

# 18/02515/FUL

**Applicant** Bloor Homes Limited

**Location** Land North Of Bunny Lane Keyworth Nottinghamshire NG12 5LP

**Proposal** Erection of 221 dwellings with landscaping, public open space and associated infrastructure.

**Ward** Keyworth And Wolds

## THE SITE AND SURROUNDINGS

1. The application site is located on the western edge of Keyworth and comprises a rectangular area of 15.24ha of greenfield agricultural land (comprising of grade 2 and 3 classification). Within the site, to the southern boundary is an existing 2 storey farmhouse and associated farm buildings known as Greenhays Farm. An existing 12 metre high telecommunications mast camouflaged as a tree is located a short distance to the north of the associated farm buildings. Hedgerow, Bunny Lane and a property known as Maythorn (a bungalow) defines the southern boundary. On the opposite side of Bunny Lane are more fields and further agricultural buildings associated to Greenhays Farm. The land drops away steeply from the road into open countryside giving extended views across to the Nottinghamshire Wolds.
2. To the west, the land also slopes away from the site quite steeply across a further series of fields down to Rancliffe Wood. To the east of the site is the main built up part of Keyworth with residential and commercial development directly abutting the site. Properties on High Court Drive face towards the application site. The rear/side gardens of properties on Park Avenue West, Croft Road, Intake Road and Plantation Road also adjoin this eastern boundary where there is a mixture of hedgerow and fencing. The north of the site adjoins Debdale Lane and a Sewage Pumping Station with agricultural land beyond.
3. The site is bordered to the north, south and west by mature hedgerows and a mixture of vegetation and fencing to the east. There are a number of hedgerows that run within the site including east-west across the site at the top of the slope. The site slopes from Bunny Lane to the north. There is a drop of around 30m across the length of the northern section of the site, which is steep in parts.
4. The site lies within the Green Belt.

## DETAILS OF THE PROPOSAL

5. The application seeks full planning permission for 221 dwellings (originally submitted for 222 dwellings), including 20% affordable dwellings, with a single point of vehicular access off Bunny Lane, associated landscaping, drainage and highway infrastructure.
6. The application is supported by:

- A site location plan 063\_003 Rev B received 28 August 2019
- Planning Layout M1127-SL-001P received 2 September 2019
- Materials Layout
- Means of Enclosure
- Storey heights Plan
- Refuse Tracking M1127-EN-030A received 22 May 2019
- Misc Engineering Planning Sections
- Misc Engineering Section locations
- Landscape Strategy Plan 155\_-010 rev A received 26 March 2019
- POS Areas Plan M1127-SL-015 received 28 August 2019
- Proposed Street Scene
- House Type Brochure
- Additional house types submitted 26 March, and 2 September
- Amended House Types submitted July
- Planning Statement, Oxalis
- Design and Access Statement, Define
- Community Engagement Instinctif Partners
- Landscape and Visual Impact Appraisal, 064 LVIA 011018 October 2018 by Define
- Keyworth Rushcliffe Assessment of Housing Mix, Lichfields, September 2018
- Heritage Statement, 3150.R01d, Nexus Heritage received 23 October 2018
- Transport and Infrastructure Planning, WIE14513-100-1-2-3, Waterman dated October 2018 received 23 October 2018
- Transport Assessment Addendum, WIE14513-100-R-4-1-3, Waterman, received 4 July 2019
- Framework Travel Plan, 14513-100-R-2-3-2, Waterman, dated May 2019 received 22 May 2019
- Flood Risk Assessment and Drainage Strategy, BM11651 0001 V03, October 2018, Wardell Armstrong received 23 October 2018
- Flood Risk Assessment and Drainage Strategy Addendum Report, BM11561 002 VO.1, Wardell Armstrong, July 2019
- Ecological Assessment , 6633.EcoAss.Vf1, October 2018 Ecology Solutions Ltd received 23 October 2018
- Statement of Community Involvement, Instinctif Partners, September 2018
- Preliminary Risk Assessment 312327-01, RSK April 2013
- Arboricultural Assessment, FPCR, September 2018, Rev B
- Health Matrix, received 22 May 2019
- The proposed A60 improvements shown indicatively on Drawing No. 14513-SA-03-017-A03
- The proposed new site access junction on Bunny Lane as shown indicatively on Drawing no. WIE-SA-03-009-A01.
- The proposed Village Gateway on Bunny Lane as shown indicatively on Drawing No. WIE-SA-03-009-A01

7. Since the submission of the application additional/revised information has been submitted in respect of the Transport Assessment Addendum, Travel Plan, together with revised plans to seek to address some of the consultee comments in respect of the layout, affordable housing mix, materials, highway matters, landscaping, together with alterations to house types.

8. 7.1ha of the site would be developed, which equates to a density of 34dph. The application proposes that 20% of the dwellings would be affordable homes.
9. Vehicular access would be from one single point of access on Bunny Lane.
10. The proposed housing units are one, two and two and a half storey (accommodation within the roof space) with a variety of 1 and 2 bedroom bungalows, terraced, detached and semi-detached properties. Design cues have been taken from the traditional local vernacular and the characteristics of the site. The submitted supporting documents indicate that *“the key appearance principles are:*
  - *Housing mainly be red brick and white render, reflecting the typical materials used in the locality;*
  - *White render to be used along the “Green Spine” and around the feature square to create a strong sense of identity and unity along these key frontages within the site. This reflects the use of render on some key groupings within the neighbouring residential area (such as Park Avenue West), along Croft Road (on the facing gable ends) and within the traditional village core (see Street Scene B-B);*
  - *Proposed housing will be arranged informally around the edges of the development and will include larger detached and semi-detached units with a variety of types, orientation and roof profiles to reinforce the sense of informality;*
  - *White or brighter colours will generally be avoided along the outer edges (and particularly the north western edge) so that housing does not stand out prominently when viewed from the surrounding area; and Paired units and feature gables are used along the Bunny Lane frontage to tie into the character of the neighbouring residential area. The designs have been informed by a variety of architectural styles and affordable units are proposed to be pepper potted to integrate into the development. The size of the market units are varied and includes bungalows to support the wider community needs”.*
11. An area of open space would be retained, predominantly to the north, south and west of the site and landscape buffers are proposed to the periphery of the site with existing residential properties on High Court Drive.
12. Housing would be set back, but fronting onto the northern and western edges. These dwellings would be arranged more informally. The Croft Road corridor would be extended into the site via a pedestrian footpath/cycleway within a formal tree lined corridor that would terminate at the western periphery of the site with a LEAP. It is this section of the development that is primarily 2.5 storey in height (although these units also appear along the main spine road).
13. A number of bungalows are proposed along the eastern edge backing onto the existing properties on Croft Road.
14. Provision would be made for approximately 8.4ha of public open space including two play areas, footpaths, amenity open space, meadow grassland and tree planting. It would also accommodate the retained hedgerows, provide improvements in terms of biodiversity, sustainable drainage systems and

strategic planting. The existing hedgerow would be retained where possible and enhanced. The two northernmost fields would remain as public open space and would incorporate drainage features, footpath links, natural play, native tree and meadow planting and wildlife habitat areas. The submission advises that ridge and furrow earthworks would also be retained where possible and a new perimeter footpath route would be provided around the western edges of the site, linking Bunny Lane with Debdale Lane to the north.

15. The majority of parking would be within curtilage on driveways to the side of properties. Some of the proposed dwellings have integral garages.
16. The proposal also indicates a number of off-site improvements including a gateway feature on Bunny Lane at the start of the 30mph speed limit, new lining on the carriageway and to the pedestrian route between the site access and Keyworth village centre along Bunny Lane. The site has been designed to accommodate a loop road to facilitate access for bus services.
17. The attenuation basins are indicated as being located in the north western corner and along the Bunny Lane frontage on the southern edge.
18. In acknowledgement of the sites location in the Green Belt, the planning statement includes an assessment of Green Belt Policy. This concludes that; *“the site does not contribute to the prevention of urban sprawl, nor the merging of towns. The site is adjacent to the edge of the village. It is undeveloped and by definition the development of the site would result in encroachment on the countryside and an impact on the openness of the Green Belt. However, the masterplan approach seeks to ensure an attractive, green and high quality development is provided to minimise the extent of the negative impacts caused. The proposals include a ‘soft’ western edge to the development, with open space and public footpaths. New and retained existing boundary planting and in combination with the topography will part screen the site and soften visual impacts.*
19. The Landscape and visual Impact Appraisal for the site concludes that *“the residential properties to the east of the site have a significant influence on the character of the site, and as a result its development would not appear incongruous. In this context, the landscape character of the site and immediate surrounds is considered to have low sensitivity, and to be of low value. Given its location and the established nature of its boundaries and nearby woodlands it is considered to have a good ability to absorb potential development.*
20. *Therefore, whilst by definition the development is inappropriate and harmful to Green Belt, the harm is limited to only one of the five purposes of the Green Belt. The degree of harm to openness and to the encroachment on the countryside is relatively low as a result of the site’s characteristics and its surrounding context. Significant open space and soft edge, as well as a relatively low density of development, will reduce the level of visual and landscape impact. The proposed treatment to the western edge would be a considerably more sympathetic boundary than the existing hard edge.*
21. *It should be noted that the above analysis is in line with the conclusions of the recent Green Belt Reviews carried out by Rushcliffe Borough Council and Keyworth Parish Council. The findings of these reviews led to the conclusions that the site’s development will only result in limited harm to the Green Belt.”*

22. The application also sets out what are considered to be the Very Special Circumstances necessary to justify inappropriate development in the Green Belt. These are set out in the Planning Statement and are in summary:
- The site is located in a highly sustainable location and has been the Council's preferred choice for residential development throughout its emerging Part 2 Local Plan;
  - Rushcliffe Borough Council can only deliver its Core Strategy housing need if sites are released from the Green Belt. This was a principle accepted by the Planning Inspector following the 2014 examination;
  - The Council is unable to demonstrate a 5 year housing land supply and therefore it is essential that sustainable sites are brought forward without delay;
  - Rushcliffe Borough Council has a requirement for delivering a challenging 370 affordable homes per year between 2018 and 2023. This scheme will deliver 44 affordable units;
  - The site has received strong local community support throughout the various iterations of the Keyworth Neighbourhood Development Plan;
  - Development would bring a package of benefits, including open space and play facilities, traffic calming and biodiversity enhancements.
23. The applicant considers that the above matters are capable of amounting to very special circumstances. They consider that there are a wide range of matters in addition to the local need for housing and affordable housing and, the 'sustainability credentials' achieved by placing development at this location contribute to the overall case in respect of very special circumstances. These matters are summarised in the following paragraphs.
24. The application site has consistently been chosen as a preferred housing site for Keyworth in the Local Plan process. The site is in a sustainable location close to the village centre resulting in less reliance on the private car than other sites.
25. The Part 2 Plan proposes to allocate four Green Belt sites in Keyworth, which includes the application site. The sites are proposed to be allocated having regard to the various reviews of the Green Belt, settlement capacity and sustainability appraisal.
26. The Council's latest annual monitoring report sets out the position as at March 2017. This states that the housing land supply is just 3.1 years. The applicant provided Counsel's advice and refers to a case where the lack of five year housing supply contributed significantly to very special circumstances that supported the grant of planning permission. The application site is identified within emerging Local Plan 2 at policy 4.3 for the removal from the Green Belt and for housing for around 190 homes. The delivery of the site is necessary to ensure that the emerging plan will allocate enough land to meet its housing requirements. It is therefore essential that sites are brought forward as soon as possible to give confidence that the emerging plan can deliver its aspirations.
27. The Keyworth Neighbourhood Plan (KNP) included the recommendation of the 9.8ha application site for residential development.

28. Affordable housing needs are significant in the Borough as identified in the Housing Market Assessment update 2012 and referred to in the June 2018 Housing Background Paper. The application proposal includes for 20% affordable housing in accordance with Policy 8 of the adopted Core Strategy.
29. The scheme would provide wider benefits to the local area and these need to be considered as part of the process of balancing the benefits and the impacts of the scheme and in judging whether very special circumstances exist. The benefits include; A landscaped western edge providing a softer boundary, open and recreational space including a nature walk, new children's play space and new footpath links to existing wider networks of footpaths and additional traffic calming measures.

## **SITE HISTORY**

30. There is no relevant planning history for the site.
31. A Prior Notification application was submitted under Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ("the GPDO") for the erection of MBNL 18 metre high Hutchinson Engineering Alpha 8 tower installed on new D6 root foundation and associated works (ref 19/01104/GDOTEL) on land to the west of the property known as Maythorn. Prior approval was required and given in June 2019. The implementation of this would allow for the existing tree mast within the current application site to be decommissioned. As a result, revised plans were received on the current application excluding the approved site for this installation from the application site.

## **REPRESENTATIONS**

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

32. The Ward Councillors and Adjacent Ward Councillors were consulted and no comments have been received.

### **Town/Parish Council**

33. Keyworth Parish Council object to a small number of elements where the plans are not in line with the Keyworth Neighbourhood Plan (KNP) and request that they are amended:
  - The plans contain additional land that the developers propose to take out of the green belt, over and above that stipulated in the KNP, in order to install drainage (SuDS). This land serves as a protection of "The Spinny", a valuable wooded area and is also an important example of ridge and furrow, both of which the residents seek to conserve.
  - The plans suggest the land would be returned to the greenbelt once the SuDS are installed, the Parish Council recommend this is a condition of approval. Further, in a situation where the drainage is sited in this area, they request a covenant on this part of the site, protecting it from housing development in perpetuity. Ideally, the drainage should be within the area earmarked for housing.

- The number of affordable houses is just below the KNP minimum stipulation of 20%, therefore they request at least 1 additional affordable unit.
  - There are 15 bungalows fewer than the 37 agreed from the KNP housing mix (15-20% of total),
  - The location of the play park within the green belt is inappropriate.
34. On revised plans the Parish Council maintained their objection commenting that:
- Before a decision can be made the plans need to reflect the highway authority stipulation for two access roads. It is not clear how they can be accommodated safely.
  - Traffic calming on Bunny lane and extension of the 30mph zone is essential.
  - There are still more houses than stipulated in the Keyworth Neighbourhood Plan. If the number of houses complied with the KNP this might alleviate the access issue.
  - Widening of internal roads for a bus route will change the housing layout this needs to be incorporated into the plans.
  - The housing design including false 'bricked up' windows is not in keeping with the rest of Keyworth.
  - There still seems to be a SuDS in the green belt area, not within the site.
  - There are unresolved issues around public open space maintenance.
  - There are also issues with the location of the radio mast and the large number of bats roosting in the orchard area where the mast was proposed to be located.
35. No comments were received from Bradmore Parish Council as adjacent Parish.

### **Statutory and Other Consultees**

36. The Borough Planning Policy Manager advises that, in line with planning law, decisions should be taken in accordance with the Rushcliffe Development Plan unless material considerations indicate otherwise. The relevant statutory policies that form part of the Development Plan for Rushcliffe consist of the adopted Local Plan Part 1: Core Strategy, five saved policies of the Rushcliffe Borough Local Plan 1996 and the Keyworth Neighbourhood Plan.
37. 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 as whilst they have been the subject of an examination, they have not yet been adopted. The Inspector's interim letter was received by the Council on 5 February 2019 and consultations on additional modifications have been undertaken.
38. Other material considerations include the revised National Planning Policy Framework (NPPF), the National Planning Practice Guidance (the Guidance) and the Rushcliffe Borough Non Statutory Replacement Local Plan (NSRLP) (2006).

39. Notwithstanding the land's identification as a proposed allocation within the emerging Local Plan Part 2, until its adoption, the site remains within the Green Belt. Paragraph 143 of the NPPF states that inappropriate development (such as new open market housing) is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
40. It is considered that, as part of the planning balance, the following matters are pertinent when assessing whether very special circumstances exist:
41. The principle of greenfield (Green Belt) development at Keyworth has been established upon the adoption of Local Plan Part 1, Rushcliffe Core Strategy. Policy 3 (spatial strategy) establishes Keyworth as a key settlement, and that provision will be made for a minimum of 450 dwellings through Part 2 of its local plan. The emerging LAPP proposes a total of around 600 homes within 4 allocations. This application site is one of these allocations.
42. Policy 4 establishes the need to review the green belt. Policy 4 part 5 identifies the need to review inset boundaries in order to accommodate development requirements until 2028.
43. The site is proposed for allocation within policy 4.3 of the publication draft LAPP for around 190 homes, and the application complies with the criteria contained within the policy, which require a pedestrian access via Croft Road and a landscape buffer along the site's western and northern boundaries. Whilst the application exceeds the number of dwellings proposed in plan by 31 units (originally 32), it comprises an increase of 14% and subject to its implications upon the density, design and layout of the scheme and effects on local services and infrastructure, policy 4.3 does not prevent more (or less) homes being delivered within the allocation.
44. The proposed allocation is supported by evidence produced by, or on behalf of the Borough Council. This includes the Green Belt Review, which determined that this land was of low-medium Green Belt importance and landscape analysis that concluded the land was of low landscape and visual sensitivity.
45. The land is recommended to the Borough Council for allocation within Appendix 3: Development Strategy of the Keyworth Parish Neighbourhood Plan for around 150-160 new homes. Whilst the recommendation does not form part of the development plan itself as it is contained within an appendix, the principle of development (albeit for a lesser amount of housing) has been supported through a referendum.
46. The site is available now, has a housebuilder involved and can provide for a mix of market and affordable housing.
47. The appeal decision at Asher Lane, Ruddington establishes the principle of granting planning permission for residential development on a green belt site where there is a minimum target set for a key settlement and where there are no technical constraints.
48. The subsequent decision by the Secretary of State not to 'call in' the Council's recommendation to grant planning permission for 400 homes on land off Shelford Road, Radcliffe on Trent, endorses the release of Green Belt sites on

the edge of key settlements where the Core Strategy has established the principle of this release and the emerging LAPP has identified the land as an allocation (supported by an extensive evidence base). This has been demonstrated further by the subsequent decision of the Secretary of State not to 'call in' the Council's recommendation to grant planning permission for upto 150 dwelling on Nicker Hill, Keyworth (18/02524/OUT) and 187 Dwellings at Platt Lane, Keyworth (18/02412/FUL).

49. The granting of full planning permission would contribute towards the Borough Council's 5 year land supply sooner than anticipated.
50. Having regard to the above, and subject to compliance with other policies within the development plan and other material planning considerations (including emerging policies in the LAPP), whilst housing need does not by itself comprise very special circumstances, the above considerations may cumulatively establish that these circumstances do exist and that planning permission could be granted for the release of this Green Belt site for housing development.
51. The Borough Strategic Housing Officer advised on the original submission that *"the site lies within the 'Keyworth' housing submarket area. Under Policy 8 (Housing Size, Mix and Choice) of the Rushcliffe Local Plan Part 1: Core Strategy we would therefore seek the provision of 20% affordable housing on the site. This would equate to 44 affordable units on a scheme for 222 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, Core Strategy paragraph 3.8.9 states that 42% should be intermediate housing, 39% should be affordable rent and 19% should be social rent. This equates to 18 intermediate units, 18 affordable rent and 8 social rent units (NB applying the percentages as above does result in a minor rounding issue so the surplus unit has been ascribed to the Affordable Rent category).*
52. *The table below identifies the breakdown of affordable housing that should be sought in order to meet existing and predicted needs through the lifetime of the development. This breakdown is based upon the outputs of the housing needs model that was produced as part of the SHMA Needs Update 2012. This considers both existing need (backlog need based on the waiting list) and future need (based on forward household projections).*
53. *As shown on the table below, there mix as shown on the supplied plans broadly matches the mix proposed through the SHMA needs model. In terms of overall numbers, the application is providing for the required 44 affordable units however it is overproviding on rented units by 1 and underproviding on intermediate units by 1.*
54. *There is also a divergence from the SHMA needs model in terms of provision for the elderly for the rented units. In order to better reflect the mix as generated by the SHMA needs model, it is suggested that fewer 1 bedroom bungalows are provided in exchange for the inclusion of two bedroom bungalows for rent. The other discrepancy for the rented mix is the inclusion of more two bedroom houses at the expense of 1 and 2 bed flats.*

Table: Comparison between the SHMA models output requirements and what the applicant is proposing:

	<b>SOCIAL RENT</b>	<b>AFFORDABLE RENT</b>	<b>Application providing:</b>	<b>Difference</b>
	RBC requirement (SHMA model)	RBC requirement (SHMA model)		
1bed starter flats	2	5	6	-1
2 bed upsizing flats	1	2	2	-1
2 bed houses	1	2	6	+3
3 bed houses	2	4	6	0
4 bed house	0	1	1	0
5 bed houses		0		
1 bed downsizing bungalows	1	2	6	+3
2 bed downsizing bungalows	1	2	0	-3
<b>Total</b>	<b>8</b>	<b>18</b>	<b>27</b>	<b>+1</b>

	<b>INTERMEDIATE</b>		
	RBC requirement (SHMA model)	<b>Application providing:</b>	<b>Difference</b>
1bed starter flats			
2 bed upsizing flats			
2 bed houses	8	<b>8</b>	0
3 bed houses	8	<b>8</b>	0
4 bed house			
5 bed houses			
1 bed downsizing bungalows			
2 bed downsizing bungalows	2	<b>1</b>	-1
<b>Total</b>	<b>18</b>	<b>17</b>	<b>-1</b>

55. *It will be important for any revised plans to differentiate between the Social Rented units and the Affordable Rented units (they are referred to on the plans under the singular umbrella term “rented”). The affordable rented and social rented units should be grouped in small groups based on the tenure type.*
56. *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 through another appropriate mechanism which ensures that the dwellings remain affordable.*
57. *An Affordable Housing Scheme that identifies the Registered Provider and includes a plan showing the layout of affordable units by type and tenure should be submitted to and approved by the Council before commencement of development.*
58. *The provision of 20% affordable housing on this site will assist the Borough Council in meeting its strategic aims to address housing need in the Borough whilst reducing the number of households in temporary accommodation by increasing the supply of permanent affordable housing.”*
59. Based on revised information the officer advised that it would appear that no social rented properties are proposed. This is clearly contrary to the Core Strategy requirement within paragraph 3.8.9 that the tenure of affordable homes should be 42% intermediate, 39% affordable rent and 8% social rent and our previous advice.
60. This mix is being delivered within other larger greenfield sites (notably it is proposed within the Platt Lane / Station Road application). If the applicant wishes to divert from this required mix, it must be justified.
61. Revised plans were received and the officer advised that; *“Revision P shows one extra 2 bed bungalow for shared ownership and one fewer one bedroom bungalow than plan revision N. The Affordable Rent element is identical to revision N. For Social Rent one fewer two bedroom bungalow is shown than for revision N and one additional one bedroom bungalow. In terms of overall numbers, revision N has the same breakdown as revision P (i.e. 2 x 1 bed bungalows, 5 x 2 bedroom bungalows). Therefore, as the difference between the two is relatively minor, there would be no objection from a strategic housing perspective to revision P.”*
62. The Design and Conservation Officer considered the application for development of the site identified within the emerging Part 2 of the local plan as sites KEY10 and KEY11.
63. As part of the site selection process, he was involved in a heritage assessment of sites identifying any special site constraints including archaeological constraints. The site has no special constraints in terms of archaeology or the historic environment and as such was capable of being selected as a site for allocation within the plan without further investigation or assessment.
64. The officer advises that *“...to the West of Keyworth there are recorded HER entries, however these tend to also be south of the village and some way south of Bunny Lane and an area of high ground south of the Lings Lane/Wysall Lane*

junction. The only finds identified from the North side of Bunny Lane are from further west near Owls Nest House and include gold coins and other finds from the late bronze age and early iron age, the finds were scattered and did not suggest any particular concentration which might indicate settlement. The application is supported by a heritage statement, dated September 2018 but updated from a 2013 document. I do not believe we have ever seen this document before.

65. *I have considered the comments relating to policies within the adopted core strategy, however I disagree with the narrow interpretation of policy 11 and the suggestion that a positively worded policy, giving support to compliant proposals, necessarily must be read as to necessitate refusal of non-compliant proposals. A policy which withholds positive support where a proposal harms the historic environment is not the same as a policy which advocates a reason for refusal under the same circumstances. The policy was deemed sound via examination after the publication of the NPPF and is similar to 'positive' policy in many other post-NPPF local plans. Indeed the most recently adopted plan I can find (North Devon DC & Torridge DC - Nov 2018) includes DM07(2) "Proposals which conserve and enhance heritage assets and their settings will be supported."*
66. *I have considered the geophysical survey results, together with the desk based assessment, and would share the view that there are few features identified of interest, those most worthy of further exploration, such as former ponds which could potentially hold material which could indicate their age and which appear on the earliest OS mapping, also happen to be in a part of the site where no development is being proposed. The only other feature likely to be worthy of investigation is the slightly curving potential bank feature in the southwest of the site. If the applicant could confirm that no ground works would occur in the vicinity of the former pond, potentially even allowing this area to be fenced off during construction to avoid the possibility of any vehicles tracking over it, then I would conclude that the degree of archaeological potential within the site would not warrant further investigation. The surface water attenuation is focused to the north, however increased ground water levels are unlikely to adversely affect the state of preservation of any archaeological material within a former pond context.*
67. *The proposal is remote from designated heritage assets, the heritage statement includes an assessment of all such assets within 1km of the site boundaries. Most are at the edge of that range, or well screened by intervening development and/or topography. The assessment does not consider any of the assets to be affected in a manner which would harm their significance and I concur with this conclusion.*
68. *The northern part of the site is both prominent in long range views and steeply sloped. This part of the site is shown retained as open space, understandably given both the difficulty of development on the slopes and the higher landscape sensitivity of this area.*
69. *Links across the site, into open space to the north and into existing streets to the east all seem well planned in the interests of connectivity for pedestrian and cycle traffic. There are some areas of courtyard parking and some areas where there are small stretches of frontage parking onto streets but I'm not of the view that there are any particular concentrations where these features*

*dominate the streetscene. In many cases corner plots have projecting bays on their 'side' elevations to try and address features to both aspects of the corner, in most cases junctions also have buildings positioned as visual stops.*

70. *I've had a look through the house type pack and the variety of designs is good and designs for corner plots largely take advantage of the dual frontage of the site. The bungalow designs are the weak link, but the smaller scale of bungalows does limit options for architectural embellishment, the inclusion of front projecting gables at least creates some degree of articulation and interest. I have an observation about the house-types with 'mock shutters'. I don't necessarily object to the inclusion of such features, however a fundamental consideration really should be that externally mounted shutters should at least reflect the width of the window if they are going to be convincing. My only other concern relates to the first floor porch on the Maisonette 'Shelley' design. It's a rather prominent and unusual feature which serves little purpose. It's a highly unusual and intrusive visual feature."*
71. Materials - The bricks are a nice range and all reasonably close to the orange/red of local bricks however the Arden Special Reserve can look a little pink as built and if at all possible an alternative should be sought.
72. The roofing tiles are colour variants of the same product and while the slate grey looks good this product is intended as an artificial slate and looks unconvincing in orange/red. The manufacturer does a variant of the product with a vertical division to give the appearance of a more small format tile Forticrete - Gemini, this would be particularly desirable in the red colour option.
73. Following the submission of revised plans the officer advised that the Shelly housetype has been omitted. There is now have a "Sansom" housetype on the layout plan and plans for a "2BF02" titled "Bespoke" – it is questioned if this housetype is intended to represent the "Sansom" referenced on the layout plan? Subject to confirmation that this is the case, or submission of the houseplans for the Sansom housetype, he has no further comments.
74. In respect of the ponds the officer advised that a Written Statement of Investigation (WSI) investigation should be secured by condition.
75. Environmental Health raised no objections to the proposal on environmental health grounds; however, the officer has recommended conditions relating to construction management, no burning on site during demolition and construction, the submission of a contaminated land report, asbestos in the farm buildings and soil testing for garden areas.
76. The Community Development Officer advised that *“for Children’s play on-site provision of equipped play space of a minimum of 0.13 hectares is required. The plans include provision for two separate play areas one of which is described as natural play with the other being more traditionally equipped and aimed at younger children. There are no objections to providing two play areas each with a different character and target audience. Natural play as proposed is acceptable, but appropriate investment will be required to create suitable play features – simple landscaped open space would not be sufficient. The location to the north of the site in a green recreational area also works well. The footpaths linking the two play areas should also be capable of being used for cycles as well as walkers.*

77. *With regards the siting and location of the equipped play area proposed they referred to The Fields in Trust National Playing Fields Association General Design Principles Guidance (attached). 6.1.9 which states that play areas should be:*
- Appropriate to the needs of the local community.*
  - Accessible for every child within the appropriate walking time for LAPs, LEAPs and NEAPs.*
  - Accessible without having to cross main roads, railways or waterways.*
  - Sited in open, welcoming locations.*
  - Separated from areas of major vehicle movements and accessible directly from pedestrian routes and visible from nearby dwelling or well used pedestrian routes.*
78. *Indoor Leisure - The Rushcliffe Borough Council Leisure Facilities Strategy 2017-2027 and associated Strategic Assessments of provision for sports halls and swimming pools identifies the need for modernised facilities which would serve Keyworth. The Sport England Facility Calculator run on 19/12/2018 provides the following commuted sums:*
- Sports Halls £86,941*  
*Swimming Pools £93,590*  
*Total indoor Leisure = £180,531*
79. *Sports Pitches - The Rushcliffe Playing Pitch Strategy 2017 identifies a current shortfall of pitch provision that this development would worsen. The Sport England Playing Pitch Demand Calculator (with Rushcliffe specific data) provides the following commuted sum for offsite provision £83,782*
80. *Allotments - Keyworth Parish Council have confirmed that current supply of allotments is sufficient to cater for the additional demand arising from this development.”*
81. *In response to a revised landscape plan the officer commented further; “With regards the siting and location of the play area proposed I would draw attention to The Fields in Trust National Playing Fields Association General Design Principles Guidance (attached). 6.1.9 states that play areas should be sited in open, welcoming locations and visible from nearby dwelling or well used pedestrian routes. The currently locations meets these requirements, however there is no details on the amount and types of equipment to be used and I would expect to details of these for approval and would expect to see a minimum of five pieces of play equipment for each area with ancillary equipment to replicate, rocking, sliding, swinging, rotating and imaginative play which is age appropriate and challenges children through their development stages.*
82. *In relation to footpaths and linkages I would expect to see how the scheme promotes cycling and walking and would expect the linking footpaths around the perimeter of the site as shared use cycleway footpaths that are 3 metres wide. From the drawing submitted it cannot determine how the footpath/cycleway on both the northern and southern boundary link to the existing footpaths/rights of way infrastructure. On the southern edge it requires*

more details on how it links to the footpaths on Bunny Lane. On the northern edge one of the paths seems to terminate in a field.”

83. The Borough Design and Landscape Officer has commented that they have reviewed “...the LVIA, it is carried out in accordance with best practice and I would broadly agree with its assessment and conclusions. Despite the relatively elevated site it is not as visually prominent as you would expect due to the screening provided by the properties to the east and the undulating topography and blocks of woodland which limits views from other directions. Where the site has the potential to be seen there are limited public viewpoints due to a limited number of nearby public rights of way. The LVIA notes upon completion there will be some moderate adverse visual impact particularly for receptors on Bunny Lane close to the site and the informal path at the end of Debdale Lane, but given the proposed mitigation through the use of belts of landscape around the development this would be reduced to slight once the planting matures, I’m inclined to agree with this.
84. *The large areas of open space at the north of the site will help soften views from where the site is most visible from the informal path to the north, these fields have ridge and furrow and where possible this should be retained. I would suggest the landscape strategy for the site is positive, the line of trees in the south east corner will help screen the properties from the sensitive viewpoint on Bunny Lane as you leave the village and they are sufficient offset from the boundary not to affect the neighbouring properties. I would encourage a strong level of tree planning on the western boundary as I suspect the rooflines of properties could be visible on the approach into Keyworth, but there is roadside screening to soften views and there are already clear views to properties and barns on this stretch of road and the new properties will be seen in this context.*
85. *The site levels are roughly similar and in some case slightly lower than the existing housing located to the east and the centre of the village which is built upon the highest ground. Many of the long distance views listed below will be seen with the context of the existing built form of the village behind and given the distances involved the visual impact will not be significant as the area of development will take up a miniscule proportion of the overall view. Keyworth is already visible from a number of medium distance views as a strip of housing on a raised plateau, the development may extend this, but won’t alter the character of these views.*
86. *Overall I don’t object.”*
87. The Borough Recycle Officer has commented that there are locations where the Bin Collection Points are not directly next to the highway:
88. Plots 49-51, 163-165, 152-156 are a couple of examples. All BCP should be directly next to the highway, there are other locations where this applies.
89. Properties which have access to the rear of the property via a side and round the back passages generally will not remove bins from their frontages, this causes bin blight, he suggests those properties effected should have a bin store built at the front so they can place bins away post collection, i.e. plots 14-17 are a couple of examples of this. There are other examples where this applies.

90. In respect of revised plans the officer advised that opposite plots 129/130 look odd.
91. The Clinical Commissioning Group (CCG) advised that their standard formula would apply which would attract a contribution of £204,240. However, given that there is some potential capacity at Keyworth Primary Care Centre they would request a contribution that would enable them to convert the underutilised space to clinical consulting rooms complying with all infection control regulations. Consequently, they have requested a section 106 contribution of 25% of the full amount for the conversion costs, which equates to £51,060.
92. The Borough Sustainability Officer notes that an Ecological Impact Assessment has been supplied, surveys supporting this have been carried out, the latest in September 2018, this is therefore in date, and appear to have been carried out according to best practice. An occasional summer roost for bats was identified in building B1 and potential for a roost on an Ash Tree, frequent foraging opportunities for at least 5 species of bats was identified this activity appears to be concentrated along the central hedgerows. An English Nature licence may be required. Badger activity was found in 2015, but not in 2018. Birds are expected to nest and forage on the site and common birds were recorded including house sparrow. The site would be suitable for Tree Sparrows. A wide range of other common species are expected to use the site. The site consist of Improved Grassland; Scrub; Orchard (new and in poor condition); Hedgerows and Trees; Amenity Grassland and Planting; Wet Ditch; and Buildings and Hardstanding. The proposed development is unlikely to have a material impact on the favourable conservation status of a European protected species if developed sensitively and can provide a net gain.
93. The Officer provided recommendations for conditions/informatives including the recommendations provided in supplied reports.
94. Nottinghamshire Wildlife Trust although confirming that they have not looked at any of the details, provide broad views as follows:
1. Determination of all 3 applications is premature, given that the LPP2 hasn't been adopted. They would not wish to see all approved with the result that Keyworth exceeds its housing 'targets' (as what happened in East Leake). They would therefore like to see the LPA refuse all 3 applications, or delay determination until the Local Plan has been adopted.
  2. In relation to the emerging local plan (including the 'additional sites' consultations) they highlighted that KEY10 (now application ref 18/02515) contains some ridge and furrow, which is an increasingly scarce feature and could be of archaeological and biodiversity interest, along with prominent hedgerows. They are of the general view that if sites towards the east of the village are taken forward (Especially Key 8, which is currently arable) these will be less ecologically damaging than those on the west, especially Key 18, which does contain the well-established network of hedgerows and historic pasture.

3. They would expect any recommendations for 'additional surveys' in the ecological report are fulfilled prior to any determination and any mitigation or 'biodiversity enhancements' are secured by an appropriately worded planning condition.
  4. They normally expect and recommend that all features of ecological interest, such as field hedgerows, scrub, species rich or permanent grasslands, ponds etc are retained and sensitively incorporated into any public open space. Ponds, ditches and watercourses need to be adequately buffered (i.e. set back) from any development and long-term maintenance of any such habitats must be secured through Section 106 (or similar) agreements.
  5. Given issues encountered on other sites locally, conditions must be used to safeguard breeding birds (ideally no vegetation to be removed during the breeding season, March to Sept inclusive).
95. The Environment Agency confirmed that the site is situated in flood zone 1 and therefore the Environment Agency has no comments to make on this application.
96. Sport England has advised that the proposed development does not fall within either their statutory remit (Statutory Instrument 2015/595), or non-statutory remit (National Planning Policy Guidance (PPG) Par. 003 Ref. ID: 37-003-20140306), therefore Sport England has not provided a detailed response. They have given some advice to aid assessment if the proposal involves the loss or provisions of sports facilities. Additional housing will generate additional demand for sport. 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 or Built Sports Facility Strategy that the local authority has in place. In line with the Government's 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.
97. Highways England has raised no objection subject to a condition requiring the developer to enter into an agreement under Section 278 of the Highways Act 1980 to facilitate improvements to the A52 junctions in accordance with the provisions of the A52/A606 Improvement Package Developer Contributions Strategy Memorandum of Understanding. On further consultation on revised information, they maintained their original comments.
98. Nottinghamshire County Council (Planning) commented on a number of issues, which are summarised in the following paragraphs.
99. This proposal is accompanied by a thorough heritage impact assessment that has considered the impacts on built heritage assets and concluded that no harm will be caused to them by the development. The County Council concur with the conclusions of that report from the built heritage perspective.
100. The applicant has provided a Transport Assessment to support this application and this concludes that this development will not have a significant impact in

its own right in traffic terms. In strategic transport terms whilst the traffic generated from the application site may only have limited impact in isolation, when considered in combination with other proposed development in Keyworth and other settlements in Rushcliffe a significant detrimental impact is likely on the Major Road Network, especially the A52 (T) and A606. Highways England (HE) are proposing to improve a number of junctions along on the A52 (T) and the County Council the A606, and the delivery of this programme of improvement is reliant on financial contributions from developers. As a consequence, HE, Rushcliffe Borough Council and Nottinghamshire County Council have developed a Memorandum of Understanding (MOU - signed Sept. 2015) which sets out a developer contribution strategy. This MOU is currently under review. In which case the applicant should be advised that a financial contribution may be sought (on a proportional impact on the A52 / A606 junctions) to the proposed A52 / A606 highway infrastructure package. Rushcliffe Borough Council will administer the development contributions strategy and the Borough council are reminded to consider taking a financial contribution from the applicant towards the A52 / A606 highway improvement package. In the absence of financial contributions then there is a strong likelihood that the necessary transport infrastructure will not be forthcoming and the traffic and travel conditions in the borough will worsen to the detriment of the environment and economic prosperity of the district.

101. Ecology – the Ecological Assessment, based on surveys carried out in 2015 and 2018, indicates that the majority of the site is improved grassland of low ecological value, bounded and divided by hedgerows. A small orchard is also present. One building on site supported evidence of roosting bats (identified as B1), characterised as an occasional summer roost for a single Common Pipistrelle. It is stated that this building will need to be removed under a European Protected Species Licence. Bat activity surveys recorded low levels of bat activity across the wider site, with activity concentrated along the western and central hedgerows, with the majority of activity attributable to Common Pipistrelles. The report is redacted in relation to badgers (and correctly so). No formal bird surveys were carried out, but incidental records indicate that the site supports a small range of typical and widespread species, whilst impacts on reptiles and Great Crested Newts are scoped out. Surveys found evidence of badgers using the site in 2015 (but not 2018), but no setts were recorded. It is requested that compliance with the mitigation set out in paragraphs 5.2.49 – 5.2.54 is conditioned. This includes a requirement for a pre-commencement resurvey for badgers, which should be separately conditioned.
102. Mitigation and enhancement - an indicative landscaping scheme incorporates the majority of the recommendations made in the Ecological Assessment (regarding retention of habitat features, and the creation of new habitat). In particular, the retention of the majority of the internal and boundary hedgerows within the scheme layout is welcomed, as is the creation of a relatively substantial area of informal open space to the north of the built development, incorporating areas of wildflower meadows establishment and other habitats.
103. A condition should require the submission of a detailed Landscaping Scheme, to provide details of species mixes, establishment methods and maintenance regimes. Species of tree and shrub should be selected with reference to the relevant Landscape Character Areas species list. One apparent omission is in relation to the small orchard in the south-west corner of the site; the Ecological Appraisal recommends that the proposed footpath should be positioned to

avoid the orchard, but this does not appear to be the case. This will require addressing as part of the detailed landscaping scheme.

104. A bat-sensitive lighting scheme should be developed and submitted via a condition to accord with Conservation Trust (2014) 'Artificial lighting and wildlife – Interim Guidance: Recommendations to help minimise the impact of artificial lighting' A condition should require the incorporation of integrated bird and bat boxes (the former targeting house sparrow, starling and swift) into the fabric of a proportion (c.20%) of the proposed dwellings/their garages. Mitigation for badgers should be provided as per the recommendations of the Ecological Assessment. Control of vegetation clearance during the bird nesting season (which runs from March to August inclusive) should be conditioned.
105. No rights of way are 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.
106. Transport and Travel Services - an indicative Bus Service contribution of £150,000 would support the provision of service enhancements to serve the development. At this time, it is envisaged that Transport & Travel Services will wish to negotiate with the developer and Highway Development Control regarding provision of appropriate bus services to serve the site.
107. Transport and Travel Services request a contribution of £30,000 via a Section 106 agreement for Bus Stop Installations and/or improvements to the existing closest bus stops to promote sustainable travel
108. Transport and Travel Services have also sought a Bus Taster Tickets Contribution of £35,000 that will provide new occupants with a bus pass for use on the local bus network, to encourage use of sustainable modes of travel.
109. Waste Management - in order to meet the growing demand on the West Bridgford Recycling Centre, a financial contribution proportionate to the proposed development of 222 homes is sought. The requested contribution for the proposed development of 222 homes is £15,125.19.
110. Education - there are sufficient places to accommodate the additional 47 primary places but a contribution will be required for the 36 secondary places in order to create additional capacity in existing secondary schools as there is no projected capacity available. A section 106 contribution is therefore sought of £639,108.
111. Nottinghamshire County Council as Highway Authority commented on the original submission and stated that; "*The site is to be served from a single point of access. As raised in the pre-application response, owing to the size of the development, two points of access will be required to serve the development site. It would appear that this could be achieved by realigning and extending the internal south western turning head to interface with Bunny Lane.*
112. *The access shown is located directly opposite an existing private access. This would create a crossroad arrangement which are not supported in such environments by the Highway Authority.*

113. *It is noted that speed surveys were undertaken as part of the Transport Assessment, however when considering junction visibility, the application of Manual for Streets criteria has been applied.*
114. *Given that the proposed development does not include frontage development that would significantly change the speed environment, or acceptable speed reducing infrastructure, such as an access roundabout that would physically restrict vehicular speeds along the site access, the application of DMRB (Design Manual for Roads and Bridges) visibility splays to the west of the access should be applied.*
115. *Vehicular speeds travelling in an eastbound direction have been recorded to be 40 mph (65 KPH). It is noted that the siting of the My Speed VA sign at the commencement of the built-up environment to the east of the access reinforces the existing high-speed environment.*
116. *Considering the above, it should be illustrated that the site access can achieve a visibility splay of 2.4m by 103 m to the west of the site access. The same provision should be achievable from the second point of access which has been discussed earlier.*
117. *It is noted that a gateway feature is proposed, however the proposed type of feature would not be considered to provide a significant benefit in changing the speed environment, and as such the Highway Authority would require more effective infrastructure to be put in place.*

#### Internal Layout

118. *As discussed in our pre-application response, a loop should be provided within the site so as to cater for potential future bus penetration. This will require a minimum 6.75 m wide road carriageway to be provided, widened around bends. The loop road proposed to accommodate future bus penetration should be of a standard carriageway construction, with no raised features, such as tables or plateaux's.*
119. *Within the site there appears to be a raised area (hatched) at a right-angled t junction. So as to avoid confusion to road users, the formation of the junction should be standardised, along with footways being provided adjacent to the road.*
120. *As highlighted in our pre-application response, any area of carriageway, or feature within the area proposed to become adopted highway, which is not specifically required for the operation of the highway, will be subject to a commuted maintenance sum. This would apply to any trees, grassed verges, visitor parking, non-standard surfacing finishes, and the changes in road surfacing at the middle junction in the middle of the site.*

#### Trip distribution

121. *The Highway Authority disagrees that 100% of retail, education and leisure vehicular trips (approximately two thirds of all development trips) would travel to the east into Keyworth. A more likely scenario would be that trips associated with these destinations will be distributed equally out of the site in west and east bound directions. As such the distribution of development traffic should*

*be amended to suit.*

122. *It is also noted that currently approximately 70 to 75 trips are forecast to impact the Bunny Lane / Nottingham Road junction in Keyworth, with traffic forecast beyond this point to be equally distributed north and south. During the pre-application advice provided, the majority of vehicular traffic distribution was anticipated to be to the west of the development, which informed the study area. Based on the information detailed in the Transport Assessment, the distribution pattern is contrary to this advice, with a large proportion of vehicular traffic travelling east into Keyworth.*
123. *If this is the case, then the impact assessments study area will need to be increased to include other junctions in Keyworth as they too will be impacted by 30 or more peak hour trips as it is not likely that all development traffic at this point will have disbursed below this threshold.*

### Committed Developments

124. *Noting the vehicular trip distribution proposed in the Transport Assessment, and subsequent to the pre-application advice historically provided, two new major planning applications have been received. Noting the volume of traffic that is forecast to travel into Keyworth, the impact assessments detailed in the TA will need to also consider traffic relating to these two developments. For reference the two application sites to consider are listed below:*

- *18/02524/OUT, Land At Barnfield Farm, Nicker Hill, Keyworth (151 dwellings)*
- *18/02412/FUL, Land Between Platt Lane And Station Road, Keyworth (187 dwellings)*

*Both of the above sites are detailed in Rushcliffe's Local Plan under policies 4.1 and 4.2.*

### General

125. *For information, the Travel Plan submitted has been circulated to our internal stakeholders and we will provide comment regarding its suitability in due course.*
126. *We recommend that the application is deferred so as to enable the applicant to address the fundamental issues raised above. After the points raised above have been addressed, the Highway Authority will be able to undertake a detailed review of the updated Transport Assessments findings, and revised masterplan."*
127. *Based on revised plans and Addendum to the TA the officer advised that "the principle of the development, and its associated access arrangements have now been accepted.*
128. *As part of the assessment, it has been identified that improvements are required at the A60/Pendock Lane junction, and a scheme has been designed which includes amending the junction to create a 3-arm mini-roundabout, and alteration of the speed limit. The scheme has been subject to a Stage 1 Road Safety Audit (RSA), and no fundamental issues have been raised that would affect delivery of the scheme.*

129. *A cost estimate of the proposed improvement scheme has recently been provided by the applicant, although it is not considered accurate, and is well below the likely costs for implementation of the works. It is recommended that a condition is applied to any consent for the implementation of the improvement scheme in its entirety, with the works to be implemented prior to first occupation.*
130. *In view of the above, the Highway Authority considers that the applicant has satisfactorily addressed our previous concerns and therefore we are willing to recommend approval of the application subject to conditions.”*
131. Nottinghamshire County Council Rights of Way (VIA) commented that “*no public rights of way are 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.*”
132. *Additionally constructed footpaths and cycle ways within the development site would not become recorded rights of way and would remain the maintenance responsibility of the developer, unless it is considered that they could offer potential benefits to the public and to the wider rights of way network.”*
133. Nottinghamshire County Council as Lead Local Flood Authority has advised that they have no objections subject to recommended conditions.
134. The Ramblers have raised no objection to the application.
135. British Gypsum (Saint Gobain) have confirmed that British Gypsum do not own the gypsum in the area of the development and that they do not have permission to work gypsum in the area of the proposed development. Whilst the site may have gypsum beds beneath they would not be workable due to the small area and the adjoining village.
136. Trent Valley Internal Drainage Board has confirmed that the site is outside of the Board’s district but it is within their catchment. Under the provisions of the Flood and Water Management Act 2010, and the Land Drainage Act 1991, the prior written consent of the Lead Flood Risk Authority is required for any proposed works or structures in any watercourse outside those designated main rivers and Board Drainage Districts. The Board’s consent is required for any works that increase the flow or volume of water to any watercourse or culvert within the Board’s district (other than directly into a main river for which the consent of the Environment Agency will be required).
137. They advise that; “*No development should be commenced until the Local Planning Authority, in consultation with the Lead Flood Risk Authority has approved a scheme for the provision, implementation and future maintenance of a surface water drainage system. The Board would wish to be consulted directly if the following cannot be achieved:*
- *Existing catchments and sub-catchments to be maintained*
  - *Surface water run-off limited to 1.4l/s/ha for pumped and lowland catchments*

*Surface water run-off rates to receiving watercourses must not be increased as a result of the development. The design, operation and future maintenance of the site drainage systems must be agreed with the Lead Local Flood Authority and Local Planning Authority.”*

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

138. 6 representations have been received on the original submission raising the following:
- a. The proposal will have a major visual impact on the local and wider area. The plot is sited on top of a hill, and is the highest point for up to 15 miles.
  - b. Significant visual impact in and out of the village. The original Neighbourhood plan sight line photos are not correct.
  - c. The land is the highest topographically of all the sites proposed, and is visible from many miles away, including, Derby City Centre, Nottingham City centre, Bunny & Bunny Hill, Gotham, A453 up to the M1 junction and Clifton village.
  - d. The Landscape & Visual Impact Appraisal dated October 2018, was commissioned by the planning applicant, so doubt must be cast on the independent nature of such documentation. An independent body should be commissioned to complete such an appraisal, to ensure any findings are beyond question.
  - e. The proposed access point to the new properties is in a dangerous location and would be better placed in the south west corner of the site. It would significantly reduce the effect of the additional traffic on the current residents of High Court Drive.
  - f. Access to this site will be directly via Bunny Lane at the edge of Keyworth village. Bunny Lane is a key road in to the village, and its rolling/ undulating nature in the 1000m before you enter the village does not lend itself to a major road junction being added.
  - g. Bunny Lane is a country lane and is not suitable for another 200 to 400 cars per day. It is already very difficult to pass cyclists & horses on the undulating surface. There have been a number of bad accidents on the lane and at the cross roads over the years. The proposed new housing on land to North of Bunny Lane will do little to reduce this risk.
  - h. The exits from Pendock Lane at Bradmore & Keyworth Lane at Bunny on to the A60 in the rush hour are almost impossible to negotiate by car, and are very dangerous. The queue to get on to the A60 can be up to 40 cars during times between 7-9am and 5-6pm. The queue back along the A60 from the A52 Nottingham Night bypass roundabout during the same times is already over 3 miles, daily trailing back through Bunny and up Bunny Hill.
  - i. The Transport Assessment dated October 2018 was commissioned by the planning applicant Bloor Homes. An independent body should be

commissioned to complete such an assessment, to ensure any findings are beyond question.

- i. National government planning policy states that green belt land should only be used for housing development in "exceptional circumstances." There is no evidence in any of the proposals that there are exceptional circumstances to justify building on green belt land around Keyworth. Therefore, it is contrary to national planning policy and therefore subject to legal challenge.
- k. If national policy is moving towards more robust protection of green belt land, then Rushcliffe has got a duty to reconsider any plans which run contrary to that policy prior to any plan being finalised and approved and planning permission approved for new housing on the green belt areas in question.
- l. The recent case upon which counsel's opinion is based was decided partly on the basis that there was strong local support for the development in question in that case, which was held to override (or satisfy) the 'exceptional circumstances' requirement. The results of the Keyworth referendum approving the Local Neighbourhood Plan is cited as evidence that there is strong local support for developing this area of the green belt, and hence that this development is lawful. This is flawed, the residents of Keyworth were never asked the question whether they supported additional housing being built on the green belt around Keyworth. This was presented throughout as a 'fait accompli' and residents were told there was no question of whether the additional housing on green belt was to go ahead, it was just a question of where it happened.
- m. The Keyworth Plan covered a huge range of issues so support for the Plan doesn't necessarily mean support for the specific issue of green belt development. Given this lack of evidence of local support, the case cited in the Counsel's opinion is not a good precedent to argue that this development at Bunny Lane is lawful, and it will therefore be shown to be unlawful when challenged (which it inevitably will be).
- n. Many of the existing houses on High Court Drive have been specifically designed to exploit the views over countryside to the west and have wide 'floor to ceiling' windows facing west, including the master bedrooms, which are only a few metres from the boundary of the proposed development site. The proposed new houses will have windows very close to the existing houses facing directly towards these bedrooms, which will constitute a gross invasion of privacy and make these rooms practically unusable. The proposed landscape buffer between the proposed new road and High Court Drive is too narrow and doesn't provide sufficient screening.
- o. Too many houses. The Rushcliffe Local plan proposes 190 homes for this site. However, the planning is trying to squeeze in 32 extra properties, which is 17% over the local plan
- p. No suitable pedestrian access off Bunny lane

- q. Object to building 2.5 storey houses in such an elevated area that is visible from most villages to the west, all the way to Derby.
- r. The original decisions to build on green belt was based on Rushcliffe not having enough houses. Rushcliffe council has now reached its 5 year target of supply builds. With this in mind it seems unreasonable to build even more houses on green belt land. The housing market has slowed down and there's an over supply of new houses in the area and not enough demand. It's not justifiable to take away even more green belt land when there's other possible sites and the council has hit supply targets already.
- s. The National Planning Policy Framework states it should be ensured that, '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'.
- t. There is no mention anywhere of a sum expected to be contributed to the village by developers other than the demand from Highways England of £447,634 towards the A52/A606 junction improvements.
- u. Widening of the road or provision of a cycle/pedestrian lane, using the wide verges which exist, would improve the safety of cyclists and pedestrians on Bunny Lane and consequently help to prevent future accidents which will no doubt be inevitable with the increased traffic.
- v. The 30mph limit could be moved further out of the village so that traffic would be expected to slow down earlier and approach the new site at a lower speed (in addition to the 'gateway' mentioned which is to encourage compliance). Any transport assessment undertaken which is a 'snapshot' of the road situation cannot reveal the experiences of commuters driving on the road every day for years and seeing the hazards which exist.

139. Following on from further consultation an additional 4 representations were received:

- a. The framework travel plan prepared by Waterman Infrastructure and Environment Limited dated May 2019 states at paragraphs 3.10 and 3.11: "Nevertheless, cycling trips should still be encouraged to/from the site as several local roads are suitable for cycling, due to reasonably low levels of vehicular traffic and wide street lit carriageways. Overall, the site is well located to encourage cycle journeys in place of car journeys. A key objective of the development would therefore be to encourage as many as possible of these short / local trips to be undertaken by cycling." These statements are factually incorrect. The site is very badly located for cyclists being very busy and a narrow unlit country lane with many bends and hidden dips and a 60mph speed limit. This is the only possible cycle route west out of the development and as such residents will be discouraged rather than encouraged to cycle rather than drive. In the absence of any plans to significantly improve Bunny Lane as a potential cycling route, for example by widening or the addition of a dedicated cycle lane, please can the authors of the report explain how

they have formed the view that residents of the new development will be encouraged to cycle?

- b. No attempts to minimise air or noise pollution caused by traffic. The "Nottinghamshire Rapid Health Impact Assessment Matrix" prepared by Oxalis Planning dated 17th May 2019 is supposed to include an assessment of whether the development proposals seek to minimise air and noise pollution caused by traffic (see questions 11 and 12). The responses to these questions do not address these issues at all, as they incorrectly assume that the questions only relate to air and noise pollution caused by employment and commercial facilities rather than by traffic. As stated above, the site is extremely poorly located for cyclists and there is no evidence in any of the proposal documents that any consideration has been given to attempting to minimise traffic air or noise pollution. There will be hundreds of additional car journeys per day as a result of the development so how can the potential health impacts be classified as 'neutral' as stated in the report? Surely the only truthful answers to these questions is that the proposals will significantly increase traffic air and noise pollution and that nothing at all has been done to minimise the serious adverse health effects on the residents of Keyworth.
- c. Previous objections and comments still apply. Understood that in order to place the SuDS tank at the north of the site, the bottom left hand field would need to be taken out of the greenbelt. If this happens, there **MUST** be a condition of permission that it is returned to the greenbelt post installation of the SuDS tank
- d. The building line seems closer to neighbouring property than originally shown. Object is raised to building being built so close to neighbouring property considering all key rooms look out to this boundary, some of which are less than 5m from the boundary. The first time building was considered, the green space was going to be a lot bigger. Now not only have the green spaces reduced but the properties adjoining neighbouring boundary have small gardens making any outdoor seating area very close to French doors in neighbouring property.
- f. There is a hedge that runs along the boundary of neighbouring property and the proposed development that is a popular nesting site with numerous species of birds. The plans suggest that a fence will be erected between this hedge and neighbouring property. This hedge must not be removed as it is an important nesting site and is made up of numerous species of plant.

## **PLANNING POLICY**

- 140. 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 Keyworth Neighbourhood Plan was adopted in May 2018 and now forms part of the development plan for Rushcliffe.
- 141. 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 as, whilst they have been the subject of an examination, they have not yet been adopted. The Inspectors interim letter was received by the Council on 5 February 2019 and additional modifications and consultation has been undertaken, which concluded on 5 July 2019. The Inspector's final report is awaited.

142. Other material considerations include the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG), the Rushcliffe Borough Non-Statutory Replacement Local Plan (2006), the recent 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 was granted permission on 23rd May 2018, and also a recent outline planning permission for up to 400 dwellings which is also in the Green Belt and identified in the emerging Local Plan Part 2 on land off Shelford Road, Radcliffe on Trent (13/02329/OUT), which was granted permission on 27th November 2018.
143. Also of relevance are two recent applications for emerging Part 2 allocations in Keyworth have been resolved to be approved at previous Planning Committee meetings, subject to the planning casework unit not calling in the application and the signing of a s.106 Agreement (18/02412/FUL Platt Lane and 18/2524/OUT Nicker Hill). The Secretary of State has determined not to call in either of these applications and planning permission at Platt Lane has now been issued. The planning permission for Nicker Hill will be issued on completion of the Section 106 agreement.

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

144. 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.
145. The presumption in favour of sustainable development is detailed in Paragraph 11. For decision making this means;
  - "c) *approving development proposals that accord with an up-to-date development plan without delay; or*
  - d) *where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting planning permission unless;*
    - i) *the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
    - ii) *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.*" (Reference to 'areas' in i) includes Green Belt).

146. Paragraph 67 requires Local Authorities to identify a supply of specific, deliverable housing sites for years one to five of the plan period (with an appropriate buffer) and developable sites or broad locations for growth for years 6-10, and where possible, for years 11-15 of the plan.
147. 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.”*
148. 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.”*
149. 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.
150. Paragraph 143 states that; *“Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.”*
151. 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.”*
152. 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**

153. 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.
154. Other than Rushcliffe Borough Local Plan 1996 Policy ENV15, which establishes the Nottingham and Derby Green Belt, none of the other saved policies of the Rushcliffe Local Plan are relevant to this application.
155. 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.

156. 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

157. 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.

158. 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 Keyworth 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.

159. The Keyworth Neighbourhood Plan was adopted 30 May 2018 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 CF1 – Protection and enhancement of community facilities;
- Policy CF2 - New Community Facilities;
- Policy LR1(A) – Local Green Spaces;
- Policy LR1(B) – Provision of new open spaces;
- Policy LR2 – Improved pedestrian and cycle access;
- Policy SR2 – Public Realm Strategy for Retail Areas;
- Policy TA1 – Sustainable modes;
- Policy TA2 – Highways and Access;

- Policy TA3 – Parking Standards;
  - Policy H1 – Housing Strategy;
  - Policy H2 – Type and Tenure;
  - Policy H3 – Design requirements for new development;
  - Policy E1 – Green and Blue Infrastructure;
  - Policy E2 – Environmental and Habitats; and
  - Policy HC4 – Heritage Assets.
160. Policy LR2 states; *“Proposed residential and commercial development should seek to deliver new walking and cycling routes, specifically where there are no or limited routes between existing and future community assets (as set out in Policy CF1) and bus stops. Where it is necessary to mitigate the impact of new development and subject to viability consideration, contributions may be sought to ensure that these routes are delivered.”*
161. Policy SR2 identifies that; *“contributions towards achieving elements of the Public Realm Strategy through specific schemes may be sought, where appropriate and subject to negotiation and viability considerations, from developments on allocated sites, and those providing more than 10 residential units or 500 sq.m. of commercial floorspace.”*
162. Policy TA2 - Where necessary to mitigate the impact of new developments (residential and non-residential), and subject to viability considerations, contributions will be sought towards the following improvements: Carriageway and crossing improvements to Platt Lane including the delivery of appropriate safe footpaths on either side of the road. Improvements to the junction of Platt Lane, Nicker Hill, Normanton Lane and Station Road to reduce speeds and increase visibility. Enhancement to the junction of Nottingham Road and Debdale Lane to improve access for larger vehicles and to enhance the pedestrian environment. Gateways into the settlement, including speed reduction treatment (not including carriageway narrowing (pinch points) or speed humps, which interrupt the free flow of traffic), at Bunny Lane, Station Road, Platt Lane, Stanton Lane, Selby Lane and Wysall Lane. Contributions will only be sought for improvements where a specific scheme has been identified by the appropriate statutory body.
163. Policy TA3 - Sets out the parking standards for developments over 10 Dwellings:
- For dwellings of 3 bedrooms or fewer – a minimum of 2 spaces to be provided.
  - For dwellings of 4 bedrooms or more – a minimum of 3 spaces are to be provided.
  - Include appropriate parking and safe storage of up to 2 bicycles.
  - Visitor parking should be provided at a rate of 1 space for every four dwellings proposed and parking needs should be met within the confines of the site.
  - Affordable housing schemes should demonstrate that sufficient car parking has been provided on site for occupiers and visitors.
  - Developers will be encouraged to provide garages of a scale to accommodate modern larger vehicles.

164. Policy H1 – (delivery of between 450 and 480 residential dwellings). *“Housing delivery is divided between the east and west of the settlement, to ensure that impacts on the landscape setting of the settlement are minimized and that traffic generation is spread throughout the network. The development of sites should ensure that through detailed design they relate well to the existing built form and deliver an appropriate new settlement edge and transition to the wider landscape.”*
165. *“Deliver the broad mix of housing types set out in policy H2 and appropriate landscape and open space requirements in line with other policies within the Development Plan. Where housing for older people (regardless of tenure) is proposed, applicants should demonstrate how these ensure safe and commodious access to shops, services and public transport. Where necessary to mitigate the impact of development, and subject to viability considerations, contributions for improvements to local road junctions and pedestrian and cycle links to the shopping areas will be negotiated. Developments on allocated sites will be encouraged to make provision for localised convenience retail needs and appropriate highways and access arrangements, both on and off-site.”*
166. Policy H2 – The policy advises that; *“The following mix of market housing types will be sought from all new developments in excess of 10 dwellings, subject to viability considerations:*

<u>Dwelling Type and Size</u>	<u>Percentage Mix</u>
Two-bed homes	25 - 30
Two bed Bungalows	15-20
Three Bed Family Homes	20 - 25
Four or more Bed Family Homes*	30-40

*(No more than 10% of the total market homes should be larger than 5 or more bedrooms.)*

*All properties should be provided with private gardens. For dwellings of 2 bedrooms these should measure not less than 40 sq./m and for all larger properties this should be in excess of 80sq./m.*

*20% affordable housing*

*Affordable housing should be designed and delivered to be indistinguishable from market housing.”*

167. The Policy *“strongly supports the provision of elderly person’s accommodation in a variety of forms including, but not limited to, bungalows, retirement apartments, sheltered housing and warden controlled housing in locations within 400m of shops and services, including public transport. Specialist elderly persons accommodation (nursing homes, extra and palliative care) will be supported where there is an identifiable need.”*
168. Policy H3 – Design requirements for new development
- *Deliver a strong network of green and blue infrastructure, improving biodiversity, accommodating sustainable urban drainage systems and appropriate public and private spaces, including recreation spaces.*
  - *Reinforce character and identity through locally distinctive design and architecture.*

- *Present a layout for new development which integrates well with the surroundings.*
- *Establish a clear hierarchy of streets and spaces that includes the use of shared surface and pedestrian priority routes, where it is safe and practicable to do so.*
- *Deliver appropriate densities commensurate with the surrounding townscape and local built character. Where sites are green field or create a new settlement edge, density should not exceed 30dph with densities at the urban edge being no more than 20dph. On brownfield sites or sites adjacent to or within the Conservation Area, they should not exceed 40dph.*
- *Ensure that buffer planting is provided adjacent to existing properties where appropriate and that this is retained and managed in accordance with an agreed management plan.*
- *Minimise carbon emissions through the use of sustainable construction techniques, reuse of materials and promotion of integrated renewable and low energy design solutions.*
- *Use sustainable drainage and water management, to avoid increasing surface water run-off into watercourses.*

169. 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.

170. The emerging Local Plan Part 2 Land and Planning Policies 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 Keyworth bearing in mind it is an inset village. This has now been submitted for examination and the hearing took place in Nov/ Dec. An initial view from the Inspector has been received suggesting minor changes to a few of the policies. The modifications to the plan have been subject to further consultation, which was closed on 5 July 2019. Some weight should therefore be given to this emerging policy document, in particular site specific policy 4.3 which relates to a proposed housing allocation – Land South of Debdale Lane, Keyworth.

171. Policy 4.3 Housing Allocation – Land South of Debdale Lane, Keyworth states: *“The area, shown on the policies map, is identified as an allocation for around 190 homes.*

172. *The development will be subject to the following requirements:*

- a) *pedestrian and cycle access should be achieved via Croft Road;*
- b) *Green Infrastructure will include a landscape buffer along the site’s western boundary;*
- c) *The tow northern fields (adjacent to Debdale Lane) remain in the Green belt and should comprise a landscape buffer and multifunctional open space; and*
- d) *It should be consistent with other relevant polices in the Local Plan.”*

173. Following receipt of the Inspectors letter providing initial views on the plan, modifications have been proposed, and consulted upon, including modifications to Policy 4.3. This involves the addition of a new criterion (and reassigning criterion d as e):

*“d) a financial contribution to a package of improvements for the A52(T) between the A6005 (QMC and A46 (Bingham); and”*

174. In addition to Policy 4.3, the following policies are also considered material to the consideration of this application:

- Policy 12 Housing Standards
- Policy 13 Self-Build and Custom Housing Provision
- Policy 18 Surface Water Management
- Policy 19 Development affecting Watercourses
- Policy 20 Managing Water Quality
- Policy 21 Green Belt
- Policy 29 Development affecting Archaeological Sites
- Policy 32 Recreational Open Space
- Policy 37 Tress and Woodlands
- Policy 38 Non-designated Biodiversity Assets and the wider Ecological network
- Policy 39 Health Impacts of Development
- Policy 40 Pollution and Land Contamination
- Policy 42 Safeguarding Minerals
- Policy 43 Planning Obligations Threshold

175. 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.

### **Other Legislation/Regulations**

176. Planning (Listed Buildings and Conservation Areas Act) 1990 - Local planning authorities shall have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses (section 66). Special attention should also be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas (section 72). Considerable importance and weight should be attached to any harm to these heritage assets or their setting. The courts have held that this creates a negative presumption (capable of being rebutted) against the grant of planning permission where harm will be caused and that the balancing exercise must begin with this negative weight/presumption even where the presumption in favour of sustainable development is engaged under the Framework.

177. Conservation of Habitat and Species Regulations 2017, and the Wildlife and Countryside Act (as amended) 1981 - These regulations/legislation contain certain prohibitions against activities affecting European Protected Species, such as bats. These include prohibitions against the deliberate capturing, killing or disturbance and against the damage or destruction of a breeding site or resting place of such an animal. The Habitats Directive and Regulations

provide for the derogation from these prohibitions in certain circumstances. Natural England is the body primarily responsible for enforcing these prohibitions and is responsible for a separate licensing regime that allows what would otherwise be an unlawful act to be carried out lawfully.

178. The Council as local planning authority is obliged in considering whether to grant planning permission to have regard to the requirements of the Habitats Directive and Habitats Regulations in so far as they may be affected by the grant of permission. Where the prohibitions in the Regulations will be offended (for example where European Protected Species will be disturbed by the development) then the Council is obliged to consider the likelihood of a licence being subsequently issued by Natural England and the “three tests” under the Regulations being satisfied. Natural England will grant a licence where the following three tests are met:
  1. There are “imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment”
  2. there is no satisfactory alternative; and
  3. the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.
179. The Supreme Court has clarified that it could not see why planning permission should not ordinarily be granted unless it is concluded that the proposed development is unlikely to be issued a license by Natural England.
180. 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.*”
181. 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.
182. 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.
183. 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.
184. 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.
185. Environmental Impact Assessment Regulations - The proposed development was screened under the Environmental Impact Assessment Regulations 2018 during the assessment of the planning application and it has been determined that any effects of the proposal would be of a local nature which would be dealt with under the normal development management process and a formal Environmental Impact Assessment was not required in this instance.

## **APPRAISAL**

186. It is considered that the main planning considerations in the determination of this application relate to the principle of development in this location, including any conflict with Green Belt Policy and whether 'very special circumstances' have been demonstrated, and then whether the application accords with Neighbourhood Plan Policies, together with the specific site requirements as set out in the emerging site specific policy 4.3 (Housing Allocation – Land south of Debdale Lane, Keyworth) of the Local Plan Part 2, together with any other material planning considerations.
187. 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

188. 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.
189. In paragraph 15 the NPPF states that the planning system should be genuinely plan-led. 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.

190. 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.
191. 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 are engaged.
192. 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.
193. The Draft Green Belt Review 2017 (part 2b) assessed potential sites for removal against the five purposes of the Green Belt. The site is formed by KEY/M and N in Keyworth West of the survey. The assessment concluded the application site is of low to medium green belt value. In respect of the part of the site within KEY/M *“Adjacent to Keyworth and positioned on the settlement ridge, this land prevents further prominent encroachment of Keyworth especially when viewed from the north (along Bradmore Lane) and south (towards Wysall). As its loss to development would only reduce the distance between Keyworth and villages to the west by 100m the land scored less against the Green Belt purpose of preventing the merging of settlements. It is well contained by established hedgerows, which would provide defensible boundaries. Overall the site scored 12, which is within the lower range of low-medium Green Belt sites. In conclusion the site is of low-medium Green Belt importance. However land within the centre may be of lesser Green Belt importance and land within the northern field higher.”*
194. The rest of the application site falls within KEY/N. In respect of this part of the site the review concluded that; *“This site is an extension of KEY/M and intrudes further along Bunny Lane across land which is detached from Keyworth and open countryside in character. Whilst the land within the centre of the site (on the plateau) may be less prominent and partially screened by hedgerows the scale of intrusion results in an overall score of 15. This is within the higher range of low-medium sites. It is concluded that the site is considered low-medium Green Belt importance. However land within the field to the north, where the land drops below the ridge may be of higher Green Belt importance.”*

195. As the site is presently 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). VSCs 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. VSCs must, therefore, be able to be clearly demonstrated to justify a support of planning permission on this site.
196. 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 they consider are the very special circumstances which are outlined above (under Details of the Proposal).
197. As set out above, at the present time the Borough Council is unable to demonstrate a five year supply of housing sites 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 VSC in itself, consideration needs to be given to the following matters.
198. The Rushcliffe Core Strategy (CS) 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 Plan Part 2 document (LPP2) 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.
199. The Core Strategy identifies Keyworth as a key settlement where housing growth is required and anticipated, and sets a target of a minimum of 450 new homes that need to be built on greenfield sites within the existing Green Belt surrounding Keyworth up to 2028. The Local Plan Part 2 is proposing site allocations in Keyworth for around 600 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 Keyworth 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 development strategy for the distribution of new dwellings across the Parish is set out in Appendix 3 of 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.

200. One of the key issues that the Local Plan Part 2 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 the minimum targets for key settlements 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 increasing the number of houses within the key settlements and identifying other settlements that could accommodate some level of housing growth above that expected by infill development. Keyworth is a key settlement where increased housing provision is considered appropriate, justified and supported by substantial evidence.
201. In balancing sustainability, Green Belt, settlement capacity, the availability of suitable sites for development and other relevant planning considerations, 4 sites are proposed to be allocated for housing development, which would deliver around 600 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.
202. Whilst Part 2 of the Local Plan has not yet been adopted and, as such, full weight is unable to be given to this plan, it is at a very advanced stage and has gone through extensive examination and scrutiny as part of the identification of preferred sites documents. This site scores low-medium Green Belt importance and the landscape analysis concluded the land was of low landscape and medium visual sensitivity in the green belt review that has been undertaken. In the Landscape and Visual Sensitivity Assessment it concluded that it had low landscape value with low landscape sensitivity and susceptibility. To address the Core Strategy Spatial Strategy, Green Belt release at Keyworth is inevitable and the Neighbourhood Plan also identifies development in this broad location. These are both adopted Development Plan documents. 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 Keyworth.
203. 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 (now paragraph 134 in the 2019 NPPF). 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 in favour of this development.
204. 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 sets out 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.

205. Whilst it is considered that full weight cannot be attached to the LPP2, as set out above, the Core Strategy Spatial Strategy acknowledges Green Belt release at Keyworth is inevitable and the evidence base supporting the Core Strategy and LPP2, and the Council's reasons for its preferred allocation sites at Keyworth, 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 in favour of the development.

#### Emerging Local Plan 2 – Policy 4.3

206. As set out above, whilst the final Inspector's report for the LP Part 2 examination have not been issued, it does carry considerable 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 4.3, which proposes this site as an allocation for around 190 homes. The requirements of the policy are set out under the Policy section above.
207. A further criterion has been added, as set out in the policy section above, and was subject to consultation in the Main Modifications document. Consideration of these modifications by the Inspector, and any comments submitted through the recent consultation exercise, has not yet been completed and the requirements in these criteria would carry less weight than others within the policy, however, as will be demonstrated, this proposal nevertheless satisfies these additional requirements.
208. Emerging LPP2 policy 4.3 a) requires pedestrian and cycle access achieved via Croft Road. The planning application indicated a central tree lined feature space running from Croft Road and terminating to the west of the site in a LEAP. It is therefore considered that it would accord with this criteria.
209. In respect of criteria b), green Infrastructure includes a landscape buffer of varying depths along the site's full western boundary (between 22m and 34m in depth). In addition to this there is a landscape area to the south of the site where SuDs are proposed and a multi functional area to the north of the built up part of the site. The planning application is considered to accord with this criteria.
210. In respect of criteria c), the two northern fields (adjacent to Debdale Lane) remain in the Green Belt and should comprise a landscape buffer and multifunctional open space. The development would accord with this as footpaths, natural play and a wet SuD basin is proposed to be located within it.
211. With regard to new criterion d) (requirement to financial contributions to the A52(T) improvements), the developer will be required to make financial

contributions under the Memorandum of Understanding for improvements to the trunk road network, thereby satisfying this requirement.

212. It is, therefore considered that, in relation to the specific site requirements set out in the Emerging Local Plan policy 4.2, this application accords with this policy and, therefore, this weighs in favour of the proposal.

#### Keyworth Neighbourhood Plan.

213. 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 application. The vision of the Neighbourhood Plan is; *“To sustain a safe, friendly, inclusive environment in Keyworth.”*

214. Eight key objectives have been developed to assist with the delivery of the policies and strategies that form the plan and are as follows:

- i. Economic development - Protect the existing businesses of Keyworth, whilst promoting new opportunities, specifically encouraging entrepreneurial activity and businesses in the high-skills, knowledge-based and tourist sectors.
- ii. Community facilities - Retain and enhance existing services and facilities whilst identifying opportunities to build on the village's role as a rural hub through responding to local need.
- iii. Leisure and recreation - Improve the quantum and quality of, and access to all types of recreation and leisure provision, including access to the countryside, for all ages and abilities.
- iv. Shops and retail - Retain, improve and promote retail opportunities within identified areas and encourage new, limited retail development to meet the needs of new housing schemes.
- v. Transport and access - Reduce reliance on the private car by supporting proposals which encourage sustainable travel, including improvement and promotion of new and existing walking and cycling routes, and to deliver high quality targeted transport infrastructure improvements.
- vi. Housing - Deliver 450 to 480 homes in order to meet the housing growth requirement for Keyworth up to 2028 whilst helping to create a sensitively designed and sustainable community.
- i. Environment - Protect and enhance environmental assets and biodiversity; supporting sustainable community led schemes and new development that relates well to the landscape and natural environment.
- viii. Heritage and conservation area - Value and conserve the Keyworth Conservation Area and heritage assets through contextually responsive and sensitive design which reinforces Keyworth's unique character

215. The Neighbourhood Plan includes a Development Strategy, 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. As set out above, it is considered that the site accords with the broad strategic direction of growth to the west of the village.

216. It is considered that the site will assist in the continued vitality and viability of the village. The site is within 5 minutes of a bus stop on Manor road and Bunny Lane and within 10 – 15 minute walk of the Local Centre. The site is identified in the KNP as one of the community's preferred sites. Policy H1 of the KNP recommends that *'sites should be delivered (either as a result of planning permissions or allocated through the Local Plan: Part 2) to ensure that housing delivery is divided between the east and west of the settlement, to ensure that impacts on the landscape setting of the settlement are minimised and that traffic generation is spread throughout the network'* and *'Where necessary to mitigate the impact of development, and subject to viability considerations, contributions for improvements to local road junctions and pedestrian and cycle links to the shopping areas will be negotiated'*. It is considered that the proposal broadly accords with the local plan and neighbourhood plan and that where the Highways Authority have deemed necessary, the applicant will ensure highway/pedestrian and cycle links are achieved.
217. Policy CF1 supports development that results in improvements to community assets including the Leisure Centre on Bunny Lane, the Leisure Centre and swimming pool (Church Drive) and Rectory Field and Bowls, Tennis Clubs, Platt Lane Playing Fields and pavilions. Policy CF2 relates to new community facilities including Indoor Leisure facilities. The policy acknowledges that it may be appropriate to secure financial contributions. The neighbourhood plan, within policy LR1(B) supports the provision of formal and informal open space in accordance with RBC Leisure Facilities Strategy and Playing Pitch Strategy, as an integral part of the new developments.
218. 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. The plans show the provision of a Local Equipped Area for Play (LEAP) located in a logical and efficient manner, which will allow for a variety of play equipment for children. An area of open space is provided in the centre of the site, surrounding the LEAP and along the north, west and southern boundary, as well as a strip of between 20 and 30 m wide adjacent to High Court Drive. The Neighbourhood Plan supports the provision of small scale play and ancillary open space as an integral part of new developments. Maintenance of these areas would be secured through a S106 Agreement and provided by way of a management company or other nominated body.
219. 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. Allotment provision is not catered for on the basis that the Parish Council advised that there is no current demand.

220. Policy SR2 of the KNP sets out a number of desirable improvements within shopping areas including: Shared surfaces and crossings, where appropriate; improved parking provision, in particular short stay; improved accessibility including disabled bays, ramped access to shops and additional seating areas. Contributions will normally be sought towards achieving elements of the Public Realm Strategy from developments on allocated sites, and those providing more than 10 residential units. No such request has been sought by the Parish Council and a Public Realm Strategy has not been identified. Therefore, such contributions are not being sought from this development.
221. KNP Policy TA1 relates to how new, or where appropriate improved existing, connections to facilities from the site will be provided and how, through good design, their use will be encouraged. Financial contributions have been sought and initially agreed for improvements to the existing bus services by way of a financial contribution and bus stops in the vicinity of the site. However, if bus service penetrates the site, bus stops will be provided on site and off site improvements may not be required. A Travel Plan has also been submitted which includes initiatives to promote public transport. The pedestrian / cycle access to Croft Road and other improvements to the footway along Bunny Lane from the site to the Village Centre are also proposed.
222. KNP Policy TA2 relates to suitable measures to accommodate traffic entering and leaving the development, taking into consideration the overall safety and attractiveness of the highway network, and rubbish and recycling. It identifies a number of off-site highway network improvements for which contributions will be sought, where a specific scheme has been identified by the appropriate statutory body. These include footpath improvements to Bunny Lane, the junction of A60 and Pendock Lane and gateways into the settlement, including speed reduction treatment. The Highways Authority has outlined their requests as specified above in this regard, where appropriate to this site. It is, therefore, considered that the proposal accords with the main aims of this policy.
223. Policy TA3 of the KNP relates to on-site parking standards. The proposed layout has been designed to accommodate on plot car parking. No objections have been raised by the Parish Council or Highways Authority and it is considered that the parking provision is fully compliant with NCC policy.
224. In respect of Policy H1 (Housing Strategy) 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 in the CS was as a 'minimum' of 450) and the plan sought to avoid a single site of 400 dwellings requiring the development to be on a number of sites so that the direct impacts of development are spread across the village. 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 in respect of this issue. The spatial strategy indicates 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 housing strategy.
225. Policy H2 (Type and Tenure) should be applied to residential schemes in excess of 10 dwellings. This seeks (subject to viability) 25%-30% of 2 bed

homes, 15-20% of 2 bed bungalows, 20-25% 3 bed family homes and 30-40% of 4 or more bed family homes, on the basis that no more than 10% of the total market homes should be larger than 5 or more bedrooms. The policy states that this mix will be sought. The submitted and revised documents suggest non compliance in terms of the market dwellings, less than 1% would be bungalows, 14.6% would be 2 bed, 38% 3 bed and 46% 4+ bed units which is considered to broadly satisfy this policy. This policy also requires 20% affordable housing to be achieved on the site, in this regard 44 units are proposed which is considered to be compliant. Of this 18% are to be 1 bed, 47% 2 bed, 31% 3 bed and less than 1% 4+ bed. The Parish Council has indicated that, based on the submitted documents, one additional unit is required to achieve this requirement. This is based on 20 % of 222 equating to 44.4. However, this figure is rounded down and so it is not considered that a further unit is not required. Furthermore, the scheme has been amended and now seeks permission for 221 dwellings, 20% of which would equate to 44.2. They also consider that there are 15 bungalows fewer than the 37 agreed from the KNP housing mix (15-20% of total).

226. Changes have been made to the mix and the Strategic housing officer does not raise an objection to the proposed development in respect of the housing mix proposed. The policy also seeks gardens of 40sq.m for 2 bed or less and all others in excess of 80sq.m. The agent provided information and confirmed that the proposal seeks a mix of 2, 3, 4 and 5 bedroom homes, with the majority (nearly 60%) being 2 or 3 bedroom houses (note that the proposed mix only includes 9 large 5 bed homes). The average garden size proposed is in excess of 69sq.m. 98% of the 2 bed homes meet or exceed the 40 sq.m. garden area target of the NP. Many of the larger homes proposed on the site exceed the 80 sq.m. A number of the 3 bed+ homes include gardens which are below this target standard area but are in excess of 70sq.m. As garden sizes are in the main guidance, and due to the amount of public open space being made available within the site, it is considered that a relaxation of the requirement is acceptable in this case.
227. Policy H3 relates to issues of design, layout and architectural styles and requires planning applications to demonstrate how the design of the new development will make a positive contribution towards the identity and character of the village, setting out criteria for consideration. The KNP stipulates local design principles, and requires that 'all new developments should reinforce valued local characteristic'. The Parish Council considers that the use of false 'bricked up' windows is not in keeping with the rest of Keyworth.
228. Careful consideration has been given to the various criteria within this policy, which seeks, amongst other things, that "*where appropriate schemes should seek to... Reinforce character and identity through locally distinctive design and architecture.*" In this regard amendments have been sought to the house types to omit shutters that are not part of the prevailing character. The surrounding properties comprise a mix of styles, materials, heights and orientation and it is considered that the proposed dwellings would tie in with this existing character. Whilst some of the proposed units include timber detailing it is not considered that the proposal should be refused on this basis as it is an opportunity to add interest and improve character within the development.

229. The remaining KNP policy criteria require “*a strong network of green and blue infrastructure, improving biodiversity, accommodating sustainable urban drainage systems and appropriate public and private spaces, including recreation spaces; Present a layout for new development which integrates well with the surroundings; Establish a clear hierarchy of streets and spaces that includes the use of shared surface and pedestrian priority routes, where it is safe and practicable to do so; Deliver appropriate densities commensurate with the surrounding townscape and local built character; Where sites are green field or create a new settlement edge, density should not exceed 30dph with densities at the urban edge being no more than 20dph. On brownfield sites or sites adjacent to or within the Conservation Area, they should not exceed 40dph and to ensure that buffer planting is provided adjacent to existing properties where appropriate and that this is retained and managed in accordance with an agreed management plan.*” The development equates to 34 dph, which is considered to make the best use of the site whilst still achieving critical requirements such as landscaping buffers. Whilst being over the dph for greenfield sites sought in the KNP policy, and offering an alternative mix, it is considered that the proposal in relation to neighbourhood plan policies is, in the main, in general accordance with the overall vision, objectives and policies.
230. Proposals which include the provision of new green space and provide high quality landscape solutions will be supported under Policy E1 of the KNP. This includes development that takes opportunities to include bird nests, bat roosts and wildflower meadows. Proposals have to demonstrate how they will contribute to, and restore the overall biodiversity and green and blue infrastructure network and mitigate against loss. As already indicated above, the submission identifies where losses, mitigation and enhancements will be achieved as a result of the development and appropriate conditions would ensure that this is accomplished.
231. Policy E2 of the KNP relates to the protection and enhancement of landscape that surrounds the village. The proposal identifies the northern and southern edge of the development for landscaped areas and SuD basins and the west as a landscape buffer. Concern has been raised that the northern fields where the SuD basin and natural play area are proposed to be located should remain in the Green Belt and kept free from residential development. This is the case, it is not intended that this northern area be removed from the green belt, either on a temporary basis whilst the SuD basin is constructed or in the longer term. Certain development is not inappropriate in the Green Belt and this includes engineering operations, such as those required to create the SuD features, and recreational development subject to the terms of the NPPF. The SuD feature is to be located at the lowest point on the northern part of the site and against mature hedgerow. The surface water run off from the existing greenfield site discharges into a watercourse and it is proposed that this will continue as a result of the development at a restricted green field rate. The basins will be located and be designed to be permanently wet to provide more diverse habitat and assist in improving water quality. The impacts to the landscape are considered, therefore, to be low.
232. The general advice that planning should make effective use of land in meeting multiple uses is now contained in paragraph 118. Paragraph 118b states that policies and decisions should ‘recognise that some undeveloped land can perform many functions, such as for wildlife, recreation, flood risk mitigation,

cooling/shading, carbon storage or food production'. The use of green infrastructure and SuDS schemes has been bolstered. Major development is required to 'incorporate sustainable drainage systems, unless there is clear evidence that this would be inappropriate' (paragraph 163), and paragraph 165 requires the sustainable drainage systems used for major developments to, 'where possible, provide multifunctional benefits'.

233. The Housing site selection Report advises that "*it is expected that due to the topographical constraints the northern third of the site should remain free from development and remain in the green belt.*" As already mentioned this is the case and, therefore it would remain to be subject to the more restrictive policies that apply to land with this designation. The NPPF, at para 146, indicates that "*Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it.*" These include engineering operations and change of use in land for outdoor sport or recreation. It is therefore considered that these elements (sud basin and natural play) would not be inappropriate provided that the openness is preserved and there is no conflict with the purposes of including the land in the Green Belt. The natural play area is in an elevated position with limited landscape screening, however with careful attention to the type of play and landscaping the openness of the Green Belt would not be adversely affected. Such development would not result in the removal of the land from the Green Belt. The Parish Council has requested a covenant be imposed, however this is not something that can be done through the planning system and would not, in any event, be considered necessary due to the proposed continued Green Belt status of the land to the north (immediately South of the Debdale Lane). It is not proposed to be removed under the emerging Local Plan Part 2.
234. Policy HC4 of the KNP requires regard to be had to the impact of development on designated heritage assets and seeks their protection and enhancement. In addition, it requires the significance of non-designated heritage assets to be taken into account. The submission includes an assessment of the impact of the proposal on heritage assets (listed buildings, archaeology) and non-designated heritage assets. The Conservation and Design Officer concurs with the content of the report. He advises that a condition is required to undertake further investigation of the 4 historic ponds on the site as a result of the northern SuD basin being in close proximity. It is therefore considered that this policy has been appropriately considered by the submission.
235. It is considered that the proposal is in general accordance with the overall vision, objectives and various policies in the Neighbourhood Plan. This weighs in favour of the development.

#### Other Material Planning Considerations

##### Highway Implications

236. 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. The revised single point of access to the

site has been considered by the Highways Authority and it is considered to be acceptable.

237. The application is supported by a Transport Assessment (TA), a Travel Plan and the details of the access to the site. These documents were revised in order to address initial comments made by the Highways Authority. As a result the access is located to the west of the Hillside Farm access, a village gateway feature is to be included on Bunny lane which will include Marker Posts, Clock type signs in the verges to either site and a vehicle actuated sign. The addendum to the TA also considered other live applications within Keyworth and also a sensitivity test for the fourth development site proposed in the emerging Local Plan. It concludes that the proposed site access would operate comfortably within capacity during highway peak hours and that it would not result in queuing within the site or along Bunny Lane.
238. The proposal has looked at walking, cycling and bus proposals and Travel Plan measures to encourage alternative modes of transport to the private car. A revised Travel plan has been received which takes on board previous comments and satisfies the Highway consultee's requirement and the requested layout changes have been made, hence the revised layout is considered acceptable from a highway perspective.
239. Whilst concerns have been raised by residents in relation to increased traffic to the highway network and highway safety issues, it is considered that, with the submission of the additional technical and other supporting information, 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. 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.
240. The TA considers the impact of housing growth in the area on the wider highway network and concludes that the A60 / Pendock Lane junction is approximately 2.4km to the west of the site. The junction currently operates within capacity, however it is expected to operate close to capacity at morning peak by 2023. The performance of the junction is predicted to deteriorate as a result of the development. This would further deteriorate with a development at Hillside Farm. As a result, improvements to this junction will be required in the form of a mini round about funded either by s.106 or provided by the developer.
241. The operation of the Pendock Lane/Bunny Lane/ Keyworth Lane and Bunny Lane/Nottingham Road junctions are not predicted to become severe and therefore the current junction arrangements are suitable without resulting in congestion or posing a safety risk. The Highways Officer agrees with the findings, it is not considered justifiable to seek improvements to the junctions or seek financial contributions in this regard.
242. As detailed in para 97 of this report it is, however, necessary to mitigate the impact of the development (together with the other developments proposed in

Keyworth) on the Main Road/A606 Melton Road junction and the A52. A financial contribution is therefore sought in accordance with the Memorandum of Understanding between Highways England, Rushcliffe Borough Council and Nottinghamshire County Council.

243. 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 it is acknowledged that the access arrangements onto Bunny Lane would result in some visual change, the provision of the access and associated visibility splays will be short lived and landscaping is proposed, no highway concerns are raised by the County Council and the Landscape and Design officer has raised no objections.

#### Design and Amenity

244. It is considered the application has demonstrated that the proposed development can achieve high quality design and, therefore, is broadly in accordance with the Keyworth Neighbourhood Plan. The layout and design ensures that there would not be any material overbearing, overlooking or overshadowing impact on neighbouring residential amenity due to the scale of the properties and their relationship with neighbouring dwellings.
245. The proposal concentrates bungalows at the closest point with residential properties to the east adjoining properties on Park Avenue West, thereby ensuring overlooking would not arise. Where the site adjoins High Court Drive the facing properties are stepped back with an intervening landscape strip (gap of between 36 and 47m building to building) and where the properties are located closer (27m gap building to building) it is proposed to have the properties side on. Whilst it is appreciated that the properties on High Court Drive have been designed with large expanses of glazing to take advantage of the current outlook, it is considered that the distance and future planting will ensure privacy is afforded. The rest of the properties along the eastern boundary back onto the existing properties and have building to building distances of between 21m and 28m proposed. The 2.5 storey properties are focused in the centre of the development along the spine road and across the linear route from Croft Road. The outer edges to the west have properties facing outwards. This is considered to result in a development that takes advantage of the sites topography and adds interest to the overall development. The orientation of the proposed dwellings, distances between existing and proposed, together with intervening landscaping would be such that it is considered that significant adverse impact would not arise through unacceptable loss of privacy.
246. The revised proposed access onto Bunny Lane would be between the existing access points opposite the site, serving properties called Hillside Farm and Lynwood. These properties are located around 50m from Bunny Lane. The Highways Authority has not raised any objections to the point of access on the basis of highway safety or impact on the properties accesses. Therefore, due to the distances involved and the intervening boundary treatment, it is not considered that undue adverse impacts would arise on the occupiers of these properties.
247. It is, therefore, considered that the development details ensure that the amenity of neighbouring properties is not unduly or unacceptably affected. Thus it is

considered that the application accords with Policy 10 of the Core Strategy, Neighbourhood Plan policies and emerging Policy 4.3 of LPP2, 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.

### Noise

248. 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.”*
249. The principal noise sources associated with the development post construction are anticipated to be related to road traffic. Some noise could also be generated by the recreational uses on the site. No objections have been raised by Environmental Health Officers. It is considered that noise matters at construction stage can be adequately considered by way of the Construction Management Plan, in any event such impacts would be temporary and relatively short lived.

### Contamination

250. 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. In relation to contaminated land, the Environmental Health Officer reviewed the RSK Preliminary Risk Assessment dated April 2013. This concludes that there *“were a number of potential pollutant linkages with a risk of moderate or above which may drive site investigation works these include:*
- *Proposed end users coming into contact with made ground within the area of cattle pens/trafficked areas;*
  - *Proposed end users coming into contact with contamination associated with the identified tank; and*
  - *Potential gas risks to properties located in the north eastern corner of the site associated with the refuse tip located 40m northeast.*
251. *The overall environmental liability and risks associated with the sites future development are considered to be low to moderate. Further intrusive investigations and associated risk assessment would be needed to either remove these Pollutant linkages or reduce the level of risk. There is a moderate risk of landslide potential in the north west of the site and a moderate risk of problems associated with compressible deposits in the north of the site. A slope stability assessment may be required depending on the proposed development. In respect of foundations in the south it is likely that shallow strip footings would be suitable and in the north deeper foundations may be required possibly with piled foundations.”*

252. The report recommends that *“an intrusive investigation should be undertaken to further determine the geotechnical constraints, potential gas risks and potential human health risks around the AST and animal holding/ traffic areas.”*
253. No objections have been received from the Borough Council Environmental Health Officers to the principle of residential development on the site. Due to the farming use the officer has requested a contaminated land report condition be imposed together with conditions relating to possible asbestos within the farm buildings. Conditions are, therefore, recommended. In addition a condition is proposed that relates to the soil. The condition would ensure that soils for these purposes are suitable for the 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 LPP2 - Land and Planning Policies, and with para 178 of the NPPF. It is considered that the application complies with the requirements of emerging Policy 14 (Environmental Protection) of LPP2 - Land and Planning Policies, and with para 178 of the NPPF. With regard to the issue of ground conditions and slope stability which may determine the type of foundations used in the construction of the buildings, this is a matter that would be addressed through an application for building regulations. However, it is recommended that this matter is highlighted in a note to applicant.

#### Landscaping

254. A Landscape and Visual Appraisal has been submitted with the proposal which concludes that, in respect of the landscape *“none of the landscape features on the site have been identified as particularly high vale with all of the trees and hedgerows being assessed as Category C or below. The proposed development is considered to have a slight adverse impact on the landscape character of the site and slight neutral/ not important on the wider surrounding area. Whilst the development of the site will result in the loss of pastoral agricultural land on the edge of the settlement, the majority of the essential landscape features within the site can be retained, including the hedgerows and existing trees. There are also opportunities within the development proposal to strengthen the landscape character and surrounding area through retaining and enhancing the hedgerow field boundaries and planting additional hedgerow trees and small woodland copses to break up the urban edge. Built development will also be arranged to respond positively to the edge of the settlement facing outwards towards the surrounding countryside rather than turning its back.”*
255. In terms of visual amenity the report concludes that *“whilst the site occupies an elevated position on the ridgeline, it is not visible in its entirety because of screening by the topography and vegetation. The southern part of the site can be seen from the south and south west in context of the existing urban form of Keyworth. The central part of the site is evident in views from the north and north west but it would also be seen in the context of the existing urban form of Keyworth. Views of the site from the north east, east and south east are screened by both the topography and existing urban form. The likely impact is moderate to slight adverse (decreasing to slight adverse or not important after 15 years) for views from the north west and west, moderate to slight neutral (decreasing to slight neutral after 15 years) for views from Bunny Lane, and slight neutral to not important (decreasing to not important after 15 years) for*

*views from the north, the public right of way to the south and south west. Overall, the impact on visual amenity is considered to be slight neutral to not important.”*

256. The application is supported by a comprehensive Arboricultural Assessment. It concludes that; *“the new planting in the proposed linear park and green link through the centre of the site would mitigate the loss of tree material which would be removed to facilitate the proposals and increase the overall tree cover on site. Over time this would develop and soften the built element of the proposals, incorporating it into the landscape. The landscaping scheme will provide tree planting in the following situations; the new green western boundary to Keyworth; the green link and connection to Croft Road; new amenity planting as part of road infrastructure; areas on incidental open space and structural buffer planting where appropriate.”*
257. The proposed approach to the eastern boundary includes the removal of existing areas of scrub, additional hedge planting, and fencing. This is shown on the revised means of enclosure plan. Whilst the development will be visible the resulting landscape buff edge will soften the appearance over time and result in a less harsh urban edge than what currently exists. The development proposals provide an opportunity for mitigation for the tree loss, in particular to the south and western edges, visual benefits and increase tree cover across the site. Once all the proposed landscaping works and tree planting has been carried out the quality of tree cover across the site would be enhanced.

## Ecology

258. An ecological appraisal of the site has taken place, which assesses the likely effects of the development 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 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). The report has been considered by the Borough Councils Sustainability Officer and the County Council’s Ecologist.
259. The Ecological report has concluded that; *“There are not considered to be any significant adverse effects on any statutory or non statutory sites of nature conservation interest from any development proposals. Through the implementation of the safeguards and recommendations set out within the report it is considered that any development proposals will accord with planning policy with regard to nature conservation at all administrative levels.”*
260. However, Ecology Solutions surveys identified that; *“Building B1 supports an occasional summer roost for a single Common Pipistrelle. Therefore the building will need to be removed under a European Protected Species Licence from Natural England.”*
261. 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. The Ecological Mitigation recommendations within the ecological reports provide for ecological enhancement on the site, and its ongoing management are considered to be able to be achieved and secured by planning condition.

262. The applicant has undertaken a range of ecological surveys and proposed mitigation measures, which are considered appropriate in the context of the Framework and CS Policy 17 (Biodiversity). No objections to the proposals are raised by the Sustainability Officer. It will be important that the mitigation measures are fully implemented and these will be secured by attaching appropriate planning conditions, should planning permission be granted.
263. 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.
264. As there will potentially be a need for a license from Natural England under the Conservation of Habitat and Species Regulations 2010, Rushcliffe Borough Council are obliged under the Habitat Regulations, to consider whether a license is likely to be issued and the 3 tests under the Regulations (set out earlier in this report) are satisfied. Information has been submitted to allow the tests to be undertaken. With regard to the first two tests it is considered that the provision of market and affordable housing are an overriding public interest and that Keyworth is identified as a key settlement to take a substantial level of growth. The site has been identified as a preferred option in the emerging local plan where ecological issues were considered and this site, along with other sites, are required to come forward to provide the level of housing needed for the Borough. This information was also considered by the County Council's Ecologist who has raised no objection to the proposal, subject to the recommendations in the ecological assessments being conditioned.
265. The comments of the Wildlife Trust are noted, however they advised that they had not looked at any of the ecological appraisals and their suggestion that the determination of the application is delayed until the Emerging Plan is adopted is not reasonable.

## Waste

266. 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.”*

267. 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.
268. 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 below.
269. 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 Borough Council's kerbside collection service, e.g. glass and textiles. It is considered 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 ensures that adequate provision for servicing of the development would be achieved.
270. With regard to the impact of the development on existing waste management facilities, 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.
271. Taking into account the above comments and recommended conditions, it is considered that waste management is adequately considered alongside other spatial planning concerns, and 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.
272. The County Council has requested section106 contributions towards a new recycle centre in the Rushcliffe Borough in accordance with their Planning

Contributions Strategy. This has been sought and the applicant has agreed to this request.

### Gypsum Minerals Safeguarding

273. The County Council has highlighted that the Gypsum Minerals Safeguarding and Consultation Area covers the site. It has been confirmed that the application site is beyond the area in which British Gypsum have any land/mineral control.

### Economic Impact

274. The development would provide 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

275. The NPPF, Policy 12 of the Core Strategy (Local Services and Healthy Lifestyles), Rushcliffe's Sustainable Community Strategy and Nottinghamshire Health and Wellbeing Strategy 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.
276. The provision of open and green space, including an equipped area of play is proposed as part of the development, would support these policy ambitions, as well the development's proximity to existing countryside. Improvements to the existing bus services, and potential for services to penetrate the site, also support the ability of less mobile members of the population visiting community facilities and to access facilities within the Village Centre. Improvements to footpaths in the vicinity of the site are sought by NCC Highways, as are contributions towards improvements to bus stops and services to encourage access to alternative sustainable modes of transport to the car.
277. 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. The submitted matrix is a mechanism for assisting in the assessment. The site would bring forward improvements to existing footpaths on Bunny Lane and provide connectivity to the village, green infrastructure and a mix of

homes having access to nearby healthcare. Notwithstanding the matter raised by the resident, it is considered that this development is likely to have a largely positive health impact and no significant specific issues have been raised that need addressing.

### Loss of Agricultural Land

278. The development site comprises a total area of approximately 15.24ha of which 7.1ha of the site would be developed. The site comprises of mainly agricultural land with a majority of this being grade 2 land together with grade 3a and 3b agricultural land classification.
279. 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 best and most versatile land is defined as Grades 1, 2 and 3a by policy guidance. 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 Keyworth 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 20ha 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 Keyworth 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

280. In relation to non-designated heritage assets, buried archaeological assets will potentially be permanently damaged or destroyed during the construction phase.
281. The site has been the subject of archaeological investigation via a desk based assessment and Stratscan survey. The submitted heritage Assessment concludes that the archaeological potential of the site remains associated with the Prehistoric and Roman periods, the Saxon period and post medieval period are judged low and moderate for the medieval period. There are ridge and furrow earthworks within the site.
282. The Conservation Officer has assessed the submission and considered the geophysical survey results, together with the desk based assessment, and would share the view that there are few features identified of interest, those most worthy of further exploration, such as former ponds that could potentially hold material which could indicate their age and which appear on the earliest OS mapping, also happen to be in a part of the site where no residential development is being proposed. The only other feature likely to be worthy of investigation is the slightly curving potential bank feature in the southwest of

the site. The officer had advised that if the applicant could confirm that no ground works would occur in the vicinity of the former pond, potentially even allowing this area to be fenced off during construction to avoid the possibility of any vehicles tracking over it, then he would conclude that the degree of archaeological potential within the site would not warrant further investigation. He noted that the surface water attenuation is focused to the north, however increased ground water levels are unlikely to adversely affect the state of preservation of any archaeological material within a former pond context. The officer concluded that a WSI of the ponds should be conditioned and the slightly curving bank in the south west of the site. The officer has not objected to the application but has recommended that the site should be subject to WSI in relation to the ponds. Such a requirement would not be disproportionate and, given the low potential identified within the desk based assessment, the Conservation Officer is satisfied with this requirement being covered by condition.

283. Comments have been made in respect of the retention of the Ridge and Furrow fields, however, unless in exceptional cases where scheduled and becomes on national importance, they are not statutorily protected. Threats can involve development and practices that do not require planning permission such as being ploughed or removed. The Councils Heritage Assets Assessment Publication Draft that supports the emerging LLP2 considered this matter and concluded that *“evidence of Ridge and Furrow is lost across the site. The northern part of the site does contain a feature that potentially could look like ridge and furrow from the air however these features run in the opposite direction of the steep slope in this area of the site. These features most likely caused by run-off over the years into the valley below.”*
284. The Heritage Statement includes consideration of heritage assets. The Conservation Officer concurs with the conclusion that the proposal is remote from designated heritage assets, most are at the edge of the 1km distance from the site boundaries, or well screened by intervening development and/or topography. The assessment does not consider any of the assets to be affected in a manner which would harm their significance. As such, the proposed development preserves the settings of listed buildings and achieves the desirable objective detailed in section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and causes no harm to the settings of other classes of heritage asset.
285. In accordance with Para 197 of the NPPF, the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. In this regard it is considered to be low.

### Drainage

286. 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.
287. A site specific Flood Risk Assessment and Drainage Strategy has been submitted with the application. The site is within Flood Zone 1 (lowest risk of flooding) on the Environment Agency Flood Zone Maps. From the submitted report, it confirms that there is a surface water flow path from the centre of the site to Debdale Lane watercourse. This considers that this risk is likely attributed to a natural valley in the topography of the site, where surface water run off from the greenfield land is directed to before flowing north into the Debdale Lane Watercourse. They state that when the land is developed the risk will be removed as it will be collected into the surface water system serving the site. As a result surface water flooding is not considered to be a risk.
288. With regard to foul water, whilst no response has been received as a result of the consultation process, Severn Trent confirmed to a developer enquiry that there is a pressurised foul sewer on the eastern boundary of the site which requires a 10m protection strip. They confirmed that there are foul sewers close to the site but that due to known flooding incidents and the size of the development, it is likely that there is insufficient capacity in the sewers downstream of the site to accommodate the development. Sewer modelling will be required. Subsequent to this, confirmation was provided by Severn Trent advising that a modelling exercise had been undertaken in 2013 and as a result they confirmed that the foul water proposal would be acceptable as per the Sewer Capacity Assessment (SCA) report. This related to 3 potential options with the second option being preferred, which is that the majority of the development should drain northwards to the Debdale Lane Pumping Station with the remainder to drain directly to the sewage treatment works via Bunny Lane foul sewer without exceeding the available capacity.
289. In terms of surface water run-off from the site the submission advises that the existing runoff discharges into a drainage ditch along the northern boundary of the site which is classed as an ordinary watercourse. It flows westerly and forms part of the Farnham Brook Catchment. The natural land drainage system eventually discharges to Fairham Brook to the south and west. The surface water strategy originally suggested two drainage catchments in order to avoid a deep drainage system and to follow the topographic falls of the site. The Surface Water Drainage Strategy suggested for the site is restricted discharge to the adjacent watercourses at a rate equivalent to the existing greenfield runoff rates for all storms and including a 1:100 +40% climate change event. A pond or basin with permanent standing water could provide for ecological and amenity benefits and assist in improving water quality. As a result of the layout change, repositioning the access onto Bunny Lane, this was amended to two basins at the southern part of the site and one at the northern end of the site.
290. 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 will be undertaken by Severn Trent under their separate legal obligations.

### S106 Planning obligations

291. 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 (as amended) 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. At the time of writing the report the triggers and potential phasing for the contributions were under discussion and are, therefore, not set out within the table. The applicants have agreed in principle to the Heads of Terms that have been put to them.
292. 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. In relation to the S106 contributions sought, consideration has also been given to the potential pooling of contributions.
293. The Borough Council is proposing to adopt a Community Infrastructure Levy (CIL) and associated charging schedule, which will cover certain contributions for infrastructure, including secondary education, health care provision and contributions for indoor and outdoor leisure. In the event that the CIL is adopted before the planning permission for this development is granted, this will need to be reflected in the final Section 106 agreement, with the omission of those contributions covered by the CIL and the associated obligations.

### Conclusion

294. The site is located within Keyworth, one of the Borough Council's identified key rural sustainable settlements identified for growth, where a minimum of 450 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 Keyworth is an inset Green Belt village, it was always envisaged that such development would necessitate development in/release of the current Green Belt with the identification of sites to be formulated through Part 2 of the Local Plan. As set out elsewhere in this report, Part 2 is well advanced with all the necessary supporting studies, consultation and preferred options explored and has been through examination. To ensure the Borough Council is able to meet its housing delivery requirements the number of homes that Keyworth is now proposed to deliver has been increased to around 600 new homes. This site is identified as a preferred site and is recommended to be allocated in Part 2. 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 in favour of the development.

295. It is, therefore, considered that the proposed development on the application site would entirely 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.
296. 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 this report 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.
297. 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.
298. The site is considered to be deliverable. The proposal is also considered to accord with the Neighbourhood Plan policies on the direction of growth. This weighs in favour of the development.
299. 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.
300. This application was not 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) 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 Housing, 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. The development, hereby permitted, shall be begun not later than 3 years from the date of this permission.

[To comply with the requirements of Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004].

2. The development hereby approved shall be implemented in accordance with the following plans and documents:
  - Site Location Plan 063\_003 Rev B received 28 August 2019
  - Planning Layout M1127-SL-001P received 2 September 2019
  - Revised Refuse Tracking Plan received 22 May 2019
  - Refuse Tracking M1127-EN-030A received 22 May 2019
  - House Type Pack originally submitted:
    - Chesterton; Byron; Milton; Blake; Hallam; Brooke; Skelton; Wyatt; Morris; Shakespeare; Peele; Raleigh; Berry; Stein; Sinclair; Tate; Sorley; Sorely Strand; Sorely Sinclair Spencer; GL01.PL-01 Single Garage; GL02.PL 01 Double garage; GR02.PL-01 Double Garage; and SG02.PL Sales Double garage
  - as revised by:
    - 2BF02 received 26 March 2019,
  - Henley and orbourne house type plans received 22 May:
    - Henley 385.PL -01 Brick; Henley 385.PL-03 Tudor; Henley 385-1.PL-02 Render; Henley 385-1.PL03 Tudor; Henley 385-1.PL-01 Brick and Osbourne Brick
  - and revised by house types in the document dated June 2019 received 8 July:

- 375.PL- 01 Lyttelton Brick; 375.PL- 02 Lyttelton Render; 375-1.PL 01- Lyttelton Brick; 375-PL-02 Lyttelton Render; 476.PL-02\_06 Wyatt Render; 483.PL-01\_05 Darlton Brick; 483.PL-02\_05 Darlton Render; 483-1.PL -01\_05 Darlton Brick; 483-1.PL-02\_05 Darlton Render; 570.PL-01\_06 Rowley Brick; 570-1.PL-01\_06 Rowley Brick; 570-1.PL-03\_06 Rowley Tudor; 807-PL-01-03 Lyttelton Byron Brick; 807-1.PL-01\_03 Lyttelton Byron Brick; Wyatt – 476.PL-03 Tudor; Wyatt – 476.PL-06 Floor Plans; and Wyatt 476-1.PL-03 Tudor
- and revised by house type plans received 2 September 2019 for the following:
  - 1 BB2P.PL-01 Thorne Brick; 3B5P\_4B6P-1.PL-01\_03 Sorely Strand Brick; and 859-1.PL-01,02,05 and 06 Sorley Sinclair Spencer
- POS Areas Plan MI127-SL-015 received 28 August 2019
- Landscape strategy plan 155\_-010 rev A received 26 March 2019
- Design and Access Statement, By Define received 23 October 2018
- Planning Statement, Oxalis Planning
- Landscape and Visual Impact Appraisal, 064 LVIA 011018 October 2018 by Define
- Keyworth Rushcliffe Assessment of Housing Mix, Lichfields, September 2018
- Heritage Statement, 3150.R01d, Nexus Heritage received 23 October 2018
- Transport and Infrastructure Planning, WIE14513-100-1-2-3, Waterman dated October 2018 received 23 October 2018
- Transport Assessment Addendum, WIE14513-100-R-4-1-3, Waterman, received 4 July 2019
- Framework Travel Plan, 14513-100-R-2-3-2, Waterman, dated May 2019 received 22 May 2019
- Flood Risk Assessment and Drainage Strategy, BM11651 0001 V03, October 2018, Wardell Armstrong received 23 October 2018
- Flood Risk Assessment and Drainage Strategy Addendum Report, BM11561 002 VO.1, Wardell Armstrong, July 2019
- Ecological Assessment , 6633.EcoAss.Vf1, October 2018 Ecology Solutions Ltd received 23 October 2018
- Statement of Community Involvement, Instinctif Partners, September 2018
- Preliminary Risk Assessment 312327-01, RSK April 2013
- Arboricultural Assessment, FPCR, September 2018, Rev B
- Health Matrix, received 22 May 2019
- The proposed A60 improvements shown indicatively on Drawing No. 14513-SA-03-017-A03
- The proposed new site access junction on Bunny Lane as shown indicatively on Drawing no. WIE-SA-03-009-A01.
- The proposed Village Gateway on Bunny Lane as shown indicatively on Drawing No. WIE-SA-03-009-A01

[For the avoidance of doubt and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan and in the interests of amenity and to accord Policy 10 ( Design and Enhancing Local Identity of the Rushcliffe Local Plan Part 1 Core Strategy and with emerging Local Plan Part 2 Policy 4.3].

3. No development shall proceed beyond foundation level until such time that details of the proposed materials to be used in the elevations and roofing of the dwellings hereby approved have been submitted to the Local Planning Authority and agreed in writing. The development shall be undertaken in accordance with the approved details.

[To ensure the appearance of the development is satisfactory and to comply with policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan and to accord Policy 10 (Design and Enhancing Local Identity of the Rushcliffe Local Plan Part 1: Core Strategy)].

4. No development shall be carried out until a Phasing Plan, including details of phasing for the approved development, has been submitted to and approved in writing by the local planning authority. The phasing plan shall include details of:

- the timing of the provision of infrastructure to serve the proposed development (including road improvements and drainage facilities) in relation to the provision of any new residential units;
- the timing of biodiversity, SUDS and landscaping features;
- the timing of the provision of on-site natural play /equipped play space provision in relation to the provision of any new residential units;
- the timing and provision of internal footpaths/cyclepaths;
- the timing of connections of internal footpath/cyclepaths to the North of the site, to Bunny Lane and Croft Road; and
- details of the timing of the erection of boundary treatment (other than that relating to specific house plots)

The development shall be carried out in accordance with the approved phasing plan unless otherwise agreed in writing by the local planning authority.

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

5. No dwelling hereby approved shall be occupied until the following works have been provided in accordance with plans previously submitted and approved in writing to the satisfaction of the Local Planning Authority:
  - The proposed new site access junction on Bunny Lane as shown indicatively on Drawing no. WIE-SA-03-009-A01;
  - The proposed Village Gateway on Bunny Lane as shown indicatively on Drawing No. WIE-SA-03-009-A01, to include marker posts, hazard

centre line (extended to that which has been shown), clock type signs in the verges to either side and supplementary VA sign;

- Reinstatement of redundant vehicular accesses on Bunny Lane; and
- The proposed footpath improvements along Bunny Lane as shown indicatively on drawing 14513-SA-03-005-A03

[To make sure that a satisfactory means of access is provided, in the interests of road safety to promote sustainable travel and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan In interest of Highway Safety and promote sustainable travel].

6. There shall be no excavation or other groundworks, except for archaeological investigative works in respect of condition 25, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority. All details shall comply with the County Councils current Highway Design and Parking Guides:
- a. tactile paving;
  - b. vehicular, cycle, and pedestrian accesses;
  - c. vehicular and cycle parking (surfaced in a bound material);
  - d. vehicular turning arrangements;
  - e. maneuvering arrangements;
  - f. access widths, gradients, surfacing, street lighting;
  - g. structures;
  - h. visibility splays; and
  - l. drainage

The development shall be carried out in accordance with the approved details and no dwelling shall be brought into use until the approved vehicle access, parking, maneuvering and turning areas approved under this Condition for that dwelling:

- a. have been constructed in accordance with the approved drawings
- b. are available for use

[In the interest of highway safety, to make sure the drive is not too steep, in order to provide a reasonable level of safety in icy conditions and to comply with policies GP2 (Design & Amenity Criteria) and MOV9 (Car Parking Standards) of the Rushcliffe Borough Non Statutory Replacement Local Plan. This is a pre-commencement condition that is required to ensure that the highway matters are addressed before works start on the site].

7. No development shall take place, excluding topsoil strip, earthworks to form balancing ponds and foul sewer diversion, survey works in connection with ecology and archaeology, until the technical approval under S38 (or equivalent) has been agreed with Nottinghamshire County Council for the construction of the roads and associated works within the site. The development shall thereafter be implemented in accordance with the approved details and no dwelling shall be occupied until the roads necessary to serve that property have been constructed to base level.

[To ensure an adequate form of development in the interests of highway safety and to comply with policies GP2 (Design & Amenity Criteria) and MOV9 (Car Parking Standards) of the Rushcliffe Borough Non Statutory Replacement Local Plan. This is a pre-commencement condition that is required to ensure that the internal roads are acceptable to the County Council].

8. No development hereby permitted shall take place until an appropriate agreement under Section 278 of the Highways Act 1980 has been entered into with Highways England to facilitate improvements to A52 junctions in accordance with the provisions of the version of the A52/A606 Improvement Package Developer Contributions Strategy Memorandum of Understanding in force at the time of 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. This is a pre-commencement condition to ensure that funding for necessary wider highway improvements required as a result of the development is made available so that the works can be implemented in a timely fashion.]

9. Prior to first occupation the developer of the site shall appoint and thereafter continue to employ or engage a travel plan coordinator who shall be responsible for the implementation delivery monitoring and promotion of the sustainable transport initiatives set out in the Interim Travel Plan to be approved prior to development taking place and whose details shall be provided and continue to be provided thereafter to the Local Planning Authority.

[To promote sustainable travel and to encourage the use of alternative transport to the car; and to comply with policy MOV1 (Travel Plans) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

10. The travel plan coordinator shall within 6 months of first occupation of the site produce or procure a Detailed Travel Plan that sets out final targets with respect the number of vehicles using the site and the adoption of measures to reduce single occupancy car travel consistent with the Interim Travel Plan to be approved by the Local Planning Authority. The Travel Plan shall be implemented in accordance with the approved timetable and be updated consistent with future travel initiatives including implementation dates to the satisfaction of the Local Planning Authority.

[To promote sustainable travel and to encourage the use of alternative transport to the car; and to comply with policy MOV1 (Travel Plans) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

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

[To promote sustainable travel and to encourage the use of alternative transport to the car; and to comply with policy MOV1 (Travel Plans) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

12. Prior to the commencement of the development hereby permitted a scheme of on plot (excluding private rear gardens) and public open space landscaping shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include:

- planting plans;
- written specifications including cultivation and other operations associated with tree, plant and grass establishment;
- a schedule of plants noting species, plant sizes and proposed numbers/densities;
- existing landscape features such as trees, hedges and ponds to be retained accurately plotted (where appropriate);
- existing landscape features such as trees, hedges and ponds to be removed accurately plotted (where appropriate);
- existing and proposed finished levels (to include details of grading and contouring of earthworks and details showing the relationship of proposed mounding to existing vegetation and surrounding landform where appropriate);
- a timetable/ phasing for implementation and completion of the landscaping scheme;
- a Landscape Management Plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas (including a scheme for protecting 4m emergency link along plots 221 200-201);
- details of how the landscape proposals comply and compliment with the ecological requirements under condition 11; and
- Details of the footpath/cyclepath connections within the wider site area and to Croft Road and Bunny Lane and the fields to the north

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

[To ensure satisfactory landscape treatment of the site which will enhance the character and appearance of the site and the area in accordance with the aims of Policy 16 (Green Infrastructure, landscape, Parks and Open Space) of the Local Plan Part 1 Rushcliffe Core Strategy and policy EN13 (Landscaping Schemes) of the Rushcliffe Borough Non Statutory Replacement Local Plan. This is a pre commencement condition to ensure that existing features to be retained are identified and protected].

13. Prior to the occupation of any dwelling hereby approved, details of the equipped play area and natural play area shall be submitted to the Local Planning Authority for written approval. Each area shall include a minimum of 5 pieces of equipment/play features with ancillary equipment. The equipment in the equipped play area shall replicate, rocking, sliding, swinging, rotating and imaginative play and be designed taking into account the Fields Trust National Playing Fields Association General Principles Guidance and the topography of the site. The total area of equipped play should be a minimum of 0.13 hectares. The development shall be implemented in accordance with the approved details and the play area and their provision shall be in accordance with the phasing submitted and approved in condition 4.

[To make sure that adequate open space is provided within the development and to comply with policy COM5 (Provision of Open Space in New Developments) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

14. No development shall take place until a Landscape & Ecology Management Plan (LEMP) is submitted to and approved in writing by the local planning authority. The LEMP shall have full regard to the mitigation and enhancements together with the summary and conclusions of the Ecological Assessment dated October 2018 (6633.EcoAss.vf1) by Ecology Solutions Ltd (or as amended/ updated as part of the discharge other conditions) and shall include:

- Details of habitat creations and enhancement of hedgerows;
- Bird and bat boxes shall be integrated into the building fabric (the former targeting house sparrow, starling and swift) into the fabric of a proportion (circa 20%) of the proposed dwellings/their garages;
- Ongoing management of the SUDS and landscaped areas for the benefit of wildlife and biodiversity;
- The plan will detail the formal management agreement, aftercare and monitoring of the retained and newly created habitats on the site and shall their the ongoing maintenance;
- A pre-commencement walkover survey for badgers by an appropriate ecologist; and
- If the Ash tree, with potential as a bat roost is to be removed, it should be surveyed by an appropriate ecologist prior to works and any recommendations followed

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

[To ensure the appropriate wildlife protection is provided during development. 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 and to comply with policies GP2 (Design & Amenity Criteria) and EN12 (Habitat Protection) of the Rushcliffe Borough Non Statutory Replacement Local Plan. This is a pre-commencement condition due to the need to ensure adequate mitigation is in place before any intrusive site works take place].

15. No development shall take place until the details of the means of protection of existing hedgerows and trees whilst construction works are being undertaken have been submitted to the Local Planning Authority. All existing trees and/or

hedges which are to be retained are to be protected in accordance with the approved measures and that protection shall be retained for the duration of the construction period. No materials, machinery or vehicles shall be stored or temporary buildings erected within the perimeter of the fence, nor shall any excavation work be undertaken within the confines of the fence without the written approval of the Local Planning Authority. No changes of ground level shall be made within the protected area without the written approval of the Local Planning Authority

[To ensure existing trees and hedgerows are adequately protected during the development and to comply with policy EN13 (Landscaping Schemes) of the Rushcliffe Borough Non Statutory Replacement Local Plan. This is a pre commencement condition to ensure protection during construction works of trees, hedges and hedgerows which are to be retained on or near the site in order to ensure that the character and amenity of the area are not impaired.]

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

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

17. 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, prior to work commencing on site, and submitted to and approved by the Local Planning Authority in writing. Any mitigation measures recommended by the survey shall be implemented in accordance with approved details and in line with other conditions.

[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 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].

18. Prior to installation of any lighting, 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 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 and policies GP2 (Design & Amenity Criteria) and EN12 (Habitat Protection) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

19. No part of the development hereby approved shall commence until a detailed surface water drainage scheme based on the principles put forward by the approved Flood Risk Assessment (FRA) and Drainage Strategy v3, October 2018, Wardell Armstrong Ltd and (Flood Risk Assessment and Drainage Strategy Addendum Report July 2019), 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 development will use SuDS throughout the site as a primary means of surface water management and that design 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 the QBar Greenfield rates for the developable area;
- Provision of surface water run-off attenuation storage in accordance with 'Science Report SCO30219 Rainfall Management for Developments' and the approved FRA;
- 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
- 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.

The approved drainage strategy shall thereafter be implemented in accordance with the surface water drainage scheme.

[To ensure the proper drainage of the site and to accord with the aims of Policy 2 (Climate Change) of the Rushcliffe Local Plan Part 1: Core Strategy and to prevent the increased risk of flooding and to comply with policies WET2 (Flooding) and WET3 (Ground Water Resources) of the Rushcliffe Borough Non Statutory Replacement Local Plan. This is a pre commencement condition to ensure that flood risk is mitigated and the measures can be incorporated in to the build phase].

20. The development hereby permitted shall not commence until drainage plans for the disposal of foul sewage have been submitted to and approved in writing

by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

[To ensure that adequate drainage facilities are provided in connection with the development as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution and to comply with policy WET3 (Ground Water Resources) of the Rushcliffe Borough Non Statutory Replacement Local Plan. This is a pre commencement condition to ensure that flood risk and sewage capacity requirements are mitigated and the measures can be incorporated in to the build phase].

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

[To ensure a satisfactory development in the interests of amenity, accessibility and highway safety and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan. This is a pre commencement condition to ensure that the development is undertaken with agreed levels from the outset.]

22. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) will be carried out in accordance with the mitigation and enhancements and summary and conclusions of the Ecological Assessment dated October 2018 (6633.EcoAss.vf1) by Ecology Solutions Ltd (or as amended/ updated as part of the discharge of other conditions) and shall include the following:

- Risk assessment of the impact of construction activities on biodiversity;
- Identification of "biodiversity protection zones";
- Practical measures (both physical measures and sensitive working practices) to reduce impacts during construction (may be provided as a set of method statements);
- The location and timing of sensitive works to avoid harm to biodiversity features;
- The times during construction when specialist ecologists need to be present on site to oversee works;
- Responsible persons and lines of communication;
- The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person; and
- Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period in accordance with the approved details.

[To ensure that the proposed development contributes to the conservation and enhancement of biodiversity within the site and for the wider area in accordance with paragraphs 174-175 of the NPPF and Policy 17 of the

Rushcliffe Local Plan Part 1: Core Strategy. To ensure the survey reflects the situation pertaining at the time and to comply with policies GP2 (Design & Amenity Criteria) and EN12 (Habitat Protection) of the Rushcliffe Borough Non Statutory Replacement Local Plan. This is a pre-commencement condition due to the need to ensure adequate mitigation is in place before any intrusive site works take place].

23. No development shall take place until the details of a Construction Management Plan is submitted and approved in writing by the Local Planning Authority. The Statement shall have regard to the CEMP and LEMP approved under conditions 14 and 22 and provide for:

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

The development shall be carried out in full accordance with the approved Construction Method Statement 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 manoeuvring for vehicles; inadequate materials storage and to ensure adequate recycling of materials in the interests of highway safety, visual amenity and environmental management to comply with policies GP2 (Design & Amenity Criteria) and MOV9 (Car Parking Standards) of the Rushcliffe Borough Non Statutory Replacement Local Plan. This is a pre commencement condition to ensure that the amenity of existing occupiers are protected during construction and to ensure regard is had to the existing on-site wildlife]

24. During any ground works, demolition or construction, there shall be no burning of waste on the site.

[To protect the amenities of neighbouring residential properties and to comply with policies GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

25. The existing soils and any soil or forming materials brought to site for use in garden areas, soft landscaping, filling and level raising shall be tested for contamination and suitability for use on site. Contamination testing should take place within UKAS and MCERTS accredited laboratories, certificates shall be submitted to and approved in writing by the Local Planning Authority prior to any soil or soil forming material being imported onto the site. Details of the source and type of the imported materials and the estimated amount to be used on the site are also required to be submitted. Only the approved material shall be used.

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

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

[In order to promote local employment opportunities in accordance with Policies 1 and 5 of the Rushcliffe Local Plan Part 1: Core Strategy. This is a pre-commencement condition because recruitment and employment takes place prior to commencement.]

27. 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 24 of the Rushcliffe Local Part 1 - Core Strategy].

28. No development shall commence until a programme of archaeological work under a Written Scheme of Investigation, drafted in accordance with ClfA published standards shall be submitted to and approved by the local planning authority in writing. It should focus, but not be limited to, the 4 historic ponds and the slightly curving bank in the south west of the site as identified in the submitted Heritage Assessment.

No development shall take place other than in accordance with the Written Scheme of Investigation as approved (if required).

Any post investigation assessment (including any analysis, publication,

dissemination and archiving of results) required by the Written Scheme of Investigation shall be undertaken and completed in accordance with the programme set out in the Written Scheme of Investigation.

[To ensure that items of archaeological interest are recorded in accordance with para 199 of the NPPF. This is a pre-commencement condition required to ensure that any archaeological items are recorded from the onset of any intrusive operations and to comply with policies GP1 (Sustainable Development), GP2 (Design & Amenity Criteria) and EN7 (Sites of Archaeological Importance) of the Rushcliffe Borough Non Statutory Replacement Local Plan. This is a pre-commencement condition required to ensure that if archaeological interest is identified it is recorded or in order to influence the reserved matters layout in order to avoid harm to].

29. No dwellings hereby permitted shall be occupied until a scheme for the provision of electric vehicle charging points has been submitted to and approved in writing by the Local Planning Authority. Thereafter the charging points shall be installed, maintained and operated in accordance with the approved scheme for the lifetime of the development.

[In order to address the causes and impacts of climate change and in accordance with Policies GP1 (Delivering Sustainable Development] and GP2 [Design and Amenity Criteria] of the Rushcliffe Borough Non Statutory Local Plan].

30. Notwithstanding the provisions of Schedule 2, Part 1 Classes A – D of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any Order revoking or re-enacting that Order with or without modification) there shall be no enlargement or alteration of the proposed dwelling(s) and no alteration to or insertion of windows or rooflights other than those shown on the approved plans on plots 191 -199

[The development is of a nature whereby future development of this type should be closely controlled and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

31. Before development is commenced, a Contaminated Land Report shall be submitted to and approved by the Borough Council. As a minimum, this report will need to include a Desktop Study. Where the Desktop Study identifies potential contamination, a Detailed Investigation Report will also be required. 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, all of these respective elements of the report will need to be submitted to and approved by the Local Planning Authority prior to development commencing.

[To make sure that the site, when developed is free from contamination, in the interests of public health and safety and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan and to comply with the NPPF and Local Plan Part 1. This is a pre commencement condition that is required to ensure that the site is free from contamination].

32. The hedge located within the centre of the site and those on the west, north

and southern boundary of the application site shall, with the exception of any sections where removal is necessary to facilitate construction of the vehicular access to the site, be retained and any part of the hedges removed, dying, being severely damaged or becoming seriously diseased shall be replaced, with hedge plants of such size and species, details of which shall be submitted to and approved in writing by the Borough Council, within one year of the date of any such loss being brought to the attention of the Borough Council.

[The hedgerows are an important feature in the area and its retention is necessary to help screen the new development and prevent undue overlooking of adjoining dwellings and to comply with policy GP1viii (Delivering Sustainable Development) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

33. Details of all screen fencing/walling and means of enclosure to be erected on the site shall be submitted to and approved in writing by the Borough Council before the laying of any foundations of any of the dwellings hereby approved. No dwelling shall be occupied until the approved boundary treatment to that dwelling has been completed. Details of the timing for the erection/planting of other boundary treatment within the site (specifically boundary treatment to the eastern boundary of the site) shall be provided as part of the phasing plan required by condition 4. Once erected/planted, the boundary treatment and means of enclosure shall be retained thereafter in accordance with the approved details.

[In the interest of amenity and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

### **Notes to Applicant**

This permission is subject to an Agreement made under the provisions of Section 106 of the Town & Country Planning Act 1990 (as substituted by the Planning & Compensation Act 1992) relating to provision of on-site affordable housing and contributions towards essential infrastructure. Any payments will increase subject to the provisions set out in the Agreement.

The Ecological Appraisal recommends that the proposed footpath should be positioned to avoid the orchard, but this does not appear to be the case. This will require addressing as part of the detailed landscaping scheme.

The submitted Preliminary Risk Assessment advises: That an intrusive investigation should be undertaken to further determine the geotechnical constraints, potential gas risks and potential human health risks around the AST and animal holding/ traffic areas and that a slope stability assessment may be required depending on the proposed development. In respect of foundations in the south it is likely that shallow strip footings would be suitable and in the north deeper foundations may be required possibly with piled foundations. These issues will need to be addressed, including in any submission for the approval of Building Regulations.

In relation to 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 make every effort to prevent it occurring.

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

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

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

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

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

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

Highway Development Control Section  
Highways South  
Nottinghamshire County Council  
County Hall

West Bridgford  
Nottingham, NG2 7QP

In respect of any conditions relating to drainage:

- The developer must produce a comprehensive drainage strategy for the site.
- This strategy must include how surface water is to be dealt with. In particular showing how no surface water will be allowed to enter the foul or combined system through any means.
- Surface water should be drained using sustainable techniques.
- Where a sustainable drainage scheme is to be provided, the submitted details shall:
  - i) Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and / or surface waters; and
  - ii) Provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
- The strategy shall also demonstrate how any land drainage issues will be resolved.
- A hydraulic modelling study may be required to determine if the proposed flows can be accommodated within the existing system and if not, to identify what improvements may be required. If the surface water is drained sustainably, this will only apply to the foul drainage.
- Severn Trent may need to undertake a more comprehensive study of the catchment to determine if capital improvements are required.
- If Severn Trent needs to undertake capital improvements, a reasonable amount of time will need to be determined to allow these works to be completed before any additional flows are connected.

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

In respect of ecology:

- The orchard should be retained and enhanced.
- Mature trees should be retained where possible.
- The hedgerows should be largely retained and enhanced.
- Hedgerow's should be buffered with a flower rich grassland strip.
- New wildlife habitats should be created where appropriate, including wildflower rich neutral and / or wet grassland and / or wetlands and ponds should be created and hedgehog corridors.
- Artificial wild bird nest sites should be installed within buildings (including for swifts and sparrow terraces) and roost / nest boxes on retained trees (including for tree sparrows).

Good practise construction methods should be adopted including:

- Advising all workers of the potential for protected species. If protected species are found during works, work should cease until a suitable qualified ecologist has been consulted.
- No works or storage of materials or vehicle movements should be carried out adjacent to the ditch.

If protected species are found during works, work should cease until a suitable qualified ecologist has been consulted.

Best practice should be followed during building work to ensure trenches dug during work activities that are left overnight should be left with a sloping end ramp to allow animals that may fall in to escape. Also, any pipes over 200mm in diameter should be capped off at night to prevent animals entering. No stockpiles of vegetation should be left overnight and if they are, they should be dismantled by hand prior to removal. Night working should be avoided.

The Borough Council and Nottinghamshire County Council are keen to encourage the provision of superfast broadband within all new developments. With regard to the condition relating to broadband, it is recommended that, prior to development commencing on site, you discuss the installation of this with providers such as Virgin and Openreach Contact details: Openreach: Nicholas Flint 01442208100 nick.flint@openreach.co.uk Virgin: Daniel Murray 07813920812 [daniel.murray@virginmedia.co.uk](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 landowner must first be obtained. The responsibility for meeting any claims for damage to such features lies with the applicant.

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

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

Swifts are now on the Amber List of Conservation Concern. One reason for this is that their nest sites are being destroyed. The provision of new nest sites is urgently required and if you feel you can help by providing a nest box or similar in your development, the following website gives advice on how this can be done: <http://swift-conservation.org/Nestboxes%26Attraction.htm> Advice and information locally can be obtained by emailing : [carol.w.collins@talk21.com](mailto:carol.w.collins@talk21.com)

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

Highway Authority with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980.

Condition 31 relates to requirements in relation to contamination. For further information on the content of Contaminated Land Reports, please refer to the Council's Publication "A Guide to Developing Land Within Nottinghamshire". This booklet is available from Rushcliffe Borough Council's website [www.rushcliffe.gov.uk](http://www.rushcliffe.gov.uk) (use the A-Z search for Contaminated Land) or via the following link:  
<https://www.rushcliffe.gov.uk/media/1-rushcliffe/media/documents/pdf/environmentandwaste/environmentalhealth/protectio-nampsafety/Notts%20developers%20guide%202013.pdf>

The farm buildings on the site may contain asbestos cement materials and these should be removed by a licensed contractor prior to demolition in order to prevent contamination and risk to human health.