

25/00888/FUL

Recommended By Charlotte Thompson

Date

6/10/2025

Applicant Mr R Morley

Location Red Hill Marine Ltd, Redhill Marina, Ratcliffe On Soar

Proposal Proposal for existing boat and marina car park

Parish Ratcliffe On Soar

Ward Gotham

DATE OF SITE VISIT 27/08/2025

OFFICERS REPORT

SITE DESCRIPTION & PROPOSAL

The site is located within the Green Belt adjacent to the River Trent (west and north) with the Parkway station / rail line and Power station to the east, the A453 to the south. There is an existing long-standing marina nearby.

The proposal seeks retrospective permission for the formation/ creation of a car park. The car park subject of this application is located directly east of the car park (for 24 vehicles) that was approved in 2012 (ref 12/00300/FUL). However, the area now appears to be used for the storage of boats rather than car parking. The application form suggests that the proposed parking area would be used to serve the staff and customers associated with the marina and relating businesses.

The same extent of car park was applied for in 2021, and this application was ultimately withdrawn by the agent due to concerns raised by historic England, NCC Archaeology and the officer during the course of the application.

SITE CONSTRAINTS

Flood zone 2

Heritage Assets (ancient monument opposite, listed lock to the north)

Ratcliffe On Soar FP7

Green Belt

SITE HISTORY

The wider site has a long planning history but the most pertinent ones are considered to be:

06/00647/FUL – Application to Form car & van/lorry park. Refused.

12/00300/FUL – Retention of car park area for 24 vehicles and 2 motor-cycles; HGV turning circle. Granted.

21/02032/FUL - Proposed Car Park and Re-alignment of Access Road. Withdrawn.

CONSULTATIONS

Parish Council:

Radcliffe on Soar Parish Council – have advised that they will not be making any formal comments

Statutory Consultees:

The Environment Agency – Object to the proposal as the FRA submitted does not comply with the requirements for a site-specific FRA in Flood Risk and Coastal Change Planning Practice Guidance. It does not confirm if the levels have been raised and does not discuss safe access/ egress and an emergency plan. Do not object to the principle of the car park but state that the application should confirm that the ground level will not be raised and that any excavated materials have been removed from the flood plain. To overcome their objection, the applicant should submit a revised FRA that addresses their concerns.

NCC Public Rights of Way - Ratcliffe on Soar Footpath no 7 runs along the access road to the proposed car park. There is a concern that the increased traffic is detrimental to the safety of the users of the footpath and as such measures should be put in place to ensure vehicles proceed at an appropriate speed on the way to the car park. They do not object the proposal but state that the safety of pedestrians on the access road should be considered.

NCC Archaeology - Concerned at the successive unauthorised development that has taken place adjacent to a site of national importance (Roman town and/or temple complex) which is protected as a Scheduled Monument. This has almost certainly led to the unmitigated loss of archaeological remains related to the Scheduled Monument.

Archaeological trial trenching carried out in 2001 demonstrated that the above application site almost certainly contains archaeological remains. One of the trenches was located a few metres to the west of the application site under an area that has since been laid down to hard-standing. This trench (4a) contained numerous features of Roman date, as did every other trench (1, 3, 4b and 5a) in the vicinity of the application site. These features are almost certainly an extension of the activity covered by the Scheduled Monument and as such Footnote 75 of the NPPF should be applied to the archaeological features demonstrated to extend south of the application site; Non-designated heritage assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets

The application is extremely deficient in terms of information. No details have been provided on the construction methods and no assessment of impacts has been provided. The redline boundary appears to be larger than the area of hardstanding evident on the aerial photography, and it is not clear to me whether further hardstanding will be laid down should this application be ultimately successful.

Either way the application has not met the obligations of Para 207 where the applicant is required to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

If this application is purely for the purpose of obtaining retrospective permission for the area of car-parking already laid, then further information needs to be provided as described above, in order for an informed recommendation to be made. We would recommend refusal until this information is available.

NCC Flood Risk – No objection

NCC Highways – No Objection

Historic England – Raise concerns with the proposal. The Roman site on Red Hill was a site of considerable importance in the Roman period. Its location on a prominent hill-top site commanding the junction of the River Soar with the River Trent and overlooking the flood plain to the north, and may have represented the boundary of Coritanian tribal territory at some time. The finds of Samian, metalwork, glass and coins are above average in quality and quantity for this part of the Trent Valley; coin evidence would suggest a greater importance in the late Roman period. Previous evaluation work had identified deep urban style stratigraphy and industrial practices, field systems and a possible cemetery have been identified. The frequency of imported pottery and fine tableware from a variety of sources indicates a thriving community with extensive trade links. The pottery seems to indicate a 2nd to 3rd

Though the proposals are not within the scheduled area, the wider area retains the potential for undesignated archaeological remains that contribute to the significance of the scheduled monument. The nature of the archaeological remains within the scheduled area presents the potential that archaeological remains and deposits could continue beyond the limit of scheduling.

As per footnote 75 of the National Planning Policy Framework, non-designated heritage assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets. This would be particularly pertinent to consider in this case; as noted above, any archaeological remains have the potential to contribute to the understanding of the scheduled remains.

Historic England has concerns regarding the application on heritage grounds. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of the NPPF. Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.

British Horse Society – have not commented on this application

Local Residents:

A total of 3 no. letters have been received in support of the application. The reasons raised within the comments can be summarized as follows:

- a. Will benefit community by reducing parking congestion and improving accessibility to businesses
- b. Design and layout are well thought out and considerate to the environment
- c. Businesses rely on customer being able to drive there and due to lack of public transport parking is essential
- d. Businesses also have staff members that require car parking
- e. Car parks allow for safety and for staff to move boats without the risk of parked vehicles causing obstructions
- f. Not having a car park will negatively impact the businesses

A total of 5 no. letters have been received objecting to the application. The reasons raised within the comments can be summarized as follows:

- a. The site is within the green belt and does not meet the criteria of the NPPF or local plan
- b. The application does not address Workplace (Health, Safety and Welfare) Regulations 1992 Regulation 17 in connection with the Public Footpath 7
- c. Concerns that the proposal will impact HS2 as it is within the HS2b Safeguarding Zone

- d. Applicant has had other car parks approved (40 spaces) which are no longer used for car parking and is used for boat storage and a residential cabin that does not have planning permission
- e. The application has limited information and does not confirm the reason for the proposed parking area among other things
- f. The proposal doesn't include landscaping to minimise impact
- g. No details of the proposed construction materials
- h. No sustainability provisions, such as EVCPs
- i. No disabled parking
- j. Concerns raised that the 76 cars on site that the applicant confirmed within the application form consist of abandoned cars and are not an accurate representation of the parking need for the site
- k. No consideration given to encouraging the use of public transportation rather than increasing parking provision
- l. Raised concerns that it doesn't appear that other alternative sites have been explored for car parking that are not within the green belt
- m. Concerns that the proposal will cause archaeological implications
- n. The whole site is being turned into boat yard, scrap and storage and this location is unacceptable for this use
- o. The car park that was granted in 2022 has been filled with boats and now inaccessible for cars. They are not using it for its intended purpose
- p. No very special circumstances to justify developing within the Green Belt
- q. Proposal will cause health and safety issues for pedestrians using the footpaths
- r. The Marina has too much hard surfacing already and further hard surfacing will cause issues in floodplain
- s. Site is of significant archaeological interest and no information regarding this has been provided
- t. No Planning Statement or D and A
- u. Lawful use of the sheds is queried
- v.

There are no further representations that have been received.

APPRAISAL

Planning Policy:

The Development Plan for Rushcliffe comprises of the Local Plan Part 1 - Core Strategy and the Local Plan Part 2. Other material considerations include the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG). Can be viewed here [Relevant National Planning Policies and Guidance](#)

The National Planning Policy Framework (NPPF)

- 2. Achieving sustainable development
- 13. Protecting Green Belt land
- 14. Meeting the challenge of climate change, flooding and coastal change
- 15. Conserving and enhancing the natural environment
- 16. Conserving and enhancing the historic environment

Relevant Local Planning Policies and Guidance

The Rushcliffe Local Plan Part 1: Core Strategy sets out the overarching spatial vision for the development of the Borough to 2028. The following policies are considered relevant:

- Policy 1 Presumption in Favour of Sustainable Development;
- Policy 2 Climate Change;

- Policy 4 Green Belt;
- Policy 11 Historic Environment;
- Policy 12 Local Services and Healthy Lifestyles and
- Policy 13 Culture, Tourism and Sport.

The Rushcliffe Local Plan Part 2:

- Policy 1 Development Requirements
- Policy 17 Managing Flood Risk
- Policy 18 Surface Water Management
- Policy 19 Development affecting Watercourses
- Policy 20 Managing Water Quality
- Policy 21 Green Belt
- Policy 28 Conserving and Enhancing Heritage Assets
- Policy 29 Development affecting Archaeological Sites
- Policy 31 Sustainable Tourism and Leisure

The Local Development Order (LDO) of Radcliffe on Soar Power Station.

Former HS2 Safeguarding Direction. 17 July 2025 Secretary of State for the Department for Transport announced the lifting of HS2 safeguarding on the former Eastern Leg in Parliament, as part of the HS2 Parliamentary Report. Safeguarding will be retained in Leeds only.

Rushcliffe Design Codes.

ASSESSMENT

The main considerations for this application are as follows:

- Principle of development (and Green Belt)
 - *Grey belt and other tests (Framework paragraph 155(a)-(d))*
 - *Conclusion on inappropriate development*
- Heritage
- Design and Appearance
- Highways and Public Rights of Way
- Flood Risk
- Impact on neighbouring amenity
- Conclusion including Very Special Circumstances

Principle of development (and Green Belt)

The application site is set within the Nottingham-Derby Green Belt. Policy 21 of the LPP2 sets out that applications for development in the Green Belt will be determined in accordance with the NPPF.

Paragraph 142 of the NPPF advises '*The Government attaches great importance to Green Belts. 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.*'

Paragraph 143 advises that '*Green Belt serves five purposes:*

- a) to check the unrestricted sprawl of large built-up areas;*
- b) to prevent neighbouring towns merging into one another;*
- c) to assist in safeguarding the countryside from encroachment;*
- d) to preserve the setting and special character of historic towns; and*
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban*

land.'

Paragraph 153 of the NPPF states that '*inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances*'. Paragraph 153 sets out 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.'*'

Paragraph 154 sets out development that should be regarded as exceptions to inappropriate development, one of which being '*'h)ii) engineering operations'*' provided that it preserves the openness of the green belt.

The proposal would include the addition of a car parking area, which has already been completed and is applied for retrospectively. The proposal includes the addition of hard surfacing to create a car park comprising 20 parking spaces. The car park has been constructed using gravel/ hardcore laid on top of the land, which is considered to be an engineering operation.

This land is currently being used to store lorries, piles of rubble and other equipment. There were no cars parked on the land during my site visit. The surrounding land to the west of the site consists of buildings used in association with the marina and other businesses. The land to the west is currently being used to store boats, although it has historically been used as agricultural land and it does not appear that any permission has been granted for such use. The proposed hard surfacing of land has a limited impact on the openness of the green belt as it would retain its openness. However, it is considered that the use of the land as a car parking area would cause harm to the openness of the green belt as it would result in cars/ vans associated with the businesses being parked in this location which would undoubtedly harm the openness of the agricultural field. This harm is considered to be moderate. Further, whilst the application has applied for the use of the land as a car park, it is clear that the site is not currently being used for this intended purpose, and the storage of rubble, lorries and other large equipment associated with the marina currently causes even further harm to the openness of the green belt.

I therefore consider that whilst the proposal would be considered an engineering operation, the proposal would cause moderate harm to the openness of the green belt and would fail to preserve its openness. I therefore consider that the proposal would not comply with exception h)ii) of paragraph 154 of the NPPF. I do not consider that any of the other exceptions are relevant, and the proposal would therefore be inappropriate development within the green belt.

Grey belt and other tests (Framework paragraph 155(a)-(d))

The Framework defines 'grey belt' as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143, and excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.

The proposed development would not result in the unrestricted sprawl of large built-up areas, the merging of towns, nor affect the setting and special character of historic towns. It is therefore concluded that the site does not strongly contribute to purposes (a), (b) and (d) of paragraph 143 of the Framework. In addition, the proposal would not affect areas or assets in footnote 7 of the Framework (other than Green Belt). It is therefore considered that, in this case, the development would utilise grey belt land.

Paragraph 155 of the NPPF states that 'the development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where:

- a) The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;
- b) There is a demonstrable unmet need for the type of development proposed
- c) The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework; and
- d) Where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157 below.'

In terms of limb a) of Para 155, it is considered that the proposal would utilise grey belt land as previously outlined. It is considered that the proposal would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan and therefore would comply with limb a).

In considering limb b) of Para 155 of the NPPF, it is considered that the applicant has failed to demonstrate a demonstrable unmet need for the proposed development. A car park of a similar size was granted planning permission in 2012 and is not being utilised for its intended purpose. No information in relation to the number of businesses and parking requirements of these businesses have been submitted. Further, no information has been provided as to whether the existing car parking provision, if used for its intended purpose, could not meet this need.

In considering limb c) the development would be located within approx. 400 meters from the train station East Midlands Parkway. It is therefore considered that the site is within a sustainable location as it has access to a regular public transportation service.

In considering limb d), the proposal is not for major development and therefore the 'Golden rules' do not apply in this instance.

Therefore, when considering paragraph 155 it is considered that the proposal does not meet the exceptions to inappropriate development.

Conclusion on inappropriate development

Given the matters as outlined above, the proposed dwelling is not considered to be an exception to inappropriate development in accordance with paragraph 154 h)ii) of the NPPF on the basis that the car park would not preserve the openness of the green belt. There are no other exceptions within paragraph 154 or 155 that the proposal would comply with. The introduction of hard surfacing in an area previously void of development would also result in encroachment into the countryside, contrary to one of the purposes of the Green Belt as defined by paragraph 143 c) of the NPPF.

As per par 153 of the NPPF 'Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. '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. Consideration as to whether there are any very special circumstances to outweigh the identified harm to the green belt by reason of inappropriateness, and any other harms will be considered below.

Heritage

The site is situated in the immediate setting of the Scheduled Monument recorded as 'Roman site on Red Hill', which is located directly north of the proposed car park.

The Roman site on Red Hill was a site of considerable importance in the Roman period. Its location on a prominent hill-top site commanding the junction of the River Soar with the River Trent and overlooking the flood plain to the north, and may have represented the boundary of Coritanian tribal territory at some time. The finds of Samian, metalwork, glass and coins are above average in quality and quantity for this part of the Trent Valley; coin evidence would suggest a greater importance in the late Roman period.

Historic England and NCC Archaeology have confirmed that previous evaluation work had identified deep urban style stratigraphy and industrial practices, field systems and a possible cemetery have been identified. The frequency of imported pottery and fine tableware from a variety of sources indicates a thriving community with extensive trade links. The pottery seems to indicate a 2nd to 3rd century date for the site, continuing into 4th century.

Historic England and the NCC Archaeological advisor have confirmed that whilst the proposals are not within the scheduled area, the wider area retains the potential for undesignated archaeological remains that contribute to the significance of the scheduled monument. As such Footnote 75 of the NPPF should be applied, which requires Non-designated heritage assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments, to be considered subject to the policies for designated heritage assets

Both NCC Archaeology and Historic England have raised concerns with the lack of information provided within the application and the potential impact of the proposal on archaeological remains in connection with the adjacent scheduled ancient monument. As the car park has already been constructed, any harm to archaeological remains has already taken place. However, NCC Archaeology have raised concerns that the compaction of the gravel overtime could cause further harm to potential archaeology on the site. Without an assessment from the applicant as part of the application to demonstrate what archaeological potential there is on site, there is no way of fully understanding whether the compaction of the gravel over time (through use as a car park) would cause further damage.

For these reasons, it is considered that the applicant has failed to accord with paragraph 207 of the NPPF which requires applicants to describe the significance of any heritage assets affected by the proposal, including any contribution made by their setting. It also requires that '*a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.*' NCC Archaeology and Historic England have both raised concerns with the lack of information provided. In the absence of any information relating to the impact on archaeology, it cannot be certain that archaeology will not be harmed and this weighs considerably against the proposal.

Overall, the County Council archaeology service and Historic England consider that there is a 'high potential' for the archaeological evidence on the site to be of equivalent significance to the Scheduled Monument. Footnote 75 of the Framework points out that non-designated heritage assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets. The level of harm to the significance of the Schedule Ancient Monument cannot be adequately considered due to the lack of information provided. Whilst in the absence of a desk-based assessment or field investigation, such an assessment has to be made on the available evidence, the views of the County Council and Historic England carry considerable weight in this respect.

Design and Appearance

The proposed car park would be located to the east of the buildings associated with the Marina.

Whilst the car park has been erected, the land on which the car park is situated was previously part of an agricultural field and was void of development. The car park has been constructed using loose hardcore/ gravel.

It is considered that the proposed car park would not be out of keeping with the area, given it is situated next to the existing marina and businesses.

There are no design codes within the Rushcliffe Design Codes that are applicable to the proposed development.

Highways and Public Rights of Way

In terms of the impact of the proposal on the highway, the proposed car park would be access via an internal access road. NCC Highways have confirmed that they do not object to the application. As the proposal would be for a car park to serve the existing businesses at the site, it is considered that the proposal would not materially affect the number of vehicles coming and going from the site. It is therefore considered that the proposal would not result in undue harm in terms of highway safety impacts.

In terms of the impact of the proposal on Public rights of way, Ratcliffe on Soar Footpath no 7 runs along the access road to the proposed car park which could be impacted by the proposal. NCC Rights of Way have raised some concerns that the increased traffic of the development would be detrimental to the safety of the users of the footpath and they consider that measures should be put in place to ensure vehicles proceed at an appropriate speed on the way to the car park but they have not objected to the proposal. Concerns have also been raised by local residents in terms of the safety of pedestrians.

The car park is proposed to serve existing users of both the marina and surrounding businesses, and it is therefore considered that the car park would not materially increase the traffic coming and going from the site. It is therefore considered that the proposed car park would not materially impact the right of way and it is not the job of the current application to resolve existing issues with the footpath and users of the access road. It is also considered that the measures suggested by NCC Rights of Way could be implemented via a condition and it is therefore considered that this would not warrant a reason to refuse the application.

Flood Risk

Policy 2 'Climate Change' of the Rushcliffe Local Plan Part 1: Core Strategy (2014) states that 'All development proposals will be expected to mitigate against and adapt to climate change, and to comply with national and local targets on reducing carbon emissions and energy use, unless it can be clearly demonstrated that full compliance with the policy is not viable or feasible'.

With regards to Flooding, Policy 2 'Climate Change' of the Rushcliffe Local Plan Part 1: Core Strategy (2014) states development proposals that avoid areas of current and future flood risk and which do not increase the risk of flooding elsewhere and where possible reduce flood risk, adopting the precautionary principle to development, will be supported. Where no reasonable site within Flood Zone 1 is available, allocations and other development proposals in Flood Zone 2 and Flood Zone 3 will be considered on a sequential basis in accordance with national planning policy on flood risk and the Strategic Flood Risk Assessment.

The site is located within Flood Zone 2, with the wider marina site also being located within Flood Zone 3. As per paragraphs 173 – 176, a site-specific flood risk assessment is required as part of the application.

A site-specific Flood Risk Assessment has been submitted as part of the proposal. However, The Environment Agency have objected to the application as they consider the submitted FRA is insufficient as it does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 20 to 21 of the Flood Risk and Coastal Change planning practice guidance and its site-specific flood risk assessment checklist. They have raised concerns that the FRA fails to confirm whether ground levels have been raised at the car parks. It is important that ground levels are not raised so there is no loss of floodplain storage at the site. They also have concerns that the FRA fails to discuss safe access and egress or an emergency plan.

The Flood Risk Assessment submitted also does not appear to adequately demonstrate why the development could not be achieved in a sequentially preferable location (e.g. In Flood Zone 1). There are sections of the wider site (to the north) that are located within Flood Zone 1 and the FRA does not address why the proposed car parking area could not be located within this sequentially preferable location. It is therefore considered that the proposal fails to demonstrate that the proposal could not be located in a sequentially preferable location, which could be contrary to para 174 of the NPPF which states: *'Within this context the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test.'*

Due to the site being a car park which is within the 'less vulnerable' category of the Annex 3: Flood risk vulnerability classification and the site being located within Flood Zone 2, an exception test is not required.

Taking the above into account, it is considered that the submitted FRA does not adequately demonstrate compliance with the requirements of the NPPF, as it is considered that it does not adequately consider other available sites for the proposed development that would be in a sequentially preferable location. It is also considered that the submitted FRA fails to comply with the criteria of the Flood Risk and Coastal Change planning practice guidance and its site-specific flood risk assessment checklist. It is therefore considered that the proposal is contrary to Policy 2 (climate Change) of LPP1, Policy 17 (Managing Flood Risk) of LPP2 and Chapter 14 of the NPPF.

Impact on neighbouring amenity

Due to the nature of the development proposed, the car park would not unduly impact neighbouring properties in terms of overlooking, overbearing and overshadowing impacts.

The proposed car park would not materially alter the number vehicular movements to and from the site, and therefore the proposal would not give rise to noise and disturbance to neighbouring residents.

The proposal is therefore considered to accord with local and national planning policies in this regard.

Very special circumstances and Conclusion

The proposal is considered to constitute inappropriate development within the Green Belt. It is also considered that the proposal would cause harm modest harm to the greenbelt, and as per the NPPF, significant weight should be applied to any harm to the green belt.

No very special circumstances have been put forward by the applicant to justify the proposed development and outweigh the harm caused to the green belt. However, that being said it is

acknowledged that the proposed car park would serve existing businesses and their staff and would therefore contribute to the operation of the associated businesses. As per the NPPF Chapter 6 (Building a strong, competitive economy), significant weight should be applied on the need to support economic productivity and it emphasis that decisions should create conditions in which businesses can invest and adapt. Whilst it could be argued that the proposed car park would allow the existing businesses to adapt, there is no information within the submitted application to suggest that the car park is supporting the expansion of existing businesses, further than the car parking provision that was granted in 2012. This car park is not being used for its intended purpose and there is no information before me to suggest that if the car park was used for its intended purpose, then this would not meet the needs of existing businesses. Indeed, when I visited the site even the car park that is subject to this application was not being used for car parking purposes. I therefore consider that the economic benefit that a car park would bring to support existing businesses would not constitute 'very special circumstances' that would clearly outweigh the harm caused to the green belt.

The applicant has suggested that if the car park were not permitted, there would not be enough parking for existing staff members. Again, no information regarding the number of staff associated with the businesses and the parking demand required in association with this. There is car parking available within the wider site and it is therefore considered that this would constitute 'very special circumstances' that would clearly outweigh the harm caused to the green belt.

Para 153 of the NPPF states that 'Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. '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.'

In respect of any other harm it is considered that the applicant has failed to demonstrate that the proposal would not cause harm to archaeology or the significance of the nearby Scheduled Ancient Monument, nor have they adequately demonstrated that the proposed would be acceptable in Flood Risk terms.

Therefore, it is considered that no Very Special Circumstances exist that clearly outweighs the harm to the Green Belt or any other harm resulting from the proposal.

It is therefore recommended that the application is refused for these reasons.

RECOMMENDATION

Refuse permission with reasons

1. The car park would constitute an engineering operation (as per limb h)ii) of para 154 of the NPPF) but it does not preserve the openness of the green belt. The development would therefore not fall within any of the exceptions to inappropriate development in the Green Belt listed under paragraph 154 of the NPPF. The development would utilise Grey Belt land but the applicant has failed to demonstrate that the proposal would meet an unmet need as required by criteria (b) of paragraph 155 of the NPPF. The car park constitutes an inappropriate development and is therefore a harmful form of development for which 'very special circumstances' have not been demonstrated to clearly outweigh the harm arising by reason of its inappropriateness, or any other harm resulting from the proposal. A decision to refuse planning permission would accord with paragraph 153 of the NPPF which states that "Inappropriate development is, by definition, harmful to the Green Belt and should not be

approved except in very special circumstances". The application is therefore contrary to Policy 21 of the Rushcliffe Local Plan Part 2 (2019) and the National Planning Policy Framework Section 13, particularly paragraphs 142, and 153 through to 155.

2. The application site falls within a high flood risk area (Flood Zone 2 and 3), The submitted FRA does not comply with the requirements for site-specific Flood Risk Assessments, as set out in paragraphs 20 and 21 of the Flood Risk and Coastal Change section of the planning practice guidance. The FRA does not therefore adequately assess the flood risks posed by the development. In particular, the FRA fails to:
 - The FRA does not confirm whether ground levels have been raised at the car parks. It is important that ground levels are not raised so there is no loss of floodplain storage at the site.
 - The FRA does not discuss safe access and egress or an emergency plan.

In the absence of an appropriate and acceptable site-specific FRA, it is not possible to assess the flood risk to people and property, how residual risks would be safely managed, appropriate flood resistance/resilience measures and the provision of safe access and escape routes.

The application does not therefore comply with paragraph 181 of the NPPF which states: "When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment [footnote 63]. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- d) any residual risk can be safely managed; and
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan."

The submitted FRA also does not adequately demonstrate that the proposed car parking area could not be located in a sequentially preferable location (e.g. Flood Zone 1). The FRA is therefore considered to be insufficient and would not comply with paras 173 and 174 of the NPPF which states:

Para 173:

'A sequential risk-based approach should also be taken to individual applications in areas known to be at risk now or in future from any form of flooding, by following the steps set out below.

Para 174:

Within this context the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test.'

The development would also be contrary to Policy 2 of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 17 of the Local Plan Part 2: Land and Planning Policies (2019)

3. It has not been demonstrated , in accordance with paras 207 of the NPPF , that the development would not affect archaeology that may exist in the area. It is understood that there is a strong possibility of the site containing remains of archaeological importance and the application is not supported by a desk-based assessment or any archaeological evaluation. In addition harm to the significance of the Schedule Ancient Monument cannot be adequately considered due to the lack of information provided. A decision to refuse the proposal would be in accordance with Chapter 16 (Conserving and enhancing the historic environment) of the NPPF, Policy 11 (Historic Environment) of Rushcliffe Local Plan Part 1: Core Strategy and Policies 28 (Conserving and enhancing heritage assets) and Policy 29 (Development affecting archaeological sites) of Rushcliffe Local Plan Part 2: Land and Planning Policies.

Note-

The proposal is presented for planning permission on a retrospective basis, the need for planning permission has been highlighted to the applicant. There is a fundamental objection to the retention. Negotiations have not been initiated in this instance in order to allow the decision to be issued.

Having regard to the above and having taken into account matters raised there are no other material considerations which are of significant weight in reaching a decision on this application.

Decision Approved by

Authorised Officer on behalf of Rushcliffe Borough Council...
Date 07/10/2025.....

