risk-based approach, taking into account the current and future impacts of climate change. Paragraph 158 states that development should not be permitted in flood risk areas if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. Where this is not possible, under paragraph 159 the exceptions test may have to be applied.

Relevant Local Planning Policies and Guidance

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

27. Whilst not a statutory document, the policies contained within the Rushcliffe Borough Non-Statutory Replacement Local Plan should be given weight as a material consideration in decision making. The proposal falls to be considered under the criteria of Policy GP2 (Design and Amenity Criteria) of the Rushcliffe Non-Statutory Replacement Local Plan. Of particular relevance is GP2a, whereby there should be no adverse impact upon amenity or highway safety by reasons of the activities on site or traffic generated; GP2b whereby a suitable means of access should be provided without detriment to highway safety; and GP2d, whereby development should not have an overbearing impact on neighbouring properties, nor lead to a loss of amenity. The scale, density, height, massing, design and layout of the proposal all need to be carefully considered, and should not lead to an over-intensive form of development.
28. The proposal falls to be considered under policy HOU2 as an unallocated development. The size and location of the site should not detrimentally affect the character or pattern of the surrounding area, and the site should not make a contribution to the amenity of the surrounding area by virtue of its character or open nature. The site should be accessible by a range of services other than by private car. The proposal falls to be considered under policy EN14 (Protecting the Green Belt) and EN19 (Impact on the Green Belt and Open Countryside).
29. The proposal also falls to be considered under policy WET 2 (Flooding), whereby development should not be permitted in areas of flood risk unless it can be demonstrated that the development is in an existing developed area and can be adequately protected against flood risk, with compensatory measures; that the proposal would have no adverse effect on the management of flood risk; and providing suitable measures are included to deal with surface water run-off.
30. The 2009 Rushcliffe Residential Design Guide refers to previously established guidelines on rear garden sizes whereby detached dwellings should be served by rear gardens with a depth of 10 metres and an area of between 55 sqm and 110 sqm, depending on the type of development and number of bedrooms provided. Where these guidelines are not met, developers should demonstrate why smaller gardens are acceptable

APPRAISAL

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

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

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

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

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

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

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

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

RECOMMENDATION

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

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

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

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

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

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

The design and external appearance of the proposed buildings;

The means of access;

Plans, sections and cross sections of any roads or access/service roads or pedestrian routes within the application site, and this shall include details of drainage, sewerage and lighting;

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

The finishes for the hard surfaced areas of the site;

The means of enclosure to be erected on the site;

Details of refuse storage and collection;

Details of tree protection during construction;

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

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

3. Development shall not proceed above foundation level until a detailed landscaping scheme for the site, to include identification of trees to be retained, has been submitted to and approved in writing by the Borough Council. The approved scheme shall be carried out in the first tree planting season following the substantial completion of the development. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Borough Council gives written consent to any variation.

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

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

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

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

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

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

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

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

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

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

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

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

[To protect the amenities of nearby residents and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan. This pre- commencement condition has been applied due to the proximity of a number of residential properties]

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

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

Notes to Applicant

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

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

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

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

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

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

Good practise construction methods should be adopted including:

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

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

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

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

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

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

You are advised that the site falls within an area identified to be at risk of flooding in the Environment Agency's Flood Risk Maps. You are advised to seek advice on flood warnings and flood plans which can be found at:
<https://www.gov.uk/government/publications/personal-flood-plan>

The design and construction of the dwellings should incorporate advice with regard to flood resilience and resistance techniques which is available to view on the Environment Agency's website at:
<https://www.gov.uk/guidance/flood-risk-assessment-in-flood-zones-2-and-3#extra-flood-resistance-and-resilience-measures>