

**18/02269/OUT**

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

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

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

**Parish** Radcliffe On Trent

## **THE SITE AND SURROUNDINGS**

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

## **DETAILS OF THE PROPOSAL**

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

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

## **SITE HISTORY**

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

## **REPRESENTATIONS**

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

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

### **Town/Parish Council**

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

## Statutory and Other Consultees

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

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

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

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

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

42. When submitted the reserved matters application, it will be necessary to ensure that the affordable units are pepper potted in small groups across the site. The flats should be no higher than two storeys with each unit having their own entrance. The bungalows (for elderly needs) should also be clustered together and located close to the main access roads, preferably close to public transport corridors to ensure that the elderly residents have good access to services and facilities to ensure they do not become isolated. The intermediate dwellings should be sold at 50% or less of the open market value to ensure that they are affordable having regard to local incomes and prices. The dwellings should be provided through a Registered Provider or other appropriate mechanism which ensures that the dwellings remain affordable.

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

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



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

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

## **PLANNING POLICY**

45. The Development Plan for Rushcliffe consists of the 5 saved policies of the Rushcliffe Borough Local Plan (1996) and the adopted Rushcliffe Local Plan Part 1: Core Strategy (December 2014). The Radcliffe-on-Trent Neighbourhood Plan was adopted in October 2017 and now forms part of the development plan for Rushcliffe. The publication version Local Plan Part 2 (LPP2): Land and Planning Policies is also a material consideration, although the policies within this document do not currently carry as much weight as those that are adopted. Local Plan Part 2 was submitted for examination on 10 August 2018 and the hearing sessions took place during November and December 2018. An initial view from the Inspector has been received suggesting minor changes to some of the policies. Some weight should, therefore, be given to this emerging policy document.
46. Other material considerations include the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG) and the Rushcliffe Borough Non-Statutory Replacement Local Plan (2006) and the appeal decision at Asher Lane Ruddington ref: 16/03123/OUT for outline planning permission for 175 dwellings which is located within the Green Belt and which was granted permission on 23<sup>rd</sup> May 2018 and the decision of the Planning Casework Unit not to call in the application on the adjoining development site at Shelford Road Farm.

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

- i.
47. The National Planning Policy Framework (NPPF) (updated in 2019) includes a presumption in favour of sustainable development. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area. In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development. There are three dimensions to sustainable development, economic, social and environmental.
48. The presumption in favour of sustainable development is detailed in Paragraph 11. For decision making this means; ‘c) *approving development proposals that accord with an up-to-date development plan without delay; or d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting planning permission unless; i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (and designated as Green Belt); or ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.*’
49. Paragraph 67 requires Local Authorities to identify a supply of specific, deliverable housing sites for years one to five of the plan period (with an

appropriate buffer) and developable site or broad locations for growth for years 6-10, and where possible, for years 11-15 of the plan.

50. Paragraph 108 states that *“In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that: a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location; b) safe and suitable access to the site can be achieved for all users; and c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.”* Paragraph 109 goes on to state that; *“Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”*
51. Paragraph 133 states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
52. Paragraph 143 states that, *“Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.”*
53. Paragraph 144 advises that, *“When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.”*
54. Paragraph 145 makes clear that the construction of new buildings in the Green Belt is inappropriate development and lists the exceptions.

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

55. Saved Rushcliffe Borough Local Plan 1996 Policy ENV15 states that; *“A Green Belt is proposed as defined on the proposals map”*. This plan defines the extent of the current Nottinghamshire – Derby Green Belt.
56. The Rushcliffe Local Plan Part 1: Core Strategy was formally adopted in December 2014. It sets out the overarching spatial vision for the development of the Borough to 2028.
57. The following policies in the Rushcliffe Local Plan Part 1: Core Strategy are relevant:
  - Policy 1 - Presumption in Favour of Sustainable Development;
  - Policy 2 - Climate Change;
  - Policy 3 - Spatial Strategy;
  - Policy 4 - Nottingham – Derby Green Belt;
  - Policy 5 - Employment Provision and Economic development;
  - Policy 8 - Housing Size Mix and Choice;
  - Policy 10 - Design and Enhancing Local Identity;

- Policy 11 - Historic Environment;
  - Policy 12 - Local Services and Healthy Lifestyles;
  - Policy 13 - Culture Tourism and Sport;
  - Policy 14 - Managing Travel Demand;
  - Policy 15 - Transport Infrastructure Priorities;
  - Policy 16 - Green Infrastructure, Landscape, Parks and Open Space;
  - Policy 17 - Biodiversity;
  - Policy 18 - Infrastructure; and
  - Policy 19 - Developer Contributions
58. Policy 3 outlines the distribution of development in the Borough during the plan period. It ensures the sustainable development of Rushcliffe will be achieved through a strategy that promotes urban concentrations by directing the majority of development towards the built up area of Nottingham and the Key Settlements identified for growth of Bingham, Cotgrave, East Leake, Keyworth, Radcliffe on Trent and Ruddington.
59. Policy 4 (Nottingham – Derby Green Belt) establishes the principles of the Green Belt in the Borough. It states that the principle of the Nottingham Derby Green Belt within Rushcliffe will be retained and it will only be altered where it is demonstrated that exceptional circumstances exist. The settlement of Radcliffe on Trent shall remain inset from the Green Belt. Policy 3 acknowledges that exceptional circumstances exist to review the boundaries of the Green Belt in Rushcliffe to enable the level of development that needs to be delivered.
60. Other than Rushcliffe Borough Local Plan 1996 Policy ENV15, which establishes the Nottingham and Derby Green Belt, none of the saved policies of the Rushcliffe Local Plan are relevant to this application.
61. The Radcliffe-on-Trent Neighbourhood Plan was adopted in October 2017 and now forms part of the development plan for Rushcliffe. Many of the policies within the document have implications in the consideration of this application to ensure that the development satisfies the vision for the future of the village but of particular relevance are:
- Policy 1 - (Village Centre First);
  - Policy 5 - (Local Leisure provision);
  - Policy 7 - (Pedestrian Focused Development);
  - Policy 8 - (Public Transport);
  - Policy 9 - (Radcliffe on Trent Railway Station);
  - Policy 10 - (New residential development – locational strategy);
  - Policy 12 - (Housing Mix and Density);
  - Policy 14 - (Design and Layout); and
  - Policy 15 - (Local Architectural Styles)
62. The Rushcliffe Borough Non-Statutory Replacement Local Plan (RBNSRLP) is a material consideration. Whilst not part of the Development Plan, the Borough Council has adopted the RBNSRLP for development management purposes in the determination of planning applications and Policy GP2 (Design and Amenity) is used frequently. Bearing in mind the nature of the application and

the presence of detailed design and amenity policies, it is not considered necessary to consider these policies within this application.

63. The emerging Local Plan Part 2 has undergone its necessary preparation including the identification of preferred housing sites and extensive consultation and is supported by various evidence based documents including a Green Belt review which is of particular relevance to Radcliffe on Trent bearing in mind this is an inset village. This has now been submitted for examination and an initial view from the Inspector has been received suggesting minor changes to some of the policies. Some weight should therefore be given to this emerging policy document, in particular site specific policy 5.2 which relates a proposed housing allocation – Land adjacent Grooms Cottage Radcliffe on Trent. It is not proposed to make significant modifications to this policy, although they have yet to be subject to further consultation.
64. Consideration should also be given to other Borough Council Strategies including the Sustainable Community Strategy, Leisure Strategy, Nature Conservation Strategy and the Borough Councils Corporate Priorities.
65. Conservation of Habitat and Species Regulations 2017, and the Wildlife and Countryside Act (as amended) 1981 - These regulations/legislation contain certain prohibitions against activities affecting European Protected Species, such as bats. These include prohibitions against the deliberate capturing, killing or disturbance and against the damage or destruction of a breeding site or resting place of such an animal. The Habitats Directive and Regulations provides for the derogation from these prohibitions in certain circumstances. Natural England is the body primarily responsible for enforcing these prohibitions and is responsible for a separate licensing regime that allows what would otherwise be an unlawful act to be carried out lawfully.
66. Natural Environment and Rural Communities Act 2006 at Section 40 states that 'every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. Section 40(3) of the same Act also states that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat.'
67. Planning for Growth (Ministerial Statement 2011) emphasises the priority for planning to support sustainable economic growth except where this compromises key sustainable development principles. The range of benefits of proposals to provide more robust and viable communities should be considered and appropriate weight should be given to economic recovery.
68. The Community Infrastructure Levy Regulations 2010 (As amended) places the Government's policy tests on the use of planning obligations into law. It is unlawful for a planning obligation to be a reason for granting planning permission when determining a planning application for a development, or part of a development, that is capable of being charged CIL, whether or not there is a local CIL in operation, if the obligation does not meet all of the following tests:
  - a. necessary to make the development acceptable in planning terms;
  - b. directly related to the development; and

- c. fairly and reasonably related in scale and kind to the development.
69. Since April 2015 Regulation 123 has also come into effect, this states:
- 1. This regulation applies where a relevant determination is made which results in planning permission being granted for development.
  - 2. A planning obligation may not constitute a reason for granting planning permission for the development to the extent that the obligation provides for the funding or provision of relevant infrastructure (as defined).
  - 3. A planning obligation (“obligation A”) may not constitute a reason for granting planning permission to the extent that:
    - a. obligation A provides for the funding or provision of an infrastructure project or type of infrastructure; and
    - b. five or more separate planning obligations that:
      - i. relate to planning permissions granted for development within the area of the charging authority; and
      - ii. which provide for the funding or provision of that project, or type of infrastructure, have been entered into before the date that obligation A was entered into.
70. Equality Act 2010 - Under S149 of the Act all public bodies are required in exercising their functions to eliminate discrimination, advance equality of opportunity and foster good relation.
71. Design Council Building for Life 12 - This assessment sets 12 criteria to measure the suitability of schemes and their locations in relation to design, layout, sustainability criteria, adaptability and effect of existing local character and reduction of crime, amongst other things.
72. Environmental Impact Assessment Regulations – It is not necessary to screen the application under the Environmental Impact Assessment Regulations 2017 as the site does not exceed 150 dwellings

## **APPRAISAL**

73. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise.
74. It is considered that the main planning considerations in the determination of this application relate to the principle of development in this location and then whether the application accords with the Neighbourhood Plan Policies, together with the specific site requirements as set out in the emerging site

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

75. Paragraph 7 of The Framework confirms that the purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives which are economic, social and environmental and Paragraph 8 says that the roles performed by the planning system in this regard should not be undertaken in isolation, because they are mutually dependent. It goes on to say that, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system, which should play an active role in guiding development to sustainable solutions.

### Principle of Development

76. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 11 of the NPPF advises that there is a presumption in favour of sustainable development and for decision-making this means approving development proposals that accord with the development plan without delay. The NPPF is a material consideration in planning decisions.
77. NPPF paragraph 15 states that the planning system should be genuinely planned. Succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for addressing housing needs and other economic, social and environmental priorities; and a platform for local people to shape their surroundings.
78. Section 5 - 'Delivering a Sufficient Supply of Homes' states that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old.
79. However, in considering this application, it has to be borne in mind that the Council does not currently have a 5 year housing land supply. Consequently, in accordance with footnote 7 of the NPPF, Policy 3 of the Core Strategy, which is a policy for the supply of housing, is not up to date. In such circumstances, paragraph 11 of the NPPF and the so-called 'tilted' balance is engaged.
80. Paragraph 11 explains that the presumption in favour of sustainable development requires that, where the development plan is out of date, permission is granted unless:
- The application of policies in the framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed; or
  - Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

81. As the application site is currently in the Green Belt, there is a specific policy identified in the NPPF that indicates development should be restricted. Residential development of this nature constitutes inappropriate development which is, as set out in para 143 of the NPPF, by definition, harmful to the Green Belt and should not be approved except in 'very special circumstances' (VSCs). Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. very special circumstances must, therefore, be able to be clearly demonstrated to justify a support of planning permission on this site.
82. The applicant acknowledges that the proposal scheme would be inappropriate development in the Nottingham-Derby Green Belt and should not be approved except in VSCs, as per NPPF paragraph 143. The applicant has set out what he considers are the very special circumstances which are outlined above (under Details of the Proposal).
83. As set out above, at the present time the Borough Council is unable to demonstrate a five year supply of housing land and, as with the Asher Lane Inspector, the shortfall is identified as significant and justifies considerable weight to the proposed development. Whilst this on its own is not a very special circumstance, in itself consideration needs to be given to the following matters.
84. The Rushcliffe Core Strategy identifies the need for a minimum of 13,150 new homes between 2011 and 2028 with approximately 7,650 homes in or adjoining the main built up area of Nottingham. The adopted Core Strategy allocates strategic sites and the emerging Local Planning Part 2 Document will be used to allocate non-strategic sites. CS Policy 4 (Nottingham-Derby Green Belt) subsections 3 and 5 confirm that inset boundaries will be reviewed through the LPP2. Subsection 7 of Policy 4 states that when reviewing GB boundaries, consideration will be given to a number of factors including the statutory purposes of the GB, in particular the need to maintain openness and prevent coalescence of settlements; establishing a permanent boundary which allows for development in line with the settlement hierarchy and/or to meet local needs; and retaining or creating defensible boundaries.
85. The Core Strategy identifies Radcliffe on Trent as a key settlement where housing growth is required and anticipated and sets a target of a minimum of 400 new homes that need to be built on greenfield sites within the existing Green Belt surrounding Radcliffe on Trent up to 2028. The LPP2 is proposing site allocations in Radcliffe on Trent for around 920 dwellings (including the current application site). This application is, therefore, considered to accord with the spatial strategy as set out in the development plan. The Radcliffe on Trent Neighbourhood Plan acknowledges that the village will need to accommodate new housing growth and that it is necessary to release areas of Green Belt to provide for this. A broad strategy for the distribution of new dwellings across the Parish is set out in the Plan, which shows the focus of new development to the east and west of the Village. The diagram produced shows this site as one of the broad locations for development. It is, therefore, considered that this proposal accords with the broad direction of growth identified within the Neighbourhood Plan. Whilst further consideration of the Neighbourhood Plan is given later in this report, the fact that the proposal is in accordance with the agreed spatial strategy of the adopted Core Strategy,



allocations in the emerging Local Plan Part 2, and the broad direction of growth identified in the Neighbourhood Plan weighs substantially in favour of the proposal.

86. One of the key issues that the LPP2 is required to do is to identify enough land suitable for housing development in order to help meet Rushcliffe's housing target of a minimum of 13,150 new homes between 2011 and 2028. The evidence supporting this work suggests that it is necessary to deliver new housing above these minimum targets in order to ensure that enough housing is available to meet both the Boroughs short and longer term housing targets. Consideration has, therefore, been given to increase the number of houses within the key settlements and identifying other settlements, which could accommodate some level of housing growth above that expected by infill development. Radcliffe on Trent is a key settlement where increased housing provision is considered appropriate and justified and supported by substantial evidence.
87. With regard to Radcliffe on Trent, a critical issue influencing new housing numbers in this settlement relates to primary school capacity constraints identified by the Local Education Authority, with an apparent lack of scope to expand existing school premises. It would appear at the present time that to accommodate housing growth at Radcliffe on Trent, a new primary school will need to be provided alongside any new housing development. To generate the pupil numbers required to sustain a new primary school, and to also generate sufficient developer contributions to cover the costs of a new school will require the delivery of upwards of 1,000 new homes. However, in balancing sustainability, Green Belt, settlement capacity, flood risk, the availability of suitable sites for development and other relevant planning considerations, six sites are proposed to be allocated for housing development, which would deliver around 920 new homes. The site, subject to this application, is one of the sites identified as a preferred housing site in the emerging Local Plan Part 2 (LPP2) document. This weighs substantially in favour of the proposal.
88. Whilst Part 2 of the Plan has not yet been adopted, and as such full weight is unable to be given to this plan, it has gone through extensive examination and scrutiny as part of the identification of preferred sites documents and this site scores low in the Green Belt review that has been undertaken. To address the Core Strategy Spatial Strategy, Green Belt release at Radcliffe on Trent is inevitable and the Neighbourhood Plan also identifies development in this broad location. These are both adopted Development Plan documents. No issues with this approach have been identified in the Inspectors Initial response to Part 2. The Council's assessment of the site is that it has one of the lowest GB values of all the GB land assessed on the edge Radcliffe on Trent and, with the approval of the neighbouring land at Shelford Farm, this site will no longer perform a Green Belt function. The Inspector at the Asher Land Inquiry acknowledged that the latest Rushcliffe Green Belt Review is a comprehensive document that scores each possible GB site against the five purposes of the GB contained in NPPF paragraph 80. It does not itself determine whether or not land should remain within the GB but is a technical document that will be used to aid decisions on where the GB may be amended to accommodate future development requirements. The Inspector used this document in the consideration of that appeal and, therefore, it is considered appropriate that weight can be attached to this document in the consideration of this application.

The conclusions of this review document weigh substantially in favour of this development.

89. CS Policy 4 (Nottingham-Derby Green Belt) subsections 3 and 5 confirm that inset boundaries will be reviewed through the LPP2. Subsection 7 of the Policy states that when reviewing GB boundaries, consideration will be given to a number of considerations including the statutory purposes of the GB, in particular the need to maintain openness and prevent coalescence of settlements; establishing a permanent boundary which allows for development in line with the settlement hierarchy and/or to meet local needs; and retaining or creating defensible boundaries.
90. Whilst it is considered that full weight cannot be attached to the LPP2 because it has not yet been adopted, as set out above the Core Strategy Spatial Strategy acknowledges Green Belt release at Radcliffe on Trent is inevitable and the evidence base supporting the Core Strategy and LPP2, and the Council's reasons for its preferred allocation sites at Radcliffe on Trent are issues that are relevant to this application and to which considerable weight can be attached. This approach was a view expressed again by the Inspector for Asher Lane. The Core Strategy Policy 3 and 4 and the evidence base supporting the proposed Green Belt review and proposed allocation of the site in Local Plan Part 2, together with the Neighbourhood Plan proposing this as site as a direction of growth, again weigh substantially in favour of the development. As the recommendation for approval on the neighbouring site was referred to the Secretary of State and the application was not called in for determination this also weighs in favour. Having regard to all these factors, it is considered that development of this site for residential purposes is acceptable in principle.

#### Emerging Local Plan Part 2 policy 5.2

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

submitted and is currently under consideration. The application scheme proposals have been designed to take account of the future development of the adjacent potential allocation site to ensure that the two developments would be complementary. Cycle and pedestrian connections have been identified on the Development Framework Plan to highlight where potential access points through the developments could be provided to facilitate easy access to facilities. It is not considered necessary to require this site to provide vehicular connections through to the neighbouring site as adequate access is available to Shelford Road from the Grooms Cottage site itself. Drainage considerations will need to be considered by both developers to ensure a scheme which satisfies Severn Trent's and the County Council, as the Lead Local Flood Risk Authority, and this can be secured by way of planning conditions.

93. In considering emerging Policy 5.2(c) in relation to education place capacity it is acknowledged that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Accordingly, paragraph 94 of the NPPF states that, *'local Planning Authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education'*, giving great weight to the need to create and expand or alter schools. The County Council as the Education Authority has been involved in the application and the work being undertaken on the LPP2 and it has been established that there is insufficient capacity to accommodate the increase in pupils likely to be generated by the growth expected in the village. In accordance with the policy requirements affecting the neighbouring site, a site for a new primary school has been reserved on that site and financial contributions towards the provision of this school or alternative provision will be sought from this site to contribute to education provision through a S106 agreement. In accordance with that achieved on the neighbouring site, the figures will be different depending on the nature of the final requirements for provision and are set out in the accompanying S106 Heads of Terms table.
94. Secondary pupils generated by the development would be accommodated by South Nottinghamshire Academy, which is located within the village and evidence provided by the County Council suggests that there is no capacity to accept more children without expansion. A financial contribution is sought to allow this expansion. It is considered that this provision is compliant with CIL Regulation 122 in order to mitigate the impact of the proposed development in terms of education provision.
95. With regard to health provision, it is acknowledged that the existing surgery within the village is unable to accommodate additional patients generated from this development and a financial contribution is sought towards replacement provision. Whilst ongoing work is being undertaken to review the potential for a surgery to remain within the village centre, this is somewhat complicated by the land constraints that affect the current site, the neighbouring site on Shelford Road has, therefore, reserved a site for the potential delivery of a doctors surgery on site, should alternative provision elsewhere in the village not be achieved. This proposed development would contribute financially towards a replacement surgery.
96. It is, therefore, necessary and justified for contributions to be sought from other sites proposed to come forward in Part 2 including this site, to assist in the

provision of a new facility or improvements to existing facilities. It is proposed that this is secured by way of planning conditions and a financial contribution towards the facility by way of a S106 contribution. It is considered that this provision is compliant with CIL Regulation 122 in order to mitigate the impact of the proposed development in terms of health care provision.

97. Emerging LPP2 policy 5.2 (b) requires *'that sensitive boundary treatments should protect the amenity of existing neighbouring properties'*. At an outline stage it is impossible to fully assess the impact this development will have on specific properties, until individual dwelling locations and the associated separation distances and window locations are known. Nevertheless, and notwithstanding the commentary above, it is considered that this site can accommodate the quantum of development suggested without significantly adversely impacting the amenity of neighbouring properties. The illustrative framework plan shows a landscape buffer to the properties to Clumber Drive to the western boundary and Hunting Stables to the east, and consideration will be given at reserved matters stage to the boundary treatments to existing neighbouring properties.
98. It is therefore considered that, in relation to the specific site requirements set out in the Emerging Local Plan policy 5.2, this application accords with this policy and therefore this weighs in favour of the proposal.

#### Radcliffe on Trent Neighbourhood Plan.

99. The neighbourhood plan forms part of the development plan and, therefore, careful consideration is given to the policies within it. Reference has been made above to the policies considered most relevant to the consideration of this outline application. The vision of the Neighbourhood Plan is that; *'Radcliffe on Trent aspires to be a vibrant and sustainable village with a pedestrian – focused approach to land use planning whilst continually endeavouring to protect its strong sense of rural identity and community cohesion and enhance its rich and distinctive architectural, social and historical assets.'*
100. Eight key objectives have been developed to assist with the delivery of the policies and strategies that form the plan and are summarised as follows:
- a. Village centre - promoting the village centre.
  - b. Public Realm - delivering a more pedestrian friendly village centre and improving pedestrian and cycle routes and high quality safe and well designed streets and spaces as part of new developments.
  - c. Transport and Services – prioritising sustainable modes of transport with particular focus on improving bus and rail provision and promoting good access for all to public services and facilities.
  - d. Leisure – to significantly improve the sports and leisure facilities for all residents.
  - e. Housing – to ensure that a balanced supply of housing is achieved focussing on improving choices for different age groups whilst promoting sustainable location of new houses and setting high standards of eco design and energy efficiency.

- f. Employment – to ensure that the existing businesses within the parish are supported.
  - g. Design and Heritage – to protect and enhance heritage and architecture assets whilst promoting high quality design in all new development contributing to the village sense of place and identity
  - h. Environment – to protect and enhance the rural setting and local biodiversity of the village and promote a network of green spaces and wildlife corridors connecting the village, the River Trent and the countryside.
101. The Neighbourhood Plan includes a spatial framework which, whilst not allocating specific housing sites, indicates the broad locations where housing may be considered acceptable in meeting the need identified in the Core Strategy. A key consideration is to ensure walkability of the village is maintained and it proposes the majority of the release to the east and west allowing gaps in the settlement boundary to be 'infilled', preserving the separation between settlements to the east and west. As set out above, it is considered that the site accords with the broad strategic direction of growth to the east of the village.
102. The village framework and Policy 1 (Village Centre First) is based around the centre of the village and the neighbourhood plan seeks to maintain this as the focus of community, commercial and retail uses. It is considered that the site will assist in the continued vitality and viability of the village centre.
103. Policy 5 relates to local leisure provision with the Neighbourhood Plan identifying a priority for the improvement of the village's formal sports facilities for all ages. The policy acknowledges that it may be appropriate to secure financial contributions in lieu of provision on site. The neighbourhood plan within this policy supports the provision of small scale childrens' play and ancillary open space as an integral part of the new developments.
104. In relation to this proposed development the total quantity of open space provided by the proposal satisfies that identified to be required by the Community Services Manager. Bearing in mind the limited size of the development and the provision of equipped area for play on the neighbouring site, it is not considered necessary for this site to provide for equipped play. An area of open space is, however provided central to the site. The Neighbourhood Plan supports in Policy 5 the provision of small scale play and ancillary open space as an integral part of new developments. Maintenance of these areas will be secured through a S106 Agreement and provided by way of a management company or other nominated body.
105. The site is not of sufficient size to enable the provision of sports pitches on the site and financial contributions are sought to mitigate impact of the development on sports pitches, sports hall and swimming pool provision. This requirement is compliant with CIL Regulation 122 in order to mitigate the impact of the proposed development in relation to sport provision. It provides accessible opportunities for outdoor play, sport and leisure and this is a benefit of the scheme.

106. It is acknowledged that the Radcliffe on Trent Neighbourhood Plan identifies the priority for the improvements of the village's formal sports facilities for all ages and where appropriate financial contributions may be sought from developers in lieu of on-site provision. Discussion will take place with the Parish Council with regard to the allocation of any S106 contributions sought in relation indoor sports provision. It is, therefore, considered that this application accords with the general principles of this Neighbourhood Plan policy.
107. Policy 7 relates to Pedestrian Focused Development and requires that all residential schemes should provide a clear hierarchy of new streets and spaces promoting a pedestrian first approach to design. Schemes should also be designed to enable provision or improvement of off road routes between the site and surrounding open spaces, encouraging in particular routes to the east of the village linking across the railway. Certain key routes are identified including the Trent Valley Way for potential protection and enhancement which may benefit from developer or other contributions. In relation to this development, the illustrative framework provides for a hierarchy of road structure and includes the provision of cycle and pedestrian routes, which will be considered further at reserved matters stage.
108. The Neighbourhood Plan, through Policy 8 (Public Transport), seeks to encourage improvements to the public transport network making key services and facilities more accessible without the use of a car. It states that all new housing developments should be located wherever appropriate to take maximum benefit of public transport and existing services and facilities. The County Council have confirmed that on a site of this size a bus service contribution is not required. Financial contributions have been sought and agreed for improvements to the bus stops in the vicinity of the site. A Travel Plan has also been submitted which includes initiatives to promote public transport.
109. Policy 9 (Radcliffe on Trent Railway Station) - The village benefits from a railway station and its improvement and enhancement is seen as a key priority for the village to help promote the village's role within the growth corridor identified by the Borough Council. Identified areas for improvement include car parking, waiting and information facilities. Such improvements are also encouraged by Network Rail. Bearing in mind the level of housing being proposed and the potential increase in use from new residents of this development, if planning permission is granted, negotiations have been undertaken to secure a financial contribution to help deliver improvements to the station. The applicant has agreed to the provision of £2,000 to help improve cycle facilities including a new cycle shelter with cycle parking stands and installation costs. A contribution towards improved car parking facilities could not be justified from this development as they could not be considered to be directly related to the proposal. For example the development should encourage the use of sustainable modes of transport not encourage new residents to drive to the station to use the railway network. The additional residents generated by development on this site will help maintain and enhance the viability of the railway network.
110. Policy 10 (New residential development - locational strategy) sets out a criteria based approach to the delivery of a minimum of 400 dwellings on greenfield sites outside the existing built up area of the village. 10 criteria are presented

including sites should be located directly adjacent to the existing settlement edge, be located where the centre of the site is accessible by walking cycling and public transport, avoiding areas at risk of flooding, provision of logical and defensible settlement boundary, provision of appropriate open space, housing mix and density, design, access requirements. This policy also requires that development is designed to deliver mix and density as set out in Policy 12.

111. Careful consideration has been given to the various criteria within this policy. In relation to neighbourhood plan policies it is considered that this outline application is in general accordance with the overall vision, objectives and policies and that subsequent reserved matters applications will be able to be determined having reference to these policies. It is acknowledged that, at the time of preparation of the Neighbourhood Plan, the numbers of residential dwellings envisaged by the Parish Council was lower (although the number identified was as a minimum of 400) The emerging Part 2 has determined that the amount of land proposed to be allocated in this key sustainable settlement will result in the delivery of new housing above these minimum targets and the sites that have been identified are across the village. Should the LPP2 be adopted this will take precedence over the Neighbourhood Plan. The spatial strategy indicates that housing to the east and west of the village being preferred and, therefore, as set out above the development is considered to be in general accordance with the locational strategy.
112. Policy 12 (housing mix and density) should be applied to residential schemes in excess of 10 dwellings. This seeks ( subject to viability, deliverability and location of development) 25% 1 and 2 bed properties for older persons, either as retirement apartments or as bungalows, 30% 2 bedroom homes, 25% 3 bedroom homes and 20% 4 bedroom homes. The policy recognises that the eventual mix will be defined by its proximity to public transport routes, local shops and facilities and the location within the settlement. The policy states that the design and layout of schemes should ensure that, where possible, the above mix is achieved. A planning condition is suggested to ensure that any reserved matters scheme satisfies this policy. This policy also requires 30% affordable housing to be achieved on the site and the applicant has confirmed his intention to provide this level of provision.
113. Policy 14 and 15 relate to issues of design, layout and architectural styles and require planning applications to demonstrate how the design of the new development will make a positive contribution towards the identity and character of the village and sets out criteria for consideration. As set out elsewhere in the report, the information supporting the application in the Development Framework Plan and Design and Access Statement will ensure later subsequent reserved matters application satisfy this general design and layout criteria. Conditions are proposed to secure consideration to Building for Life 12 guidance is given at reserved matters stage.
114. It is, therefore, considered that the proposal is in general accordance with the various policies in the Neighbourhood Plan and reserved matters applications can ensure the provision of appropriate details to secure compliance with the more detailed aspects of the Plan. This weighs in favour of the development.

## Other Material Planning Considerations

### Highway Implications

115. In considering applications, Policy 1 (Development Requirements) of the Core Strategy requires that a suitable means of access can be provided to the development without detriment to the amenity of adjacent properties or highway safety and the provision of parking is in accordance with advice provided by the Highways Authority. Means of access to the site is a matter that is not reserved for subsequent approval and needs to be considered at this stage.
116. The application is supported by a Transport Statement (TA) which includes a Travel Plan. The application has been assessed by the relevant technical consultees in relation to its potential impact on both the local and strategic road network. In addition, the proposal has looked at walking, cycling and bus proposals and Travel Plan measures to encourage alternative modes of transport to the private car. Whilst concerns have been raised by the Parish Council and other interested parties in relation to highway safety issues, it is considered that, a robust assessment of the application on highway grounds has been undertaken, and with the imposition of suitable conditions and S278 agreements, to both secure financial contributions to assist in the proposed upgrading of the strategic road network, and the provision of localised highway improvements, there are no highway safety reasons to refuse the planning application. No objections on highway grounds are raised from the statutory consultees. In particular, the NPPF makes it clear in para 109 that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
117. Consideration has also been given to the impact of the access arrangements on the amenity of nearby residents and the visual amenity of the area. Whilst the access would result in the loss of some hedgerow along the frontage of the site this has been confirmed as purely in the area of the access. Whilst any loss of hedgerow needs to be carefully considered, it is considered that the need to provide additional dwellings within the Borough overrides the limited loss of hedgerow on the site.
118. Comments have been raised regarding the potential for a Radcliffe on Trent by pass to direct traffic from Shelford Road across the railway line to link with Grantham Road (A52), however, this is not a policy requirement within the Emerging Local Plan to enable additional housing development in the village. Such provision is not proposed by the development and is not considered necessary, reasonable or deliverable for the potential additional dwellings to contribute towards such a desire.

### Design and Amenity

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



site and achieve high quality design and, therefore, is in accordance with the Framework and the vision of Radcliffe on Trent Neighbourhood Plan. Careful consideration of layout and design will be given at the reserved matters application stage. It is considered that the proposed development can be designed to ensure that it would not result in any material overbearing, overlooking or overshadowing impact on neighbouring residential amenity due to the scale of the properties and their relationship with neighbouring dwellings. It is, therefore, considered that the indicative development framework details and the information within the Design and Access Statement (at section 4) relating to development and design objectives would ensure that the amenity of neighbouring properties is not unduly and unacceptably affected.

120. Additional information has been submitted by the applicant to demonstrate that a development of potentially 55 dwellings could be accommodated on the site and provide the recommended garden sizes, adequate car parking provision and general amenity space. Thus it is considered that the applications accord with Policy 10 of the Core Strategy, Neighbourhood Plan policies and emerging Policy 5.2, and the updated NPPF, which acknowledges at Section 12 (Achieving well designed places) that good design is a key aspect of sustainable development, and that acceptable standards of amenity will be maintained and achieved. Comments have been made in relation to the boundaries of the site and outline information has been submitted to show how the boundaries of the site would propose to incorporate new landscaped buffer area within gardens, landscaping is a reserved matter and would, therefore, be considered in greater details within any reserved matters submission.

### Air Quality

121. The NPPF (Section 15) confirms that planning decisions should sustain compliance with and contribute towards EU limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and the cumulative impacts on air quality from individual sites in local areas. The site is not located within an Air Quality Management Area but to assist in meeting national and local objectives it is recommended that provision of electric charging points is secured by way of condition.
122. The National Planning Practice Guidance (NPPG) contains guidance on air quality. It requires local planning authorities to consider whether development would expose people to existing sources of air pollutants, and/or give rise to potentially significant impact (such as dust) during construction for nearby sensitive locations. A construction management plan is proposed to be required by condition to help minimise construction nuisance from dust.

### Noise

123. The NPPF (Section 15) advises that planning decisions should also ensure that new development is appropriate for its location, taking into account the likely effects of pollution on health, living conditions and the natural environment. In doing so they should; *“Mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and the quality of life.”* The principal noise sources associated with the development post construction are anticipated to be related to road traffic

124. It is considered that noise matters at construction stage can be adequately considered by way of the Construction Management Plan. However, in the absence of a detailed layout, noise will need to be considered at the reserved matters stage in order to inform the detailed design of these proposals and a mitigation strategy if required. Reserved matters applications will also enable adequate assessment of set back and layout including plot orientation, internal room layouts, bunding/buffer requirements and building methods to minimise noise impact. Whilst concerns from local residents in relation to increased noise and disturbance from road traffic have been considered, the introduction of an additional 55 dwellings in this location is unlikely to result in such an increase in noise pollution to warrant a refusal of planning permission on these grounds. The Transport Assessment shows that the proposal would be expected to generate 43 two way trips during the morning and evening peak hours with a maximum increase of 13 and 30 two way movements to the north and south respectively. This level of activity is unlikely to notably increase traffic noise and disturbance on Shelford Road to the detriment of existing residents amenity.

### Contamination

125. The NPPF (Section 15) requires that decisions should ensure that a site is suitable for its proposed use taking into account ground conditions and any risks arising from natural hazards or former activities. Part of the site is included on the Councils prioritized list of potentially contaminated land sites, specifically the farm buildings and surrounding yards. No objections have been received from the Environmental Health Officers to the principle of residential development on the site and they are satisfied that any potential contamination can be dealt with appropriately by way of a planning condition and it is not necessary for this to be undertaken prior to the application being determined. A condition is, therefore, recommended to ensure a detailed investigation report is submitted. The condition would ensure that any contamination is identified and if necessary mitigation measures identified and undertaken to ensure that the site is suitable for its proposed use. This is not an unusual circumstance and it is not considered that this prevents residential development on the site, and will ensure compliance with the requirements of emerging Policy 14 (Environmental Protection) of the Local Plan Part 2 Land and Planning Policies and with para 178 of the NPPF.

### Landscaping

126. The application is supported by a Landscape and Visual Impact Assessment and a comprehensive tree survey has been undertaken to assess the trees present on the site and this has informed the parameters plan and emerging masterplan. A landscape led approach to place making has been taken with multi-functional green spaces which have been designed to ensure the retention and enhancement of key landscape features. The proposal incorporates the provision of an area of public open space including a central area of open space. Hedgerows around and within the site are proposed to be retained and reinforced wherever possible to provide structure for the development and help integrate into the landscape. The development would require the removal of part of a hedgerow along Shelford Road to facilitate the site access but new hedgerow provision is proposed along the eastern boundary of the site together with hedgerow enhancement. The proposed

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

## Ecology

127. In relation to Ecological considerations an ecological appraisal of the site has taken place which assess the likely significant effects of the project on the ecology and nature conservation of the site and its surroundings. It describes the methods used to assess the likely effects, and presents the baseline conditions currently existing at the site and the value of the component features. Detailed surveys have been undertaken to confirm the presence of species protected under the Wildlife and Countryside Act 1981(as amended), The protection of Badgers Act 1992 and the Conservation of Habitats and Species Regulations 2010(as amended), together with faunal surveys. The reports have been considered by Borough Council's Sustainability Officer and no objection has been raised with the information submitted and it is considered to be robust in its methodology and outcomes.
128. The Ecological report has concluded that, over the period of survey, the majority of the habitats identified within the survey area were considered to be of low ecological value. No significant populations of protected species were confirmed within the site although opportunities for bat foraging have been identified.
129. Green infrastructure has been designed from the outset to surround and subdivide the proposed development area with existing hedgerows maintained and enhanced wherever possible. Recommendations in the ecological report include the retention and enhancement of the hedgerows, new landscape planting and consideration of incorporating bat and bird boxes and hedgehog boxes.
130. Core Strategy policy EN1 requires development to contribute towards the conservation, enhancement or restoration of biodiversity and ecological networks throughout the landscape. The NPPF (Section 15) advises that the planning system should contribute to and enhance the natural and local environment by: minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. Under Section 40 of the Natural Environment and Rural Communities Act (2006), every local authority has a statutory duty, in exercising its functions, to have regard, so far as it is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity. Whilst the application is in outline only the Ecological Mitigation recommendations within the ecological reports provide for ecological enhancement on the site.
131. To ensure that the proposed development is undertaken in a way that will minimise adverse impacts on biodiversity and secure future long-term management to retain biodiversity and deliver biodiversity gain, a range of mitigation measures would be required and secured by the imposition of suitable planning conditions. The proposal would, therefore, accord with the aims of Paragraph 174 of the Framework and the provisions of Policy 17 of the Core Strategy.

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

### Waste

133. The National Planning Policy for Waste advises that, when determining planning applications for non-waste development, local planning authorities should to the extent appropriate to their responsibilities, ensure that:
- The likely impact of proposed, non-waste related developments on existing waste management facilities, and on sites and areas allocated for waste management, is acceptable and does not prejudice the implementation of the waste hierarchy (prevention - preparing for reuse - recycling, other recovery – disposal) and/or the efficient operation of such facilities.
  - New non waste development makes sufficient provision for waste management and promotes good design to secure the integration of waste management facilities with the rest of the development and in less developed areas with the local landscape. This includes providing adequate storage facilities at residential premises for example by ensuring that there is sufficient and discrete provision for bins, to facilitate a high quality, comprehensive and frequent household collection service. The handling of waste arising from the construction and operation of development maximises reuse/ recovery opportunities and minimises off-site disposal.
134. The National Planning Guidance follows this advice and suggests that for proposals that are likely to generate significant volumes of waste through the development or operational phases, it will be useful to include a waste audit as part of the application. This audit should demonstrate that, in both construction and operational phases of a proposed development, waste will be minimised as far as possible and that such waste as is generated will be managed in an appropriate manner in accordance with the Waste Hierarchy. Bearing in mind the relatively small number of properties proposed to be delivered on this site, it is not considered that a waste audit is essential in this instance to ensure consideration of the waste hierarchy is achieved. It is considered that waste matters can be adequately considered by way of planning conditions as set out in the recommendation.
135. Consideration has been given to waste matters in the application and it would be normal practice for the construction management plan to include a requirement for a scheme for recycling/disposal of waste resulting from site clearance and construction works. On a development on this size it is not considered necessary for the site to achieve appropriate provision to allow for the recycling of waste for items which are not covered by the Council's kerbside collection service, e.g. glass and textiles. Reserved matters applications would ensure that adequate provision for storage facilities at residential premises are achieved by ensuring that there is sufficient and discrete provision for bins. The

road layout would ensure that adequate provision for servicing of the development is achieved.

136. Before granting planning permission the local planning authority will need to be satisfied that the impacts of non-waste development on existing waste management facilities are acceptable and do not prejudice the implementation of the Waste Hierarchy. It is noted that the County Council as the Waste Authority are satisfied that there are no existing waste sites within the vicinity of the site whereby the proposed development could cause an issue in terms of safeguarding existing waste management facilities.
137. Taking into account the above comments and suggested conditions, it is considered that waste management is adequately considered alongside other spatial planning concerns, and reserved matters applications will be able to ensure the design and layout of new residential properties complements sustainable waste management, including the provision of appropriate storage and segregation facilities to facilitate collection of waste.

### Economic Impact

138. The application provides information on the potential economic benefits of the scheme and it is suggested that a development provides direct and indirect employment benefits supporting new jobs and creating economic growth, resulting in expenditure to the significant benefit of the settlement and local area, supporting local retail and leisure services. In line with policy 5 (7) of the Core Strategy, during the construction phase of the development the Council will work with the developer to implement and deliver employment and training opportunities for local residents and a planning condition is recommended to achieve this. Taking into account the above it is, therefore, considered that the application satisfies the requirements of Policy 5 of the Core Strategy and satisfies the aims of the NPPF in relation to the economic role of planning, and the corporate priority of supporting economic growth to ensure a sustainable, prosperous and thriving local economy. Such matters are given significant weight in the determination of applications and appeals by the Secretary of State.

### Health and Well Being

139. The NPPF, Policy 12 of the Core Strategy (Local Services and Healthy Lifestyles), Rushcliffe's Sustainable Community Strategy and Nottinghamshire Health and Wellbeing Strategy both support the promotion of healthy communities through the creation of safe and accessible environments; high quality public spaces, recreational space/sports facilities, community facilities and public rights of way. Consideration also needs to be given to access to community facilities and services as a lack of these can lead to people being isolated and suffering from mental health conditions, therefore adversely affecting their health and wellbeing.
140. The provision of open and green space is proposed as part of the development which would support these policy ambitions, as well the development's proximity to existing countryside and links to the Trent Valley Way and National Cycle Routes. Additionally, the inclusion of pedestrian and cycle ways throughout the development would support access to the health care and community facilities, whether on or off site. Improvements to existing bus

facilities will also support the ability of less mobile members of the population to visit community facilities as required and to access the facilities within Radcliffe Village Centre. A contribution towards improving cycle facilities within the station is also proposed to encourage cycle trips to access sustainable modes of transport.

141. In accordance with the Planning & Health and Engagement Protocol between local planning authorities & health partners in Nottinghamshire 2017, the application has been assessed using the Rapid Health Impact Assessment Matrix and it is considered that this development is likely to have a largely positive health impact and no specific issues have been raised that need addressing at this stage. Any reserved matters applications will be assessed against this matrix and Building for Life Criteria.

#### Loss of Agricultural Land

142. The development comprises approximately 1.75 Hectares of agricultural land presently used for grazing. This pattern is typical around Radcliffe on Trent. Soil profiles would be restored within those areas of the site that are covered by open spaces and gardens but the land use itself would no longer be classed as agricultural.
143. Paragraph 170 of the NPPF identifies that the economic and other benefits of the best and most versatile agricultural land (BMVAL) should be taken into account. Significantly, development of agricultural land, where demonstrated to be necessary, should utilise areas of poorer quality land in preference to that of higher quality. The land is BMVAL and the resultant loss of BMVAL is a matter that weighs against the scheme. BMVAL is a finite resource and the NPPF makes it clear that the economic and other benefits of such land must be weighed in the balance. The economic and social benefits of development at Radcliffe on Trent are clearly set out in the Core Strategy. The loss of BMVAL would, at worst, be modest, taking into account the general quality of agricultural land across the country, the NPPF does not prohibit its loss and that a loss of less than 20 Ha does not trigger consultation on this basis with Natural England. Nonetheless, it would be a dis-benefit of the proposal that must be weighed into the overall balance of the decision although, in these circumstances as growth is envisaged in the Core Strategy at Radcliffe on Trent to deliver the required housing provision which would necessitate the loss of agricultural land, it should only be afforded limited weight. A requirement in relation to topsoil handling, stripping, stockpiling and reuse is proposed to be included in the suggested condition relating to the Construction Method Statement.

#### Archaeology and other non-designated historic assets

144. In relation to undesignated heritage assets, buried archaeological assets will potentially be permanently damaged or destroyed during the construction phase. Planning conditions are recommended to require further evaluation by geophysical investigation, analysis and publication to determine the presence, extent, character and condition of potential or known buried remains to be carried out prior to the commencement of development in the identified area of interest. There will be moderate beneficial effect arising from the archaeological investigation and interpretation works that will be carried out for below ground remains on site.

## Drainage

145. Section 14 of the NPPF relates to 'Meeting the challenge of climate change, flooding and coastal change' and advises that Major development should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems should:
- a. Take account of advice from the lead local flood authority;
  - b. Have appropriate proposed minimum operational standards;
  - c. Have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
  - d. Where possible, provide multifunctional benefits.
146. A site specific Flood Risk Assessment and Sustainable Drainage Strategy has been submitted with the application. Whilst the site is within Flood Zone 1 (lowest risk of flooding) on the Environment Agency Flood Zone Maps, their surface water flooding maps indicate flood risk associated with the stream course outside of the site on land to the south of the site. It is proposed that surface water runoff from the proposed development will be drained from the proposed impermeable areas utilising, where possible, SuDS techniques. These features will be employed to slow the speed of runoff and improve water quality. The Drainage strategy proposes features such as permeable paved private drives/parking courts and filter strips/drains. The preliminary attenuation strategy indicates an attenuation pond to balance all surface water from the impermeable development areas back to green field runoff rates.
147. It is acknowledged that local authorities and developers should seek opportunities to reduce the overall level of flood risk in the area and beyond. This can be achieved, for instance, through the layout and form of development, including green infrastructure and the appropriate use of sustainable drainage system. Effectively managing run off also has a role to play in preventing pollutants entering waterbodies and in doing so supporting the aims of the Water Framework directive. The proposed surface water discharge rate would be limited to reduce fluvial flooding problems adjacent to or downstream of the site for the proposed lifetime of the development. The investigations carried out as part of this flood risk assessment and flood risk management measures proposed have demonstrated that the development will be safe, without increasing flood risk elsewhere and will where possible reduce risk of flooding to others. The information submitted with this application has been carefully considered by the appropriate statutory bodies who are satisfied that the principles set out in the drainage strategy can be implemented by way of a detailed design scheme to be achieved by planning condition.
148. With regard to foul water, as the site is green field in its predevelopment state there is no current discharge of foul water from the site. It is, therefore, proposed that the development will be drained under gravity to an adoptable pumping station at the south of the site. From here it is proposed to be pumped to the existing foul sewerage system in Shelford Road. No objections have been raised by Severn Trent in relation to this proposal. It is acknowledged that Section 94 of the Water Industry Act 1991 imposes a continuing duty on

all sewerage undertakers to provide, maintain and where necessary improve its systems for collecting and treating foul and wastewater drainage so as to effectually drain its areas and effectually deal with the contents of its sewers. The planning authority must also take into account that the developer has the absolute right to connect to the public sewerage system under section 106 of the Water Industry Act. Any improvements considered necessary to improve existing capacity at the pumping station or Sewage Treatment Works will be undertaken by Severn Trent under their separate legal obligations.

### Other considerations

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

### S106 Planning obligations

150. Planning obligations assist in mitigating the impact of unacceptable development to make it acceptable in planning terms. Planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind. These tests are set out as statutory tests in the Community Infrastructure Levy Regulations 2010 and as policy tests in the National Planning Policy Framework. This report has a S106 table attached which sets out the contributions being sought by infrastructure providers or equivalent and the Borough Council's considered position on this. Where possible the triggers and potential phasing for the contribution are also set out within the table. The applicants have agreed the Heads of Terms that have been put to them and a draft S106 Agreement has been received by the Borough Council.
151. The contributions requested have been challenged with the infrastructure providers and additional information provided where necessary to justify the level or type of contribution being sought. Legislation and guidance state that planning obligations should not be sought where they are clearly not necessary to make the development acceptable in planning terms and this has been taken into account in the preparation of the S106 Heads of Terms Table. Where possible the triggers for the provision of the contribution or the community facility have been set out but this is likely to be subject to further consideration. In relation to the S106 contributions sought, consideration has been given to the potential pooling of contributions.

### Conclusion

152. The site is located within Radcliffe on Trent, one of the Borough Council's identified key rural sustainable settlements identified for growth, where a minimum of 400 houses is proposed in the Core Strategy. The Core Strategy has been designed and found to be sound on the basis that it would achieve a



sustainable distribution of development across Rushcliffe. As Radcliffe on Trent is an inset Green Belt village, it was always envisaged that such development would necessitate development in the current Green Belt with the identification of sites to be formulated through Part 2 of the Local Plan. As set out above, Part 2 is well advanced with all the necessary supporting studies, consultation and preferred options explored, and has been submitted for examination. To ensure the Borough Council is able to meet its housing delivery requirements the number of homes that Radcliffe on Trent is now proposed to deliver has been increased to around 920 new homes. This site is identified as a preferred site, and is recommended to be allocated in Part 2. The site also benefits from being adjacent the Shelford Road Farm site, which has the benefit of outline planning permission for 400 dwellings. The delivery of this site would result in socio – economic benefits from the delivery of market and affordable housing in accordance with the Core Strategy, Neighbourhood plan and emerging Part 2 Local Plan Policy. This, as set out above, weighs substantially in favour of the development.

153. It is, therefore, considered that the proposed development on the application site would accord with the spatial strategy and housing objectives in the extant and emerging Development Plan, including Neighbourhood Plan. Furthermore, the evidence base that underpins the Development Plan also highlights the sustainability of the settlement, its suitability for growth, and indeed, the need for more substantive development there as demonstrated by the suggested increase in housing numbers in the emerging Local Plan Part 2. This, as set out above, weighs in favour of the development.
154. For the reasons set out above the proposed development would comply with relevant policies in the development plan, including the Neighbourhood Plan, and the emerging Local Plan Part 2 and the NPPF. There is harm to the Green Belt by reason of inappropriateness, loss of openness and incursion into the countryside and such harm must be given substantial weight as per NPPF paragraph 143. However, other considerations as identified in the report above and summarised below comprise the very special circumstances necessary to outweigh such harm. In undertaking the balancing to determine whether Very Special Circumstances exist, the benefits must clearly outweigh the policy harm by way of inappropriateness and any other actual harm. For the reasons set out in this report it is concluded that this requirement is satisfied.
155. The proposed development would deliver a substantial amount of new housing including, affordable housing in an area which has a significant under supply of deliverable housing sites and a severe need for additional affordable housing, as confirmed by the recent appeal decision at Asher Lane, Ruddington, which is located in the Green Belt and further appeal decision at East Leake at Lantern Lane. The delivery of this site would help the Borough Council to defend other parts of the Borough in less sustainable locations from predatory applications for housing development. This weighs in favour of the development.
156. The proposal is also considered to accord with the Neighbourhood Plan policies on the direction of growth and reserved matters applications can ensure that design, mix and density within this Neighbourhood Plan can be satisfied along with general material planning considerations in relation to amenity of neighbouring properties, ecology and highway safety. This weighs in favour of the development.

157. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. For these reasons, not only would the scheme accord with the development plan as a whole, but the balance of material considerations also weighs in its favour. Consequently, it is recommended that the Planning Committee support the resolution to grant planning permission, subject to the signing of a S106 agreement. As the proposed development is a major application located within the Green Belt and it constitutes inappropriate development under the Town and Country Planning (Consultation) (England) Direction 2009 it is necessary to refer the application to the National Planning Casework Unit to allow the opportunity to consider whether to call in the application under Section 77 of the Town and Country Planning Act.
158. This application has been subject to pre-application advice. Discussions have taken place in an attempt to resolve issues raised by interested parties, which has resulted in the submission of additional information. Negotiations have been undertaken in relation to securing appropriate levels of S106 contributions to mitigate impacts of the proposal. This has ultimately resulted in a favourable recommendation to the Planning Committee.

## **RECOMMENDATION**

It is RECOMMENDED that in accordance with the Town and Country Planning (Consultation) (England) Direction 2009, the application be referred to the National Planning Casework Unit and that, subject to the application not being called in for determination by the Secretary of State for Communities and Local Government, the Executive Manager for Communities be authorised to grant planning permission subject to:

- a) the prior signing of a section 106 agreement as set out in the Heads of Terms table attached to this report; and
- b) the following conditions:
  - 1. Application for approval of reserved matters must be made no later than three years beginning with the date of this permission and the development must be begun not later than the expiration of two years from the final approval of reserved matters, or in the case of approval of reserved matters on different dates, the final approval of the last such matter to be approved

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

- 2. No development shall take place without details of the following having first been submitted to and approved in writing by the local planning authority:-
  - a) appearance
  - b) landscaping
  - c) layout and
  - d) scale(hereinafter called the "reserved matters")

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

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

[To comply with Section 91 of the Town and Country Planning Act 1990 and in order to establish the parameters and design principles of the development in the interests of amenity and to accord Policy 10 (Design and Enhancing Local Identity of the Local Plan Part 1 Rushcliffe Core Strategy and with emerging Local Plan Part 2 policy 5.3.]

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

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

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

[To ensure the proper drainage of the site and to accord with the aims of Policy 2 (Climate Change) of the Local Plan Part 1 Rushcliffe Core Strategy. This is a pre commencement condition in ensure that flood risk is mitigated.]

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

[To ensure a satisfactory development and in the interests of road safety]

5. No development shall take place (other than for the access to Shelford Road approved under condition this permission) until details of the following have been submitted:
  - i. A detailed layout plan of the proposed development;
  - ii. The siting, design and external appearance of the proposed buildings;
  - iii. Details of finished ground and floor levels in relation to an existing datum point, existing site levels and adjoining land;
  - iv. Cycle and bin storage facilities;
  - v. Sections and cross sections of the site showing the relationship of the proposed development to adjoining land and premises;
  - vi. The means of enclosure to be erected on the site;
  - vii. The finishes for the hard-surfaced areas of the site;
  - viii. The layout and marking of car parking, servicing and manoeuvring areas;
  - ix. Plans, sections and cross sections of any roads or access/service roads or pedestrian routes within the application site, and this shall include details of drainage, surfacing and lighting;
  - x. The means of access within the site;
  - xi. Details of the means of foul and surface water drainage;
  - xii. The number and location of the affordable dwellings to be provided together with the mix of dwellings in terms of number of bedrooms and proportion of houses and flats and tenure; xiii. Details of how renewable/ energy efficiency, climate change proofing has been incorporated into the phased to include for the provision of electric charging points and measures to conserve and recycle water;
  - xiv. A statement providing an explanation as to how the design of the development has had regard to the Design and Access Statement submitted with the application together with Policy 14 ( Design and Layout) and Policy 15 ( Local Architectural Styles) of the Radcliffe on Trent Neighbourhood Plan and include an assessment the development

against the Building for Life Standards and will allow for a development which does not prejudice the delivery of the neighbouring site at Shelford Road Farm; and

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

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

[These details will help inform the Reserved matters details and will ensure a satisfactory development in accordance with the aims of Policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy, and Policy 14 and 15 of the Radcliffe on Trent Neighbourhood Plan. This condition is pre commencement to ensure details are satisfactory and to avoid abortive works at a later stage]

6. No development shall take place until the details of a Construction Method Statement for that phase being submitted to, and approved in writing by the Local Planning Authority. The Statement shall provide for:
  - i. Access and parking of vehicles of site operatives and visitors;
  - ii. Loading and unloading of plant and materials;
  - iii. Storage of plant and materials used on constructing the development;
  - iv. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - v. Wheel washing facilities;
  - vi. Measures to control the emission of noise, dust and dirt during construction;
  - vii. A scheme for recycling/disposing of waste resulting from construction works;
  - viii. Hours of operation;
  - ix. A scheme to treat and remove suspended solids from surface water run-off during construction; and
  - x. An earthworks strategy to provide for the management and protection of soils.

The approved Statement shall be adhered to throughout the construction period.

[In order to minimise the amount of mud, soil and other materials originating from the site being deposited on the highway; to prevent inadequate parking, turning and maneuvering for vehicles; inadequate materials storage and to ensure adequate recycling of materials in the interests of highway safety, visual amenity and environmental management. This condition is pre commencement to ensure mitigation measures are in place prior to work commencing on site]

7. No development shall take place (other than for the access to Shelford Road approved under condition 6) without the details of the landscaping scheme to include those details specified below, have been submitted to and agreed in writing by the Borough Council:
  - (a) the treatment proposed for all ground surfaces, including hard areas;
  - (b) full details of tree planting;

- (c) planting schedules, noting the species, sizes, numbers and densities of plants;
- (d) finished levels or contours;
- (e) all existing trees, hedges and other landscape features, indicating clearly those to be removed;
- (f) details of all boundary treatments including height, design, location, materials and finish; and
- (g) details of the means of protection of existing hedgerows and trees whilst construction works are being undertaken.

The approved landscape scheme shall be carried out in the first tree planting season following the substantial completion of each phase of the development and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

[To ensure satisfactory landscape treatment of the site which will enhance the character and appearance of the site and the area in accordance with the aims of Policy 16 ( Green Infrastructure, landscape, Parks and Open Space) of the Local Plan Part 1 Rushcliffe Core Strategy. This is a pre commencement condition to ensure that adequate consideration of landscaping matters is undertaken early in the process to ensure a satisfactory development]

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

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

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

[Part of the proposed development is on the Councils prioritized list of potentially contaminated land sites, specifically the farm buildings and

surrounding yards therefore this condition will ensure that the site is suitable for its proposed use taking into account of ground conditions and any risks arising from potential contamination in accordance Policy 14 (Environmental Protection) of the Local Plan Part 2 Land and Planning Policies and with para 178 of the NPPF. This is a pre commencement condition to ensure adequate consideration is given to contamination matters which may affect layout and development of the site]

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

[In order to promote local employment opportunities in accordance with Policies 1 and 5 and 24 of the Rushcliffe Local Plan Part 1: Core Strategy. This is a pre commencement condition to ensure such a strategy is in place prior to persons being employed on the site.]

11. No development shall take place within any phase of the development until the existing trees and/or hedges which are to be retained have been protected in accordance with the measures approved under condition 7, and that protection shall be retained for the duration of the construction period. No materials, machinery or vehicles shall be stored or temporary buildings erected within the perimeter of the fence, nor shall any excavation work be undertaken within the confines of the fence without the written approval of the Local Planning Authority. No changes of ground level shall be made within the protected area without the written approval of the Local Planning Authority.

[To ensure protection during construction works of trees, hedges and hedgerows which are to be retained on or near the site in order to ensure that the character and amenity of the area are not impaired. This is a pre commencement condition to ensure the protection of vegetation and potential ecological features.]

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

[To ensure that the proposed development contributes to the conservation and enhancement of biodiversity within the site and for the wider area in accordance with paragraphs 174-175 of the NPPF and Policy 17 of the Local Plan Part 1: Rushcliffe Core Strategy This is a pre commencement condition to ensure that ecological matters including protected species are adequately protected.]

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

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

[To ensure that the proposed development contributes to the conservation and enhancement of biodiversity within the site and for the wider area in accordance with paragraphs 174-175 of the NPPF and Policy 17 of the Local Plan Part 1: Rushcliffe Core Strategy. This is a pre commencement condition to ensure that ecological matters are adequately considered at an early stage]

14. Prior to construction of the buildings hereby permitted reaching damp proof course level details of the facing and roofing materials to be used on all external elevations within that phase shall be submitted to and approved in writing by the Local Planning Authority, and the development shall only be undertaken in accordance with the materials so approved.

[To ensure a satisfactory development in accordance with the aims of Policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy, and Policy 14 and 15 of the Radcliffe on Trent Neighbourhood Plan.]

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

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

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

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

17. No dwelling shall be occupied until an appropriate agreement under Section 278 of the Highways Act 1980 has been entered into with Highways England to facilitate improvements to A52 junctions in accordance with the provisions of the A52/A606 Improvement Package Developer Contributions Strategy Memorandum of Understanding ( the date of which is in force at the time of the commencement of development).

[To ensure that the A52 trunk road continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980, in the interests of road safety.]

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



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

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

19. Prior to the occupation of each dwelling submitted as part of the planning application each dwelling shall be provided with ducting to enable the connection to high speed fibre optic Broadband.

[To assist in reducing travel demand by enabling working from home initiatives in accordance with the aims of Policy 1 of the emerging Local Plan Part 2:Land and Planning Policies]].

20. In the event that the planning permission is not implemented within 2 years of the date of the planning permission being granted a further protected species survey shall be carried out and submitted to the Local Planning Authority. Any mitigation measures required shall be implemented in accordance with the approved details to the satisfaction of the Local Planning Authority

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

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

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

22. The mix of market housing within the site shall comply with the housing mix set out in Radcliffe on Trent Neighbourhood Plan Policy 12 'Housing Mix and Density' unless otherwise agreed.

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

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

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

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

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

## **Notes to Applicant**

This permission is subject to a S106 agreement

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

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

In relation to Condition 6 requiring soil management details you are advised to refer to DEFRA Construction Code of Practice for the sustainable use of soils on Construction sites You are advised to ensure disturbance to neighbours is kept to a minimum during construction by restricting working hours to Monday to Friday 7.00am to 7.00pm, Saturday 8.00am to 5.00pm and by not working on Sundays or Bank Holidays. If you intend to work outside these hours you are requested to contact the Environmental Health Officer on 0115 9148322

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

In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact Nottinghamshire County Council Highway Development Control (email: [hdc.south@nottscc.gov.uk](mailto:hdc.south@nottscc.gov.uk)) for details.

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

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

All correspondence with the Highway Authority should be addressed to:-  
NCC Highways (Development Control, Floor 3)

Nottinghamshire County Council  
County Hall  
Loughborough Road  
West Bridgford  
Nottingham, NG2 7QP

The Borough Council and Nottinghamshire County Council are keen to encourage the provision of superfast broadband within all new developments. With regard to the condition relating to broadband, it is recommended that, prior to development commencing on site, you discuss the installation of this with providers such as Virgin and Openreach Contact details:

Openreach: Nicholas Flint 01442208100 [nick.flint@openreach.co.uk](mailto:nick.flint@openreach.co.uk)

Virgin: Daniel Murray

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

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

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

Swifts are now on the Amber List of Conservation Concern. One reason for this is that their nest sites are being destroyed. The provision of new nest sites is urgently required and if you feel you can help by providing a nest box or similar in your development, the following website gives advice on how this can be done:

<http://swift-conservation.org/Nestboxes%26Attraction.htm>

Advice and information locally can be obtained by emailing :  
[carol.w.collins@talk21.com](mailto:carol.w.collins@talk21.com)

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

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

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