



**MINUTES
OF THE MEETING OF THE
PLANNING COMMITTEE
THURSDAY, 9 JUNE 2022**

Held at 2.30 pm in the Council Chamber, Rushcliffe Arena, Rugby Road, West
Bridgford

PRESENT:

Councillors R Butler (Chairman), Mrs M Stockwood (Vice-Chairman), S Bailey,
N Clarke, D Mason, F Purdue-Horan, V Price, C Thomas, J Walker and
A Phillips

ALSO IN ATTENDANCE:

4 Members of the public

OFFICERS IN ATTENDANCE:

P Cook
Thompson
P Taylor

Principal Planning Officer
Area Planning Officer
Area Planning Officer
Solicitor

T Coop
Richardson

Democratic Services Officer
Executive Secretary

APOLOGIES:

Councillors B Bansal and L Healy

1 Declarations of Interest

As a ward Councillor for Cotgrave, Councillor R Butler declared a non-pecuniary interest and would remove himself from the meeting on applications: 20/03248/OUT, 20/02508/OUT, 20/01203/OUT and 20/00231/OUT.

2 Minutes of the Meeting held on

The minutes of the meeting held on 12 May 2022 were approved as a true record and were signed by the Chairman.

3 Planning Applications

The Committee considered the written report of the Director – Development and Economic Growth relating to the following applications, which had been circulated previously.

20/02663/FUL - Widening of an existing agricultural access, erection of new gates and post and rail fencing, and formation of hardstanding for agricultural purposes - Land East of Bottom Green Farm, Bottom Green,

Upper Broughton, Nottinghamshire, LE14 3BA

Updates

There were no updates for this application.

There were no speakers on this item.

DECISION

PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

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

2. The development hereby permitted shall be carried out strictly in accordance with the following approved drawings/ information:

- Proposed Site Plan (Rev. D, dated 07/09/18) – received 15/02/2022;
- Proposed Road Surface (No reference) – received 15/02/2022;
- Cover letter from Agent detailing revisions – received 15/02/2022.

[For the avoidance of doubt having regard to policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy and policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies]

3. Within six-months of the approval of the application, the dropped kerb serving the access shall have been widened in accordance with the approved plans to the Highway Authority specification to the satisfaction of the Local Planning Authority.

[In the interests of highway safety and to accord with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies]

4. Within six-months of the approval of the application, the access shall have been surfaced in the materials set out in 'Proposed Site Plan (Rev. D, dated 07/09/18)', and shall have been constructed with provision to prevent the unregulated discharge of surface water from the driveway to the public highway. The hard-bound surfacing and provision to prevent the unregulated discharge of surface water to the public highway shall thereafter be retained for the life of the development.

[In the interests of highway safety.]

5. The hard and soft landscaping shown on the 'Proposed Site Plan (Rev. D, dated 07/09/18)' must be carried out and completed in accordance with those approved details not later than the first planting season

(October – March) following approval of the application. If, within a period of 5 years of from the date of planting, any tree or shrub planted as part of the approved plan is removed, uprooted, destroyed, dies or become diseased or damaged then another tree or shrub of the same species and size as that originally planted must be planted in the same place during the next planting season following its removal.

[To ensure the development creates a visually attractive environment and to safeguard against significant adverse effects on the landscape character of the area having regard to Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy; and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies]

6. The hereby approved access shall be used for agricultural use only and for no other use at any time.

[To define the permission]

NOTES TO APPLICANT

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 owner of the neighbouring property claims that there is a legal right of access to your ground in order to maintain that property. You may wish to seek legal advice as to whether that is the case. This grant of planning permission does not override or supersede any such right.

This grant of planning permission does not alter the private legal situation with regard to the carrying out of any works involving land which you do not own or control. You will need the consent of the owner(s) involved before any such works are started.

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

The development makes it necessary to extend a vehicular crossing over a footway of the public highway. These works shall be carried out to the satisfaction of the Highway Authority. You are therefore required to contact Via (in partnership with Nottinghamshire County Council) on 0300 500 8080 or at licences@viaem.co.uk to arrange for these works to take place.

Public Right of Way

The width of the existing grassed surfaced footpath should remain at, at least 2 meters through the entire length that it passed through the site. There should be no disturbance to the surface of the footpath without prior authorisation from the Rights of Way team.

The footpath should remain open and available at all times and should not be obstructed or impacted by vehicles, machinery, waste or storage associated with the proposed development.

The safety of the public using the path should be observed at all times.

A Temporary Closure of the Footpath may be granted to facilitate public safety during the construction phase subject to certain conditions. Further information and costs may be obtained by contacting the Rights of Way section. The applicant should be made aware that at least 5-weeks notice is required to process the closure and an alternative route on should be provided if possible.

Where the right of way runs across the site, there is currently an open field to the West. There are also view across fields with an open aspect to the South, beyond the site boundary delineated by the existing post and rail fence, gate and stile. These open aspect should be retained as far as is practicable as part of any development, with good practice design principles applied to either ensure that the route does not become enclosed and/ or is incorporated it as part of a greenspace corridor.

The new stiles must be located in the same position as existing and must be construct to BS standards, alternatively pedestrian access gates would be a permissible, providing increased accessibility with reduced maintenance. Further information may be obtained by contacting the Rights of Way section.

If a skip is required and is sited on a highway, which includes a RoW then the company supplying the skip must apply for a permit. <http://www.nottinghamshire.gov.uk/transport/licences-and-permits/skip-permit> and also ensure that the RoW can still be accessed appropriately by the users permitted by its status i.e. equestrians if a on bridleway, motorised vehicles if on a byway open to all traffic

As Ward councillor for Cotgrave, Councillor R Butler removed himself from the meeting and did not take part in the discussion or debate for the following four items.

20/03248/OUT - Application for Outline Planning Permission for the construction of up to 210 dwellings (all matters reserved except for access) - Land Rear of Mill Hill Lane/The Old Park Cotgrave Nottinghamshire

Updates

Additional representations were received after the agenda had been published and were circulated to the Committee before the meeting.

In accordance with the Council's Public speaking Protocol for Planning committee, Mr R Galij (Applicants Agent) and Councillor R Butler (Ward Councillor) addressed the Committee.

Comments

Members requested consideration be given to a pedestrian crossing on Bingham Road (or another suitable location), provision for such to be included within the Section 106 Agreement and an informative added in respect of this.

DECISION

THE DIRECTOR OF DEVELOPMENT AND ECONOMIC GROWTH IS AUTHORISED TO GRANT PLANNING PERMISSION SUBJECT TO:

- 1) THE PRIOR SIGNING OF A SECTION 106 AGREEMENT; AND**
- 2) THE FOLLOWING CONDITIONS (SAVE THAT IN THE EVENT THAT AFTER THE DATE OF THE COMMITTEE'S DECISION BUT PRIOR TO THE PLANNING PERMISSION BEING ISSUED ANY CHANGES ARE NEEDED TO THE WORDING OF THE CONDITIONS OR THEIR INFORMATIVES ONLY), THE DIRECTOR – DEVELOPMENT AND ECONOMIC GROWTH BE DELEGATED AUTHORITY TO MAKE THESE CHANGES IN CONSULTATION WITH THE CHAIR OF THE PLANNING COMMITTEE, PROVIDED THAT THESE CHANGES DO NOT EXCEED OR ALTER THE SUBSTANTIVE NATURE OF THE CONDITIONS AS SET OUT IN THE OFFICERS REPORT TO THE COMMITTEE**

1. No development shall take place until a phasing plan for the development has been submitted to and approved in writing by the local planning authority. This phasing plan shall include: phasing of the construction of the development, including access, housing, areas of amenity and informal space (including play spaces), landscaping, drainage systems, roads and, footpaths. For the purposes of all other conditions of this permission, 'phase' shall refer to the phases approved under this condition.

[Reason: To ensure the proper phasing of the development and to ensure it takes the form envisaged by the Local Planning Authority. This is a pre-commencement to inform how the development will be delivered and when].

2. Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") for each phase of the development shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved. Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission. The development hereby permitted shall

take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.

[Reason: As required by Section 92 of the Town and Country Planning Act 1990 as amended by Section 51(2) of the Planning and Compulsory Purchase Act 2004.]

3. The development authorised by this permission shall be carried out in complete accordance with the approved drawings and specification listed below:

- Site location Plan - Ref: LOC/01A Rev C
- Arboricultural Tree survey plan – Ref: 9018-T-01
- Arboricultural Assessment Report
- Arboricultural Assessment Tree Schedule
- Archaeology Summary Statement
- Archaeology Geophysical Reports (x2)
- Archaeology Desk Based Assessment
- Archaeology Built Heritage Assessment
- Archaeology Test Pits Method
- Archaeology Test Pits Report
- Archaeology Approved WSI
- Trial Trench Appendices
- Trial Trench Figs 1 - 50
- Trial Trench plates 1 and 2
- Biodiversity Proposed Habitat Plan – Ref: 9018 - E - 01
- Biodiversity Habitat Retention plan – Ref: 9018 - E - 02
- Biodiversity Metric Results output
- Biodiversity Technical Note
- Building for a Healthy Life Assessment
- Ecological Appraisal
- Ground Investigation Peat Delineation
- Illustrative Masterplan Ref: H5333-ILL-Rev A
- Noise Assessment
- Site Access drawing Ref: ADC1913-DR-010 P6
- Sustainability Statement
- Topographical Survey Dec 19
- Travel Plan
- Planning Statement
- Statement of Community Involvement
- Phase i and ii Geo Environmental Assessment
- Transport Assessment Ref: ADC1913-RP-C
- Flood Risk Assessment
- Design and Access Statement
- Archaeological Trial Trench Report
- Design and Access Statement

[Reason: To define the permission, for the avoidance of doubt having regard to Policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 of the Rushcliffe Local Plan Part 2: Land and

Planning Policies (2019).]

4. No development in any phase of development shall take place until the details of a Construction Management Plan for that phase is submitted and approved in writing by the Local Planning Authority. The statement shall have regard for the following items:
 - a) Access and parking of vehicles of site operatives and visitors
 - b) Loading and unloading of plant and materials
 - c) Storage of plant and materials used in constructing the development;
 - d) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - e) Wheel washing facilities
 - f) Measures to control the emission of noise, dust, dirt and vibration during construction
 - g) A scheme for recycling/disposing of waste resulting from construction works
 - h) Hours of operation (including demolition, construction and deliveries)
 - i) A scheme to treat and remove suspended solids from surface water run-off during construction.
 - j) An earthworks strategy to provide for the management and protection of soils.
 - k) 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
 - l) Scheme for temporary signage and other traffic management measures, including routing and access arrangements. The agreed access shall be provided before development commences.
 - m) The routing of deliveries and construction vehicles to/ from the site and any temporary access points.

[Reason: In the interests of Highway safety and to minimise disruption to users of the local highway network adjacent to the development site having regard to Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019). This is a pre-commencement condition as matters need to be agreed prior to the works starting.]

5. No development hereby approved shall commence until a detailed surface water drainage scheme for that phase based on the principles contained within the approved Flood Risk Assessment (FRA) and Drainage Strategy, 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:
 - a) 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.

- b) Limit the discharge rate generated by all rainfall events up to the 100 year plus 40% (for climate change) critical rainstorm to 5 l/s/ha rates or the QBar greenfield run-off rate for the developable area, whichever is the lower as required by the Lead Local Flood Authority.
- c) Provision of surface water run-off attenuation storage in accordance with 'Science Report SCO30219 Rainfall Management for Developments' and the approved FRA
- d) 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.
- e) For all exceedance to be contained within the site boundary without flooding new properties in a 100year+40% storm.
- f) Details of STW approval for connections to existing network and any adoption of site drainage infrastructure.
- g) 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 effectiveness.

[Reason: To ensure that all major developments have sufficient surface water management are not at increased risk of flooding and do not increase flood risk off-site, and to comply with Policy 2 (Climate Change) of the Rushcliffe Local Plan Part 1: Core Strategy (2014), Policies 17 (Managing Flood Risk) and 18 (Surface Water Management) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Paragraphs 167 and 169 of the National Planning Policy Framework (July 2021). This condition is pre-commencement to avoid the potentially costly and abortive works of rectifying the situation if the design of the scheme needed to be revised or altered at a later date.]

6. No development in any phase hereby approved shall commence until drainage plans for the disposal of surface water and foul sewage for that phase have been submitted to and approved by the Local Planning Authority. Thereafter the scheme shall be implemented in accordance with the approved details prior to the first occupation of any dwelling.

[Reason: To ensure that is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution, and to comply with Policy 2 (Climate Change) of the Rushcliffe Local Plan Part 1: Core Strategy (2014), Policies 17 (Managing Flood Risk) and 18 (Surface Water Management) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Paragraphs 167 and 169 of the National Planning Policy Framework (July 2021). This condition is pre-commencement to avoid the potentially costly and abortive works of rectifying the situation if the design of the scheme needed to be revised or altered at a later date.]

7. Before development commences in any phase a sound insulation scheme to effectively reduce the transmission of noise from external sources within that phase shall be submitted to and approved by the Local Planning Authority. It shall have regard to both BS 8233:2014 Sound Insulation and Noise Reduction for Buildings, and any noise assessment undertaken, stating all assumptions made.

(If appropriate) A complimentary ventilation scheme shall also be submitted to and approved by Local Planning Authority. This scheme shall be designed to ensure that the windows can remain closed. This will retain the integrity of the noise insulation scheme, whilst ensuring the provision of the ventilation required by the Building Regulations. The upper limit for living rooms shall be an LAeq,16h of 35dB, and for bedrooms an internal LAeq,8h of 30dB and an LMax of 45dB. Thereafter the approved details shall be installed/implemented prior to the first occupation and thereafter be retained for the lifetime of the development.

[Reason: To ensure that future occupiers of the development hereby approved are not adversely affected by unacceptable noise pollution from nearby sources having regard to Policies 1 (Development Requirements), 39 (Health Impacts of Development) and 40 (Pollution and Contaminated Land) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and paragraphs 185 and 187 of the NPPF (July 2021). This is a pre-commencement condition to ensure that the houses are designed to address the issue and avoid otherwise abortive costs and works at a later date retrofitting such measures.]

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

[Reason: To protect the amenities of nearby residential properties at for the duration of the construction of the development hereby permitted, having regard to having regard to Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).]

9. 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, unless otherwise agreed with the Local Planning Authority. Laboratory 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.

[Reason: To ensure that all aggregate materials brought onto the site are free from contamination so that the site is suitable for the approved development without resulting any unacceptable risk to the health of any

construction workers, future users of the site, occupiers of nearby land or the wider environment having regard to Policy 1 (Presumption in Favour of Sustainable Development) of the Rushcliffe Local Plan Part 1: Core Strategy (2014), policies 39 (Health Impacts of Development) and 40 (Pollution and Land Contamination) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Paragraphs 183 and 185 of the National Planning Policy Framework (July 2021).]

10. If pile driven foundations are to be used for the construction of the development, a method statement detailing techniques for the control of noise, dust and vibration from piling works shall be submitted and approved by the Local Planning Authority prior to the development commencing. The method statement shall have regard to the guidance given in:
 - a) BS 5228-1:2009+A1: 2014 - Code of practice for noise and vibration control on construction and open sites.
 - b) The control of dust and emissions from construction and demolition. Best Practice Guidance; Greater London Authority, November 2006.

Thereafter the works shall be carried out in accordance with the approved method statement.

[Reason: To ensure that the occupiers of neighbouring properties are not adversely affected by unacceptable vibration and noise pollution from the development hereby permitted, having regard to Policies 1 (Development Requirements), 39 (Health Impacts of Development) and 40 (Pollution and Contaminated Land) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).]

11. No development in any phase shall take place until a Landscape and Ecological Management Plan (LEMP) including any recommendations of the consultant ecologist (See section 5 of the Preliminary Ecological Assessment) and covering the biodiversity gain demonstrated in the biodiversity net gain assessment, with the means to implement in the long term in that phase has been submitted to and approved by the Local Planning Authority. Thereafter, the approved development must be undertaken in accordance with the approved details with any ecological mitigation measures retained and appropriately maintained on the site for 30 years from planting.

[Reason: To ensure the development contributes to the enhancement of biodiversity on the site having regard to Policy 17 (Biodiversity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014); Policy 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019); Chapter 15 (Conserving and enhancing the natural environment) of the National Planning Policy Framework (July 2021). This is pre-commencement to ensure that any protected species are afforded the appropriate protection prior to development that may otherwise harm them or their habitats from occurring.]

12. No development in any phase shall take place until an ecological construction method statement incorporating reasonable avoidance measures (RAMs), including the good practice points below and any supplied by the consultant ecologist (See section 5 of the Preliminary Ecological Assessment) in that phase have been submitted to and approved by the Local Planning Authority:

- a) The use of external lighting (during construction and post construction) should be appropriate to avoid adverse impacts on bat populations, see <https://www.bats.org.uk/news/2018/09/new-guidance-on-bats-andlighting> for advice and a wildlife sensitive lighting scheme should be developed and implemented.
- b) Permanent bat boxes and bird boxes (including swifts) should be incorporated into buildings and where appropriate on retained trees, consideration should be given to the provision of raptor / barn owl boxes. Hedgehog corridors, access and enhancements should be provided within and through site boundaries. Invertebrate enhancements (e.g. bee bricks and Insect hotels) should be provided as appropriate. Reptile enhancements e.g. hibernacula or other enhancements should be provided.
- c) New wildlife habitats should be created where appropriate, including wildflower rich neutral grassland, hedgerows, trees and woodland, wetlands and ponds. For amenity grassland, flowering lawn seed mixes are recommended.
- d) Any existing hedgerow / trees should be retained and enhanced, any hedge / trees removed should be replaced. Any boundary habitats should be retained and enhanced.
- e) Where possible new trees / hedges should be planted with native species (preferably of local provenance and including fruiting species). See <https://www.rushcliffe.gov.uk/conservation/treeshedgesandlandscaping/landscapingandtreeplanting/plantingonnewdevelopments/> for advice including the planting guides (but exclude Ash (*Fraxinus excelsior*)).
- f) Sustainable Urban Drainage schemes (SUDs) where required should be designed to provide ecological benefit.

[Reason: To ensure the development contributes to the enhancement of biodiversity on the site having regard to Policy 17 (Biodiversity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014); Policy 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019); Chapter 15 (Conserving and enhancing the natural environment) of the National Planning Policy Framework (July 2021). This is a pre-commencement condition to ensure that the ecological matters are considered prior to the detailed design of the development being finalised so that they are considered at the earliest possible stage.]

13. If work has not commenced in any phase by March 2023, update ecology surveys, including a bat mitigation plan, should be completed in that phase and supplied to the local planning authority and any recommendations implemented.

[Reason: To ensure the development contributes to the enhancement of biodiversity on the site having regard to Policy 17 (Biodiversity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014); Policy 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019); Chapter 15 (Conserving and enhancing the natural environment) of the National Planning Policy Framework (July 2021).]

14. The development in any phase hereby permitted must not commence and no preparatory operations in connection with the development hereby permitted (including demolition, site clearance works, fires, soil moving, temporary access construction and / or widening, or any operations involving the use of motorised vehicles or construction machinery) shall take place until a detailed Arboricultural Method Statement (AMS) prepared in accordance with BS5837:2012 'Trees in relation to design, demolition and construction - Recommendations' in that phase has been submitted to and approved in writing by the Local Planning Authority and all protective fencing has been erected as required by the AMS. The AMS must include full details of the following:
- a) The timing and phasing of any arboricultural works in relation to the approved development;
 - b) Detailed tree felling and pruning specification in accordance with BS3998:2010 Recommendations for Tree Works;
 - c) Details of a Tree Protection Scheme in accordance with BS5837:2012 which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site which are to be retained or which are the subject of any Tree Preservation Order;
 - d) Details of any construction works required within the root protection area as defined by BS5837:2012 or otherwise protected in the Tree Protection Scheme;
 - e) Details of the location of any underground services and methods of installation which make provision for protection and the long-term retention of the trees on the site. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, no services shall be dug or laid into the ground other than in accordance with the approved details;
 - f) Details of any changes in ground level, including existing and proposed spot levels, required within the root protection area as defined by BS5837:2012 or otherwise protected in the approved Tree Protection Scheme;
 - g) Details of the arrangements for the implementation, supervision and monitoring of works required to comply with the AMS.

The development shall be carried out in accordance with the approved details.

[Reason: To ensure the adequate protection of the existing trees and hedgerows on the site during the construction of the development having regard to regard to Policy 10 (Design and Enhancing Local

Identity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014); Policies 37 (Trees and Woodlands) and 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Chapter 15 (Conserving and Enhancing the Natural Environment) of the National Planning Policy Framework (July 2021). This is a pre-commencement condition to ensure that the protection of the trees which cannot be easily replaced if felled or damaged prior as a result of development commencing prior to protection measures being agreed.]

15. All works to existing trees in any phase of development shall be carried out in accordance with British Standard BS 3998:2010 Tree work (or any equivalent British Standard if replaced).

[Reason: To ensure that the work is carried out to satisfactory standard to minimise any adverse impact on the health of the tree having regard to Policy 37 of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).]

16. As part of the proposed landscaping scheme pursuant any future reserved matter, detailed plans showing the location of all new and replacement trees and shrubs to be planted, including the number and/or spacing of shrubs in each shrub bed or hedgerow in any phase shall be provided and shall also include:

- a) A schedule of the new trees and shrubs (using their botanical / Latin names) to be planted including their size at planting (height or spread for shrubs, height or trunk girth for trees);
- b) Plans showing the proposed finished land levels/contours of landscaped areas;
- c) Details of all proposed hard surfaces areas, retaining structures, steps, means of enclosure, surface finishes and any other hard landscaping features;
- d) Details of the protection measures to be used of any existing landscape and ecological features to be retained.

[Reason: To ensure the development creates a visually attractive environment and to safeguard against significant adverse effects on the landscape character of the area having regard to Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014); Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Chapter 12 (Achieving Well-designed Places) of the National Planning Policy Framework (July 2021).]

17. Prior to the occupation of the development in any phase (other than means of access), a scheme for the provision of Electric Vehicle Charging Points (EVCPs) within that phase must be submitted to and approved in writing by the Local Planning Authority. The submitted scheme must include details of the type, number and location of the proposed EVCP apparatus. If any plots are not to be served by an EVCP then it must be demonstrated why the provision of an EVCP

would be not be technically feasible within that phase. None of the dwellings within that phase shall be occupied until an EVCP serving it has been installed in accordance with the approved scheme. Thereafter an EVCP must be permanently retained on each dwelling in accordance with the approved scheme throughout the lifetime of the development.

[Reason: To promote sustainable transport measures that will help lead to a reduction in carbon emissions within the Borough and help contribute towards a reduction in general air quality having regard to Policy 2 (Climate Change) of the Local Plan Part 1: Core Strategy (2014) and Policy 41 (Air Quality) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Paragraph 110 of the National Planning Policy Framework (July 2021).]

18. Prior to any development in any phase commencing an Employment and Skills Strategy for the construction phase of the approved development in that phase shall be submitted to and approved in writing by the Borough Council. This strategy will provide opportunities for people in the locality including employment, apprenticeships and training. 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.

[Reason: 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].

19. No development in any phase shall commence on site until a written scheme of investigation (WSI) and details of permanent fencing to be erected around area of archaeological importance identified within the submitted archaeological report(s) has been submitted to and approved in writing by the local planning authority for that phase. Thereafter the area shall remain fenced in accordance with the approved details in perpetuity and no works shall take place within the area inside that fencing. For land that is included within the WSI, no development shall take place within that phase other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and
 - a) The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
 - b) The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material.

This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

[Reason: To ensure that any archaeological items and/or features are recorded in a manner proportionate to their significance and to make the

recorded evidence (and any archive generated) publicly accessible, having regard to Policy 11 (Historic Environment) of the Rushcliffe Local Plan Part 1: Core Strategy (2014); and Policies 28 (Historic Environment: Conserving and Enhancing Heritage Assets) and 29 (Development Affecting Archaeological Sites) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Chapter 16 (Conserving and enhancing the historic environment) of the National Planning Policy Framework (July 2021). This condition is pre-commencement to ensure an appropriate level of care and recording (as necessary) is made of any heritage assets which are irreplaceable if not protected prior to development commencing.]

20. Prior to the submission of reserved matters approval for any landscaping within any phase of development, an updated habitat plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the biodiversity net gains, and any mitigation measures within that phase shall be implemented in accordance with the approved details and be retained and maintained in situ for 30 years from the date of planting.

[Reason: To ensure the development contributes to the enhancement of biodiversity on the site having regard to Policy 17 (Biodiversity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014); Policy 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019); Chapter 15 (Conserving and enhancing the natural environment) of the National Planning Policy Framework (July 2021).]

21. No development shall commence on any part of the application site unless or until a suitable access arrangement as shown on the drawing entitled 'Access Junction Layout', drawing no. ADC1913-DR-010 rev. P6' has been provided to the satisfaction of the Local Planning Authority. No dwellings shall be occupied until the approved access arrangements have been implemented.

[Reason: To ensure an adequate form of development in the interests of highway safety having regard to Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).]

22. No dwellings shall be occupied until works have been carried out to the junctions of Bingham Road/Hollygate Lane/Colston Gate and Main Road/Bingham Road/Plumtree Road, as shown for indicative purposes on drawings 173493-A03-01 rev. B and ADC1913/DR/100 rev. P3 to the satisfaction of the Local Planning Authority.

[Reason: To ensure an adequate form of development in the interests of highway safety.]

23. No part of the development hereby permitted shall take place until details of the new roads have been submitted to and approved in writing by the Local Planning Authority including longitudinal and cross-sectional gradients, street lighting, Traffic Regulation Orders, drainage

and outfall proposals, construction specification, provision of and diversion of utilities services, and any proposed structural works. The development shall be implemented in accordance with these details to the satisfaction of the Local Planning Authority.

[Reason: In the interests of Highway safety and to ensure that the estate streets serving the development are completed and thereafter maintained to an acceptable standard in the interest of residential / highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the development; and to safeguard the visual amenities of the locality and users of the highway, having regard to Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019). This is pre-commencement condition to avoid otherwise abortive works and costs adapting highways to the appropriate standards post construction.]

24. No dwelling shall be occupied until the drives and parking areas serving those properties have been surfaced in a bound material (not loose gravel). The surfaced drives and parking areas shall then be maintained in such bound material for the life of the development.

[Reason: To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc) in the interests of highway safety having regard to Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).]

25. No part of the development hereby permitted shall be brought into use until the access driveways and parking areas are constructed with provision to prevent the unregulated discharge of surface water from the driveways and parking areas to the public highway. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.

[Reason: To prevent surface water discharging onto the public highway in the interests of highway safety having regard to Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).]

26. No development shall commence anywhere on the land subject to this Planning Permission unless and until all legal and equitable interests in this land are bound by the provisions of the s106 Agreement entered into by all relevant owners relating and pursuant to this Planning Permission or by a deed made pursuant to section 106 of the Town and Country Planning Act 1990 (as amended) securing the same planning obligations as set out in the aforementioned s106 agreement.

[The requirements of this condition need to be satisfied prior to work commencing on site to ensure that the impacts of the development are sufficiently mitigated in accordance with Policy 19 of the Rushcliffe Local Plan Part 1: Core Strategy]

Note to Applicant

In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) (Order) 2010, as amended, and the National Planning Policy Framework 2021, the Council has worked in a positive and proactive way in determining the application and has granted planning permission.

The applicant is reminded that this permission is also subject to a planning obligation made under the provisions of Section 106 of the Town and Country Planning Act 1990 (as amended) the purpose of which is to exercise controls to secure the proper planning of the area. The planning obligation runs with the land and not with any person or company having an interest therein.

If the use of a crusher is required, this should be sited as far as possible from nearby properties and be operated in accordance with its process permit.

The applicants should consult Severn Trent Water Limited who should be satisfied that the sewerage and sewage disposal systems serving the development have sufficient capacity to accommodate additional flows, generated as a result of the development, without causing pollution.

All demolition and construction work, including deliveries, shall be restricted to the following times, to cause the minimum amount of disturbance to neighbouring residents: Monday-Friday: 0700 - 1900 hours, Saturday: 0800 - 1700 hours, Sunday/Bank Holidays: No work activity.

Structures cannot be constructed on the line of the right of way without the prior authorisation of the Rights of way team. It should be noted that structures can only be authorised under certain criteria and such permission is not guaranteed.

The safety of the public using the path should be observed at all times. A Temporary Closure of the Footpath may be granted to facilitate public safety during the construction phase subject to certain conditions. Further information and costs may be obtained by contacting the Rights of Way section. The applicant should be made aware that at least 5 weeks' notice is required to process the closure and an alternative route on should be provided if possible.

The rights of way team are available for further discussion and site visits.

Good practice construction methods should be adopted including:

- a) 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.
- b) No works or storage of materials or vehicle movements should be carried out in or immediately adjacent to ecological mitigation areas or sensitive areas (including ditches).
- c) All work impacting on vegetation or buildings used by nesting birds should avoid the active bird nesting season, if this is not possible a search of the impacted areas should be carried out by a suitably competent person for nests immediately prior to the commencement of works. If any nests are found work should not commence until a suitably qualified ecologist has

been consulted.

- d) Best practice should be followed during building work to ensure trenches dug during works activities that are left open overnight should be left with a sloping end or ramp to allow animal that may fall in to escape. Also, any pipes over 200mm in diameter should be capped off at night to prevent animals entering. Materials such as netting and cutting tools should not be left in the works area where they might entangle or injure animals. No stockpiles of vegetation, soil or rubble should be left overnight and if they are left then they should be dismantled by hand prior to removal. Night working should be avoided.
- e) Root protection zones should be established around retained trees / hedgerows so that storage of materials and vehicles, the movement of vehicles and works are not carried out within these zones.
- f) Pollution prevention measures should be adopted
- g) It is recommended that consideration should be given to climate change impacts, energy efficiency, alternative energy generation, sustainable transport (including travel planning, electric vehicle and bike charging points and cycle storage), water efficiency, management of waste during and post construction and the use of recycled materials and sustainable building methods.

A sewer modelling study may be required to determine the impact this development will have on the existing system and if flows can be accommodated. 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.

Planning Practice Guidance and section H of the Building Regulations 2010 detail surface water disposal hierarchy. The disposal of surface water by means of soakaways should be considered as the primary method. If this is not practical and there is no watercourse is available as an alternative other sustainable methods should also be explored. If these are found unsuitable, satisfactory evidence will need to be submitted, before a discharge to the public sewerage system is considered.

Severn Trent Water advises that there is a public sewer located within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003 and you may not build close to, directly over or divert a public sewer without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development. If the applicant proposes to divert the sewer, the applicant will be required to make a formal application to the Company under Section 185 of the Water Industry Act 1991. They may obtain copies of our current guidance notes and application form from either our website (www.stwater.co.uk) or by contacting our Developer Services Team (Tel: 0800 707 6600).

This decision relates to planning law only. It is not a legal agreement either to remove or relocate any right of way affected by the development given

planning permission.

This decision notice should be read in conjunction with the Section 106 Agreement dated [to be confirmed] and the development should be completed in strict accordance with the obligations and provisions contained therein, to the satisfaction of the Rushcliffe Borough Council and Nottinghamshire County Council.

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

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

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

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

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.

All correspondence with the Highway Authority should be addressed to:-

NCC Highways (Development Control, Floor 3)
Nottinghamshire County Council

County Hall
Loughborough Road
West Bridgford
Nottingham, NG2 7QP

20/02508/OUT - Application for Outline Planning Permission for up to 100 dwellings with all Matters Reserved other than access/means of access - Land South and East of Hollygate Lane, Cotgrave, Nottinghamshire.

Updates

Additional representations were received after the agenda had been published and were circulated to the Committee before the meeting.

In accordance with the Council's Public speaking Protocol for Planning committee, Mr R Galij (Applicants Agent) and Councillor R Butler (Ward Councillor) addressed the Committee.

Comments

Members requested consideration be given to a pedestrian crossing on Bingham Road (or another suitable location), provision for such to be included within the Section 106 Agreement and an informative added in respect of this.

DECISION

THE DIRECTOR OF DEVELOPMENT AND ECONOMIC GROWTH IS AUTHORISED TO GRANT PLANNING PERMISSION SUBJECT TO:

- 1) THE PRIOR SIGNING OF A SECTION 106 AGREEMENT; AND**
 - 2) THE FOLLOWING CONDITIONS (SAVE THAT IN THE EVENT THAT AFTER THE DATE OF THE COMMITTEE'S DECISION BUT PRIOR TO THE PLANNING PERMISSION BEING ISSUED ANY CHANGES ARE NEEDED TO THE WORDING OF THE CONDITIONS OR THEIR INFORMATIVES ONLY), THE DIRECTOR – DEVELOPMENT AND ECONOMIC GROWTH BE DELEGATED AUTHORITY TO MAKE THESE CHANGES IN CONSULTATION WITH THE CHAIR OF THE PLANNING COMMITTEE, PROVIDED THAT THESE CHANGES DO NOT EXCEED OR ALTER THE SUBSTANTIVE NATURE OF THE CONDITIONS AS SET OUT IN THE OFFICERS REPORT TO THE COMMITTEE**
1. No development shall take place until a phasing plan for the development has been submitted to and approved in writing by the local planning authority. This phasing plan shall include: phasing of the construction of the development, including access, housing, areas of amenity and informal space (including play spaces), landscaping, drainage systems, roads and footpaths. For the purposes of all other conditions of this permission, 'phase' shall refer to the phases approved

under this condition.

[Reason: To ensure the proper phasing of the development and to ensure it takes the form envisaged by the Local Planning Authority. This is a pre-commencement to inform how the development will be delivered and when across the entire allocation].

2. Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") for each phase of the development shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved. Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission. The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.

[Reason: As required by Section 92 of the Town and Country Planning Act 1990 as amended by Section 51(2) of the Planning and Compulsory Purchase Act 2004.]

3. The development authorised by this permission shall be carried out in complete accordance with the approved drawings and specification listed below:

- a) Site location Plan ref: H7985/02 Rev B
- b) Illustrative Masterplan ref: HG5-ILL-01
- c) Noise Survey
- d) Archaeological Desk Based Assessment
- e) Built Heritage Assessment
- f) Geophysical Survey Report
- g) Heritage Appraisal
- h) STW Developer Enquiry Response
- i) Flood Risk Assessment
- j) Planning Statement
- k) Landscape visual Assessment
- l) Statement of Community Involvement
- m) Proposed T Junction Arrangement
- n) Travel Plan
- o) Design and Access Statement
- p) Bat Survey
- q) Great Crested Newt (eDNA) Survey
- r) Preliminary Ecological Assessment Report (PEAR)
- s) Tree Constraints Report
- t) Tree Map Extract (taken from the Tree Constraints Report)
- u) Sustainability Assessment
- v) Building for a Healthy Life Assessment
- w) Phase I and ii Geo Environmental Assessment
- x) Transport Assessment
- y) Design and Access Statement
- z) Preliminary Ecological Assessment Report

[Reason: To define the permission, for the avoidance of doubt having regard to Policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).]

4. No development shall take place in any phase until the details of a Construction Management Plan for that phase is submitted and approved in writing by the Local Planning Authority The statement shall have regard for the following items:
 - a) Access and parking of vehicles of site operatives and visitors
 - b) Loading and unloading of plant and materials
 - c) Storage of plant and materials used in constructing the development;
 - d) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - e) Wheel washing facilities
 - f) Measures to control the emission of noise, dust, dirt and vibration during construction
 - g) A scheme for recycling/disposing of waste resulting from construction works
 - h) Hours of operation (including demolition, construction and deliveries)
 - i) A scheme to treat and remove suspended solids from surface water run-off during construction.
 - j) An earthworks strategy to provide for the management and protection of soils.
 - k) 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
 - l) Scheme for temporary signage and other traffic management measures, including routing and access arrangements. The agreed access shall be provided before development commences.
 - m) The routing of deliveries and construction vehicles to/ from the site and any temporary access points.

[Reason: In the interests of Highway safety and to minimise disruption to users of the local highway network adjacent to the development site having regard to Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019). This is a pre-commencement condition as matters need to be agreed prior to the works starting.]

5. The development (excluding any demolition) hereby permitted must not commence on any phase until a detailed Remediation Scheme (RS) has been submitted to and approved in writing by the Local Planning Authority prior to development of that phase commencing. The submitted RS must include:
 - a) full details of how the contamination on the site is to be remediated and include (where appropriate) details of any options appraisal

- undertaken;
- b) the proposed remediation objectives and criteria; and,
- c) a verification plan.

The RS must demonstrate that as a minimum the site after remediation will not be capable of being classified as contaminated land under Part 2A of the Environmental Protection Act 1990.

The development hereby permitted must not be occupied or first brought into use until the site has been remediated in accordance with the approved RS and a written Verification Report (VR) confirming that all measures outlined in the approved RS have been successfully carried out and completed has been submitted to and agreed in writing by the Local Planning Authority. The VR must include, where appropriate the results of any validation testing and copies of any necessary waste management documentation.

[Reason: To ensure that a satisfactory assessment of any land contamination and an appropriate strategy for its remediation from the site is carried out to ensure that the site is suitable for the approved development without resulting any unacceptable risk to the health of any construction workers, future users of the site, occupiers of nearby land or the wider environment having regard to Policy 1 (Presumption in Favour of Sustainable Development) of the Rushcliffe Local Plan Part 1: Core Strategy (2014), Policies 39 (Health Impacts of Development) and 40 (Pollution and Land Contamination) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Paragraphs 183 and 185 of the National Planning Policy Framework (July 2021). This is a pre-commencement condition to ensure that the site to ensure the site will not result in any unacceptable health risk during construction]

6. No development in any phase hereby approved shall commence until a detailed surface water drainage scheme based on the principles set forward by the approved Flood Risk Assessment (FRA) and Drainage Strategy for that phase, 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:
 - a) 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.
 - b) Limit the discharge rate generated by all rainfall events up to the 100 year plus 40% (for climate change) critical rain storm to 5 l/s/ha rates or the QBar greenfield run-off rate for the developable area, whichever is the lower as required by the Lead Local Flood Authority.
 - c) 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.

- a) For all exceedance to be contained within the site boundary without flooding new properties in a 100year+40% storm.
- b) Details of STW approval for connections to existing network and any adoption of site drainage infrastructure.
- c) 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 effectiveness.

[Reason: To ensure that all major developments have sufficient surface water management are not at increased risk of flooding and do not increase flood risk off-site, and to comply with Policy 2 (Climate Change) of the Rushcliffe Local Plan Part 1: Core Strategy (2014), Policies 17 (Managing Flood Risk) and 18 (Surface Water Management) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Paragraphs 167 and 169 of the National Planning Policy Framework (July 2021). This condition is pre-commencement to avoid the potentially costly and abortive works of rectifying the situation if the design of the scheme needed to be revised or altered at a later date].]

7. No development in any phase hereby approved shall commence until drainage plans for the disposal of surface water and foul sewage for that phase have been submitted to and approved by the Local Planning Authority. Thereafter the scheme shall be implemented in accordance with the approved details prior to the first occupation of any dwelling.

[Reason: To ensure that is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution, and to comply with Policy 2 (Climate Change) of the Rushcliffe Local Plan Part 1: Core Strategy (2014), Policies 17 (Managing Flood Risk) and 18 (Surface Water Management) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Paragraphs 167 and 169 of the National Planning Policy Framework (July 2021). This condition is pre-commencement to avoid the potentially costly and abortive works of rectifying the situation if the design of the scheme needed to be revised or altered at a later date.]

8. Before development commences in any phase, a sound insulation scheme to effectively reduce the transmission of noise from external sources within that phase shall be submitted to and approved by the Local Planning Authority. It shall have regard to both BS 8233:2014 Sound Insulation and Noise Reduction for Buildings, and the noise assessment undertaken, stating all assumptions made.

(If appropriate) A complimentary ventilation scheme shall also be

submitted to and approved by Local Planning Authority. This scheme shall be designed to ensure that the windows can remain closed. This will retain the integrity of the noise insulation scheme, whilst ensuring the provision of the ventilation required by the Building Regulations.

The upper limit for living rooms shall be an LAeq,16h of 35dB, and for bedrooms an internal LAeq,8h of 30dB and an LMax of 45dB.

Thereafter the approved details shall be installed/implemented prior to the first occupation and thereafter be retained for the lifetime of the development.

[Reason: To ensure that future occupiers of the development hereby approved are not adversely affected by unacceptable noise pollution from nearby sources having regard to Policies 1 (Development Requirements), 39 (Health Impacts of Development) and 40 (Pollution and Contaminated Land) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and paragraphs 185 and 187 of the NPPF (July 2021). This condition is pre-commencement to avoid the potentially abortive costs to the applicant and disturbance to any future occupants of rectifying the situation post construction.]

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

[Reason: To protect the amenities of nearby residential properties at for the duration of the construction of the development hereby permitted, having regard to having regard to Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).]

10. 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 in any phase of development. Contamination testing should take place within UKAS and MCERTS accredited laboratories, unless otherwise agreed with the Local Planning Authority. Laboratory 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.

[Reason: To ensure that all aggregate materials bought onto the site are free from contamination so that the site is suitable for the approved development without resulting any unacceptable risk to the health of any construction workers, future users of the site, occupiers of nearby land or the wider environment having regard to Policy 1 (Presumption in Favour of Sustainable Development) of the Rushcliffe Local Plan Part 1: Core Strategy (2014), policies 39 (Health Impacts of Development) and 40 (Pollution and Land Contamination) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Paragraphs 183 and 185 of

the National Planning Policy Framework (July 2021).]

11. If pile driven foundations are to be used for the construction of the development, a method statement detailing techniques for the control of noise, dust and vibration from piling works shall be submitted and approved by the Local Planning Authority prior to the development commencing. The method statement shall have regard to the guidance given in:
 - a) BS 5228-1:2009+A1: 2014 - Code of practice for noise and vibration control on construction and open sites.
 - b) The control of dust and emissions from construction and demolition. Best Practice Guidance; Greater London Authority, November 2006.

Thereafter the works shall be carried out in accordance with the approved method statement.

[Reason: To ensure that the occupiers of neighbouring properties are not adversely affected by unacceptable vibration and noise pollution from the development hereby permitted, having regard to Policies 1 (Development Requirements), 39 (Health Impacts of Development) and 40 (Pollution and Contaminated Land) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).]

12. No development in any phase shall take place until a Biodiversity Net Gain Assessment supported by a Landscape and Ecological Management Plan (LEMP) including strengthening of the hedgerow to the east of the site to support woodland connectivity and provision of enhancements for Bat foraging in that phase have been submitted to and approved by the Local Planning Authority and shall include all of the biodiversity enhancements and protection measures set out within the report(s). Thereafter, the approved biodiversity improvements must be retained and be appropriately maintained on the site for 30 years from planting.

[Reason: To ensure the development contributes to the enhancement of biodiversity on the site having regard to Policy 17 (Biodiversity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014); Policy 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019); Chapter 15 (Conserving and enhancing the natural environment) of the National Planning Policy Framework (July 2021). This is pre-commencement to ensure that any protected species are afforded the appropriate protection prior to development that may otherwise harm them or their habitats from occurring.]

13. No development in any phase shall take place until an ecological construction method statement incorporating reasonable avoidance measures (RAMs), including the good practice points below and the recommendations of the consultant ecologists, to cover Amphibians and Reptiles, Bats, Badgers and wild birds and prevention of pollution impacts to the canal in that phase have been submitted to and approved

by the Local Planning Authority:

- a) The use of external lighting (during construction and post construction) should be appropriate to avoid adverse impacts on bat populations, see <https://www.bats.org.uk/news/2018/09/new-guidance-on-bats-andlighting> for advice and a wildlife sensitive lighting scheme should be developed and implemented.
- b) Permanent artificial bat boxes / bricks and wild bird nests (including Swallow/swift cups and sparrow terrace / boxes and barn owl) must be installed within / on buildings. Hedgehog habitats and corridors should be provided, reptile / amphibian habitats and refugia and invertebrate enhancements.
- c) New wildlife habitats should be created where appropriate, including wildflower rich neutral grassland, hedgerows, trees and woodland, wetlands and ponds.
- d) Any existing hedgerow / trees should be retained and enhanced, any hedge / trees removed should be replaced. Any boundary habitats should be retained and enhanced.
- e) Where possible new trees / hedges should be planted with native species (preferably of local provenance and including fruiting species). See <https://www.rushcliffe.gov.uk/conservation/treeshedgesandlandscaping/landscapingandtreeplanting/plantingonnewdevelopments/> for advice including the planting guides (but exclude Ash (*Fraxinus excelsior*)).
- f) Sustainable Urban Drainage schemes (SUDs) where required should be designed to provide ecological benefit.

[Reason: To ensure the development contributes to the enhancement of biodiversity on the site having regard to Policy 17 (Biodiversity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014); Policy 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019); Chapter 15 (Conserving and enhancing the natural environment) of the National Planning Policy Framework (July 2021). This is a pre-commencement condition to ensure that the ecological matters are considered prior to the detailed design of the development being finalised so that they are considered at the earliest possible stage.]

14. If work has not commenced in any phase by April 2022, updated ecology surveys, including a bat mitigation plan in that phase, should be completed and supplied to the local planning authority prior to any development commencing. Thereafter any recommendations set out in the reports should be implemented in accordance with the approved details.

[Reason: To ensure the development contributes to the enhancement of biodiversity on the site having regard to Policy 17 (Biodiversity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014); Policy 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019); Chapter 15 (Conserving and enhancing the natural environment) of the

15. The development hereby permitted must not commence in any phase and no preparatory operations in connection with the development hereby permitted (including demolition, site clearance works, fires, soil moving, temporary access construction and / or widening, or any operations involving the use of motorised vehicles or construction machinery) shall take place in that phase until a detailed Arboricultural Method Statement (AMS) prepared in accordance with BS5837:2012 'Trees in relation to design, demolition and construction - Recommendations', has been submitted to and approved in writing by the Local Planning Authority and all protective fencing has been erected as required by the AMS. The AMS must include full details of the following:
- a) The timing and phasing of any arboricultural works in relation to the approved development;
 - b) Detailed tree felling and pruning specification in accordance with BS3998:2010 Recommendations for Tree Works;
 - c) Details of a Tree Protection Scheme in accordance with BS5837:2012 which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site which are to be retained or which are the subject of any Tree Preservation Order;
 - d) Details of any construction works required within the root protection area as defined by BS5837:2012 or otherwise protected in the Tree Protection Scheme;
 - e) Details of the location of any underground services and methods of installation which make provision for protection and the long-term retention of the trees on the site. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, no services shall be dug or laid into the ground other than in accordance with the approved details;
 - f) Details of any changes in ground level, including existing and proposed spot levels, required within the root protection area as defined by BS5837:2012 or otherwise protected in the approved Tree Protection Scheme;
 - g) Details of the arrangements for the implementation, supervision and monitoring of works required to comply with the AMS.

The development shall be carried out in accordance with the approved details.

[Reason: To ensure the adequate protection of the existing trees and hedgerows on the site during the construction of the development having regard to regard to Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014); Policies 37 (Trees and Woodlands) and 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Chapter 15 (Conserving and Enhancing the Natural Environment) of the National Planning Policy Framework (July 2021). This is a pre-commencement condition to

ensure that the protection of the trees which cannot be easily replaced if felled or damaged prior as a result of development commencing prior to protection measures being agreed.]

16. All works to existing trees in any phase of the development shall be carried out in accordance with British Standard BS 3998:2010 Tree work (or any equivalent British Standard if replaced).

[Reason: To ensure that the work is carried out to satisfactory standard to minimise any adverse impact on the health of the tree having regard to Policy 37 of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).]

17. As part of the proposed landscaping scheme pursuant any future reserved matter, detailed plans showing the location of all new and replacement trees and shrubs to be planted, including the number and/or spacing of shrubs in each shrub bed or hedgerow in any phase shall be provided and shall also include:

- a) A schedule of the new trees and shrubs (using their botanical / Latin names) to be planted including their size at planting (height or spread for shrubs, height or trunk girth for trees);
- b) Plans showing the proposed finished land levels/contours of landscaped areas;
- c) Details of all proposed hard surfaces areas, retaining structures, steps, means of enclosure, surface finishes and any other hard landscaping features;
- d) Details of the protection measures to be used of any existing landscape and ecological features to be retained.

[Reason: To ensure the development creates a visually attractive environment and to safeguard against significant adverse effects on the landscape character of the area having regard to Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014); Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Chapter 12 (Achieving Well-designed Places) of the National Planning Policy Framework (July 2021).]

18. Prior to the occupation of the development in any phase (other than means of access), a scheme for the provision of Electric Vehicle Charging Points (EVCPs) within that phase must be submitted to and approved in writing by the Local Planning Authority. The submitted scheme must include details of the type, number and location of the proposed EVCP apparatus. If any plots are not to be served by an EVCP then it must be demonstrated why the provision of an EVCP would be not be technically feasible within that phase. None of the dwellings within that phase shall be occupied until an EVCP serving it has been installed in accordance with the approved scheme. Thereafter an EVCP must be permanently retained on each dwelling in accordance with the approved scheme throughout the lifetime of the development.

[Reason: To promote sustainable transport measures that will help lead to a reduction in carbon emissions within the Borough and help contribute towards a reduction in general air quality having regard to Policy 2 (Climate Change) of the Local Plan Part 1: Core Strategy (2014) and Policy 41 (Air Quality) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Paragraph 110 of the National Planning Policy Framework (July 2021).]

19. Prior to any development in any phase commencing an Employment and Skills Strategy for the construction phase of the approved development in that phase shall be submitted to and approved in writing by the Borough Council. This strategy will provide opportunities for people in the locality including employment, apprenticeships and training. 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.

[Reason: 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].

20. No development shall commence on site until a written scheme of investigation (WSI) has been submitted to and approved in writing by the local planning authority. For land that is included within the WSI, no development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and

- The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
- The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

[Reason: To ensure that any archaeological items and/or features are recorded in a manner proportionate to their significance and to make the recorded evidence (and any archive generated) publicly accessible, having regard to Policy 11 (Historic Environment) of the Rushcliffe Local Plan Part 1: Core Strategy (2014); and Policies 28 (Historic Environment: Conserving and Enhancing Heritage Assets) and 29 (Development Affecting Archaeological Sites) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Chapter 16 (Conserving and enhancing the historic environment) of the National Planning Policy Framework (July 2021). This condition is pre-commencement to ensure an appropriate level of care and recording (as necessary) is made of any heritage assets which are irreplaceable if not protected prior to development commencing.]

21. No development shall commence on any part of the application site unless or until a suitable access arrangement as shown on the drawing entitled 'Access Junction Layout (Option 2 T-junction)', drawing no. ADC1913-DR-008 rev. P2' has been provided to the satisfaction of the Local Planning Authority. No dwellings shall be occupied until the approved access arrangements have been implemented.

[Reason: In the interests of highway safety having regard to Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) This is a pre-commencement condition to ensure access to the site is and can be safely provided]

22. No dwellings shall be occupied until works have been carried out to the junctions of Bingham Road/Hollygate Lane/Colston Gate and Main Road/Bingham Road/Plumtree Road, as shown for indicative purposes on drawings 173493-A03-01 rev. B and ADC1913/DR/100 rev. P3 to the satisfaction of the Local Planning Authority.

[Reason: To ensure an adequate form of development in the interests of highway safety having regard to Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).]

23. No part of the development hereby permitted shall take place until details of the new roads have been submitted to and approved in writing by the Local Planning Authority including longitudinal and cross-sectional gradients, street lighting, Traffic Regulation Orders, drainage and outfall proposals, construction specification, provision of and diversion of utilities services, and any proposed structural works. The development shall be implemented in accordance with these details to the satisfaction of the Local Planning Authority.

[Reason: In the interests of Highway safety having regard to Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).]

24. No dwelling shall be occupied until the drives and parking areas serving those properties have been surfaced in a bound material (not loose gravel). The surfaced drives and parking areas shall then be maintained in such bound material for the life of the development.

[Reason: To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc) in the interests of highway safety having regard to Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).]

25. No part of the development hereby permitted shall be brought into use until the access driveways and parking areas are constructed with provision to prevent the unregulated discharge of surface water from the driveways and parking areas to the public highway. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.

[Reason: To prevent surface water discharging onto the public highway

in the interests of highway safety having regard to Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).]

NOTES TO APPLICANT

In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) (Order) 2010, as amended, and the National Planning Policy Framework 2021, the Council has worked in a positive and proactive way in determining the application and has granted planning permission.

The applicant is reminded that this permission is also subject to a planning obligation made under the provisions of Section 106 of the Town and Country Planning Act 1990 (as amended) the purpose of which is to exercise controls to secure the proper planning of the area. The planning obligation runs with the land and not with any person or company having an interest therein.

If the use of a crusher is required, this should be sited as far as possible from nearby properties and be operated in accordance with its process permit.

The applicants should consult Severn Trent Water Limited who should be satisfied that the sewerage and sewage disposal systems serving the development have sufficient capacity to accommodate additional flows, generated as a result of the development, without causing pollution.

All demolition and construction work, including deliveries, shall be restricted to the following times, to cause the minimum amount of disturbance to neighbouring residents: Monday-Friday: 0700 - 1900 hours, Saturday: 0800 - 1700 hours, Sunday/Bank Holidays: No work activity.

Structures cannot be constructed on the line of the right of way without the prior authorisation of the Rights of way team. It should be noted that structures can only be authorised under certain criteria and such permission is not guaranteed.

The safety of the public using the path should be observed at all times. A Temporary Closure of the Footpath may be granted to facilitate public safety during the construction phase subject to certain conditions. Further information and costs may be obtained by contacting the Rights of Way section. The applicant should be made aware that at least 5 weeks' notice is required to process the closure and an alternative route on should be provided if possible.

The rights of way team are available for further discussion and site visits.

Good practice 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 in or immediately adjacent to ecological mitigation areas or sensitive

areas (including ditches).

- All work impacting on vegetation or buildings used by nesting birds should avoid the active bird nesting season, if this is not possible a search of the impacted areas should be carried out by a suitably competent person for nests immediately prior to the commencement of works. If any nests are found work should not commence until a suitably qualified ecologist has been consulted.
- Best practice should be followed during building work to ensure trenches dug during works activities that are left open overnight should be left with a sloping end or ramp to allow animal that may fall in to escape. Also, any pipes over 200mm in diameter should be capped off at night to prevent animals entering. Materials such as netting and cutting tools should not be left in the works area where they might entangle or injure animals. No stockpiles of vegetation, soil or rubble should be left overnight and if they are left then they should be dismantled by hand prior to removal. Night working should be avoided.
- Root protection zones should be established around retained trees / hedgerows so that storage of materials and vehicles, the movement of vehicles and works are not carried out within these zones.
- Pollution prevention measures should be adopted
- It is recommended that consideration should be given to climate change impacts, energy efficiency, alternative energy generation, sustainable transport (including travel planning, electric vehicle and bike charging points and cycle storage), water efficiency, management of waste during and post construction and the use of recycled materials and sustainable building methods.

A sewer modelling study may be required to determine the impact this development will have on the existing system and if flows can be accommodated. 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.

Planning Practice Guidance and section H of the Building Regulations 2010 detail surface water disposal hierarchy. The disposal of surface water by means of soakaways should be considered as the primary method. If this is not practical and there is no watercourse is available as an alternative other sustainable methods should also be explored. If these are found unsuitable, satisfactory evidence will need to be submitted, before a discharge to the public sewerage system is considered.

Severn Trent Water advises that there is a public sewer located within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003 and you may not build close to, directly over or divert a public sewer without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development. If the applicant proposes to divert the sewer, the applicant will be required to make a formal application to the Company under Section 185 of the Water Industry Act 1991. They may obtain

copies of our current guidance notes and application form from either our website (www.stwater.co.uk) or by contacting our Developer Services Team (Tel: 0800 707 6600).

This decision relates to planning law only. It is not a legal agreement either to remove or relocate any right of way affected by the development given planning permission.

This decision notice should be read in conjunction with the Section 106 Agreement dated [to be confirmed] and the development should be completed in strict accordance with the obligations and provisions contained therein, to the satisfaction of the Rushcliffe Borough Council and Nottinghamshire County Council.

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

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

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

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

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.

All correspondence with the Highway Authority should be addressed to:-

NCC Highways (Development Control, Floor 3)
Nottinghamshire County Council
County Hall
Loughborough Road
West Bridgford
Nottingham, NG2 7QP

21/01203/OUT - Outline planning application for up to 90 dwellings with all matters reserved except for means of access - Land South of Hollygate Lane And North of Colston Gate, Cotgrave, Nottinghamshire

Updates

Additional representations were received after the agenda had been published and were circulated to the Committee before the meeting.

In accordance with the Council's Public speaking Protocol for Planning committee, Mr D Bainbridge (Applicants Agent) addressed the Committee.

Comments

Members requested consideration be given to a pedestrian crossing on Bingham Road (or another suitable location), provision for such to be included within the Section 106 Agreement and an informative added in respect of this.

DECISION

THE DIRECTOR OF DEVELOPMENT AND ECONOMIC GROWTH IS AUTHORISED TO GRANT PLANNING PERMISSION SUBJECT TO:

- 1) THE PRIOR SIGNING OF A SECTION 106 AGREEMENT; AND**
- 2) THE FOLLOWING CONDITIONS (SAVE THAT IN THE EVENT THAT AFTER THE DATE OF THE COMMITTEE'S DECISION BUT PRIOR TO THE PLANNING PERMISSION BEING ISSUED ANY CHANGES ARE NEEDED TO THE WORDING OF THE CONDITIONS OR THEIR INFORMATIVES ONLY), THE DIRECTOR – DEVELOPMENT AND ECONOMIC GROWTH BE DELEGATED AUTHORITY TO MAKE THESE CHANGES IN CONSULTATION WITH THE CHAIR OF THE PLANNING COMMITTEE, PROVIDED THAT THESE CHANGES DO NOT EXCEED OR ALTER THE SUBSTANTIVE NATURE OF THE CONDITIONS AS SET OUT IN THE OFFICERS REPORT TO THE COMMITTEE**

1. No development shall take place until a phasing plan for the development has been submitted to and approved in writing by the local

planning authority. This phasing plan shall include: phasing of the construction of the development, including access, housing, areas of amenity and informal space (including play spaces), landscaping, drainage systems, roads and footpaths. For the purposes of all other conditions of this permission, 'phase' shall refer to the phases approved under this condition.

[Reason: To ensure the proper phasing of the development and to ensure it takes the form envisaged by the Local Planning Authority. This is a pre-commencement to inform how the development will be delivered and when across the entire allocation].

2. Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") for each phase of the development shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved. Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission. The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.

[Reason: As required by Section 92 of the Town and Country Planning Act 1990 as amended by Section 51(2) of the Planning and Compulsory Purchase Act 2004.]

3. The development authorised by this permission shall be carried out in complete accordance with the approved drawings and specification listed below:

- Application site location plan, drawing number: CSA/3521/118 revision H, prepared by CSa.
- Addendum to Design and Access Statement, prepared by CSa.
- Development Framework Plan, drawing number: CSA/3521/120 revision K, prepared by CSa.
- Landscape Strategy, drawing number: CSA/3521/121 revision E, prepared by CSa.
- Illustrative Masterplan, drawing number: 122, prepared by CSA.
- Transport Assessment Addendum with updated junction design, prepared by Vectos.
- Ecological Impact Assessment prepared by CSa.
- Drainage Statement prepared by Travis Baker.
- Drainage Strategy, drawing number: 4 revision E, prepared by Travis Baker.
- Indicative Foul Pumping Station Vehicle Tracking, drawing number: SK101 revision B, prepared by Travis Baker.
- Indicative Pond Cross Section, drawing number: 2 revision E, prepared by Travis Baker. Arboricultural Impact Assessment, prepared by Barton Hyett Associates

[Reason: To define the permission, for the avoidance of doubt having regard to Policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy

(2014) and Policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).]

4. No development in any phase shall take place until the details of a Construction Management Plan for that phase is submitted and approved in writing by the Local Planning Authority. The statement shall have regard for the following items:
 - a) Access and parking of vehicles of site operatives and visitors
 - b) Loading and unloading of plant and materials
 - c) Storage of plant and materials used in constructing the development;
 - d) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - e) Wheel washing facilities
 - f) Measures to control the emission of noise, dust, dirt and vibration during construction
 - g) A scheme for recycling/disposing of waste resulting from construction works
 - h) Hours of operation (including demolition, construction and deliveries)
 - i) A scheme to treat and remove suspended solids from surface water run-off during construction.
 - j) An earthworks strategy to provide for the management and protection of soils.
 - k) 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
 - l) Scheme for temporary signage and other traffic management measures, including routing and access arrangements. The agreed access shall be provided before development commences.
 - m) The routing of deliveries and construction vehicles to/ from the site and any temporary access points.

[Reason: In the interests of Highway safety and to minimise disruption to users of the local highway network adjacent to the development site having regard to Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019). This is a pre-commencement condition as matters need to be agreed prior to the works starting.]

5. If during the course of carrying out the development hereby permitted any unexpected contamination is found that has not been previously identified, it must be reported to the Local Planning Authority within 48 hours. All development on the site in the location of the contamination must cease immediately and must not recommence until a written scheme for the investigation and risk assessment of the unexpected contamination has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme must be prepared by a suitably qualified 'competent person' (as defined in the National Planning Policy Framework February 2019) and must be in accordance with the

Environment Agency's 'Land Contamination Risk Management' (LCRM).

a) Where remediation of the contamination is necessary no further development shall commence in the location of the contamination until a Remediation Strategy (RS) has been submitted to and approved in writing by the Local Planning Authority. The submitted RS must include:

- full details of how the contamination on the site is to be remediated and include (where appropriate) details of any options appraisal undertaken;
- the proposed remediation objectives and criteria; and,
- a verification plan.

The RS must demonstrate that as a minimum the site after remediation will not be capable of being classified as contaminated land under Part 2A of the Environmental Protection Act 1990.

b) The development hereby permitted must not be occupied or first brought into use until the site has been remediated in accordance with the approved RS and a written Verification Report (VR) confirming that all measures outlined in the approved RS have been successfully carried out and completed has been submitted to and agreed in writing by the Local Planning Authority. The VR must include, where appropriate the results of any validation testing and copies of any necessary waste management documentation.

[To ensure that any unexpected contamination that is encountered is appropriately remediated so that the site is suitable for the approved development without resulting any unacceptable risk to the health of any construction workers, future users of the site, occupiers of nearby land or the wider environment having regard to Policy 1 (Presumption in Favour of Sustainable Development) of the Rushcliffe Local Plan Part 1: Core Strategy (2014), Policies 39 (Health Impacts of Development) and 40 (Pollution and Land Contamination) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Paragraphs 183 and 184 of the National Planning Policy Framework. This is a pre-commencement condition to ensure that the site to ensure the site will not result in any unacceptable health risk during construction]

6. No part of the development hereby approved shall commence until a detailed surface water drainage scheme based on the principles set forward by the approved Flood Risk Assessment (FRA) and Drainage Strategy, 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:

- 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.
- Details of STW approval for connections to existing network and any adoption of site drainage infrastructure.
- Evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development.

[Reason: To ensure that all major developments have sufficient surface water management are not at increased risk of flooding and do not increase flood risk off-site, and to comply with Policy 2 (Climate Change) of the Rushcliffe Local Plan Part 1: Core Strategy (2014), Policies 17 (Managing Flood Risk) and 18 (Surface Water Management) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Paragraphs 167 and 169 of the National Planning Policy Framework (July 2021). This condition is pre-commencement to avoid the potentially costly and abortive works of rectifying the situation if the design of the scheme needed to be revised or altered at a later date].

7. No part of the development hereby approved shall commence in any phase until drainage plans for the disposal of surface water and foul sewage for that phase have been submitted to and approved by the Local Planning Authority. Thereafter the scheme shall be implemented in accordance with the approved details prior to the first occupation of any dwelling.

[Reason: To ensure that is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution, and to comply with Policy 2 (Climate Change) of the Rushcliffe Local Plan Part 1: Core Strategy (2014), Policies 17 (Managing Flood Risk) and 18 (Surface Water Management) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Paragraphs 167 and 169 of the National Planning Policy Framework (July 2021). This condition is pre-commencement to avoid the potentially costly and abortive works of rectifying the situation if the drainage solution needed to be revised or altered at a later date. This condition is pre-commencement to avoid the potentially costly and abortive works of rectifying the situation if the design of the scheme needed to be revised or altered at a later date.]

8. Before development commences in any phase, a sound insulation scheme to effectively reduce the transmission of noise from external sources within that phase shall be submitted to and approved by the Local Planning Authority. It shall have regard to both BS 8233:2014

Sound Insulation and Noise Reduction for Buildings, and the noise assessment undertaken, stating all assumptions made.

A complementary scheme shall also be submitted to and approved in writing by the Local Planning Authority. This scheme shall be designed to ensure that ventilation can be provided whilst ensuring that the windows can remain closed without affecting the noise sound insulation scheme.

The upper limit for living rooms shall be an LAeq,16h of 35dB, and for bedrooms an internal LAeq,8h of 30dB and an LMax of 45dB.

Thereafter the approved details shall be installed/implemented prior to the first occupation of the relevant dwelling(s) and thereafter be retained for the lifetime of the development for the lifetime of the development.

[Reason: To ensure that future occupiers of the development hereby approved are not adversely affected by unacceptable noise pollution from nearby sources having regard to Policies 1 (Development Requirements), 39 (Health Impacts of Development) and 40 (Pollution and Contaminated Land) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and paragraphs 185 and 187 of the NPPF (July 2021). This condition is pre-commencement to avoid the potentially abortive costs to the applicant and disturbance to any future occupants of rectifying the situation post construction.]

9. Before development commences in any phase, a noise attenuation scheme to adequately protect the gardens of the proposed dwellings in that phase shall be submitted to and approved by the Local Planning Authority. It shall have regard to BS 8233:2014 Sound Insulation and Noise Reduction for Buildings. The approved scheme shall be installed prior to the first occupation and thereafter be retained for the lifetime of the development. It is desirable that the steady noise level does not exceed 50 dBLAeq,16hours. Furthermore, 55 dBLAeq,16hours should be regarded as the upper limit.

[Reason: To ensure that future occupiers of the development hereby approved are not adversely affected by unacceptable noise pollution from nearby sources having regard to Policies 1 (Development Requirements), 39 (Health Impacts of Development) and 40 (Pollution and Contaminated Land) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and paragraphs 185 and 187 of the NPPF (July 2021). This condition is pre-commencement to avoid the potentially abortive costs to the applicant and disturbance to any future occupants of rectifying the situation post construction.]

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

[Reason: To protect the amenities of nearby residential properties at for the duration of the construction of the development hereby permitted, having regard to having regard to Policy 10 (Design and Enhancing

Local Identify) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).]

11. 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 in any phase of the development. Contamination testing should take place within UKAS and MCERTS accredited laboratories, unless otherwise agreed with the Local Planning Authority. Laboratory 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.

[Reason: To ensure that all aggregate materials bought onto the site are free from contamination so that the site is suitable for the approved development without resulting any unacceptable risk to the health of any construction workers, future users of the site, occupiers of nearby land or the wider environment having regard to Policy 1 (Presumption in Favour of Sustainable Development) of the Rushcliffe Local Plan Part 1: Core Strategy (2014), policies 39 (Health Impacts of Development) and 40 (Pollution and Land Contamination) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Paragraphs 183 and 185 of the National Planning Policy Framework (July 2021).]

12. If pile driven foundations are to be used for the construction of the development, a method statement detailing techniques for the control of noise, dust and vibration from piling works shall be submitted and approved by the Local Planning Authority prior to the development commencing. The method statement shall have regard to the guidance given in: BS 5228-1:2009+A1: 2014 - Code of practice for noise and vibration control on construction and open sites. The control of dust and emissions from construction and demolition. Best Practice Guidance; Greater London Authority, November 2006. Thereafter the works shall be carried out in accordance with the approved method statement.

If piling works are required, no development shall commence until a scheme for protecting the neighbouring dwellings from noise, dust and vibration from the pile driven foundations has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

[Reason: To ensure that the occupiers of neighbouring properties are not adversely affected by unacceptable vibration and noise pollution from the development hereby permitted, having regard to Policies 1 (Development Requirements), 39 (Health Impacts of Development) and 40 (Pollution and Contaminated Land) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).]

13. No development in any phase shall take place until a Biodiversity Net Gain Assessment supported by a Landscape and Ecological

Management Plan (LEMP) incorporating the recommendations of the consultant ecologist on pages 24-25 of the Ecological Impact Assessment In that phase have been submitted to and approved by the Local Planning Authority and shall include all of the biodiversity enhancements and protection measures set out within the report(s). Thereafter, the approved biodiversity improvements must be retained and be appropriately maintained on the site for 30 years from planting/implementation.

[Reason: To ensure the development contributes to the enhancement of biodiversity on the site having regard to Policy 17 (Biodiversity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014); Policy 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019); Chapter 15 (Conserving and enhancing the natural environment) of the National Planning Policy Framework (July 2021). This is pre-commencement to ensure that any protected species are afforded the appropriate protection prior to development that may otherwise harm them or their habitats from occurring.]

14. No development in any phase shall take place until an ecological construction method statement incorporating reasonable avoidance measures (RAMs), including the recommendations given by the consultant ecologist in section 5 of the Ecological Impact Assessment and the good practice points below in that phase have been submitted to and approved by the Local Planning Authority:

- The use of external lighting (during construction and post construction) should be appropriate to avoid adverse impacts on bat populations, see <https://www.bats.org.uk/news/2018/09/new-guidance-on-bats-and-lighting> for advice and a wildlife sensitive lighting scheme should be developed and implemented.
- Measures to ensure that any roof liners of buildings do not pose a risk to roosting bats in the future should be taken.
- Permanent artificial bat boxes / bricks and wild bird nests (e.g., swallow, swift and house sparrow) should be installed in buildings. There is also potential for a raptor box / pole to be installed (e.g., for Barn Owl). Hedgehog access and corridors should be provided through green infrastructure and gardens.
- Habitat to support Grizzled Skipper butterflies should be provided where possible
- New wildlife habitats should be created where appropriate, including wildflower rich neutral grassland, hedgerows, trees and woodland, wetlands and ponds.
- Any existing hedgerow / trees should be retained and enhanced, any hedge / trees removed should be replaced. Any boundary habitats should be retained and enhanced.
- New trees / hedges should be planted with native species (preferably of local provenance and including fruiting species). See <https://www.rushcliffe.gov.uk/conservation/trees/hedgesandlandscaping/landscapingandtreeplanting/plantingonnewdevelopments/> for advice including the planting guides. and

- Sustainable Urban Drainage schemes (SUDs) where required should be designed to provide ecological benefit.

[Reason: To ensure the development contributes to the enhancement of biodiversity on the site having regard to Policy 17 (Biodiversity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014); Policy 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019); Chapter 15 (Conserving and enhancing the natural environment) of the National Planning Policy Framework (July 2021). This is a pre-commencement condition to ensure that the ecological matters are considered prior to the detailed design of the development being finalised so that they are considered at the earliest possible stage.]

15. The development hereby permitted must not commence in any phase and no preparatory operations in connection with the development hereby permitted (including demolition, site clearance works, fires, soil moving, temporary access construction and / or widening, or any operations involving the use of motorised vehicles or construction machinery) shall take place in that phase until a detailed Arboricultural Method Statement (AMS) prepared in accordance with BS5837:2012 'Trees in relation to design, demolition and construction - Recommendations', has been submitted to and approved in writing by the Local Planning Authority and all protective fencing has been erected as required by the AMS. The AMS must include full details of the following:
 - a) The timing and phasing of any arboricultural works in relation to the approved development;
 - b) Detailed tree felling and pruning specification in accordance with BS3998:2010 Recommendations for Tree Works;
 - c) Details of a Tree Protection Scheme in accordance with BS5837:2012 which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site which are to be retained or which are the subject of any Tree Preservation Order;
 - d) Details of any construction works required within the root protection area as defined by BS5837:2012 or otherwise protected in the Tree Protection Scheme;
 - e) Details of the location of any underground services and methods of installation which make provision for protection and the long-term retention of the trees on the site. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, no services shall be dug or laid into the ground other than in accordance with the approved details;
 - f) Details of any changes in ground level, including existing and proposed spot levels, required within the root protection area as defined by BS5837:2012 or otherwise protected in the approved Tree Protection Scheme;
 - g) Details of the arrangements for the implementation, supervision and monitoring of works required to comply with the AMS.

The development shall be carried out in accordance with the approved details.

[Reason: To ensure the adequate protection of the existing trees and hedgerows on the site during the construction of the development having regard to regard to Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014); Policies 37 (Trees and Woodlands) and 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Chapter 15 (Conserving and Enhancing the Natural Environment) of the National Planning Policy Framework (July 2021). This is a pre-commencement condition to ensure that the protection of the trees which cannot be easily replaced if felled or damaged prior as a result of development commencing prior to protection measures being agreed.]

16. All works to existing trees in any phase shall be carried out in accordance with British Standard BS 3998:2010 Tree work (or any equivalent British Standard if replaced).

[Reason: To ensure that the work is carried out to satisfactory standard to minimise any adverse impact on the health of the tree having regard to Policy 37 of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).]

17. As part of the proposed landscaping scheme pursuant to any future reserved matter, detailed plans showing the location of all new and replacement trees and shrubs to be planted, including the number and/or spacing of shrubs in each shrub bed or hedgerow in any phase shall be provided and shall also include:

- a) A schedule of the new trees and shrubs (using their botanical / Latin names) to be planted including their size at planting (height or spread for shrubs, height or trunk girth for trees);
- b) Plans showing the proposed finished land levels/contours of landscaped areas;
- c) Details of all proposed hard surfaces areas, retaining structures, steps, means of enclosure, surface finishes and any other hard landscaping features;
- d) Details of the protection measures to be used of any existing landscape and ecological features to be retained.

[Reason: To ensure the development creates a visually attractive environment and to safeguard against significant adverse effects on the landscape character of the area having regard to Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014); Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Chapter 12 (Achieving Well-designed Places) of the National Planning Policy Framework (July 2021).]

18. Prior to the occupation of the development in any phase, a scheme for

the provision of Electric Vehicle Charging Points (EVCP's) within that phase must be submitted to and approved in writing by the Local Planning Authority. The submitted scheme must include details of the type, number and location of the proposed EVCP apparatus. If any plots are not to be served by an EVCP then it must be demonstrated why the provision of an EVCP would be not be technically feasible within that phase. None of the dwellings within that phase shall be occupied until an EVCP serving it has been installed in accordance with the approved scheme. Thereafter an EVCP must be permanently retained on each dwelling in accordance with the approved scheme throughout the lifetime of the development.

[Reason: To promote sustainable transport measures that will help lead to a reduction in carbon emissions within the Borough and help contribute towards a reduction in general air quality having regard to Policy 2 (Climate Change) of the Local Plan Part 1: Core Strategy (2014) and Policy 41 (Air Quality) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Paragraph 110 of the National Planning Policy Framework (July 2021).]

19. Notwithstanding the archaeological information submitted with the application development must not commence and no preparatory operations in connection with the development (including demolition, site clearance works, fires, soil moving, temporary access construction and / or widening, or any operations involving the use of motorised vehicles or construction machinery) shall take place on the site until a Written Programme of Archaeological Investigation (WPAI) on the site has been submitted to and approved in writing by the Local Planning Authority. The WPAI must include the following:

- a) a methodology for site investigation and recording of archaeological items and features;
- b) a timetable for carrying out such investigations on the site;
- c) a programme for post investigation assessment;
- d) provision for the analysis of the site investigations and recordings;
- e) provision for the publication and dissemination of the analysis and records of the site investigations;
- f) provision for the archive deposition of the analysis and records of the site investigation;
- g) nominate the qualified archaeologist or archaeological group who will undertake the works set out in the WPAI.

The development hereby permitted must be carried out and completed in accordance with the approved WPAI and it must not be occupied or brought into use until a written report detailing the results and post investigation assessments of any archaeological works that have been undertaken on the site has been submitted to and approved in writing by the Local Planning Authority.

[Reason: To ensure that any archaeological items and/or features are recorded in a manner proportionate to their significance and to make the recorded evidence (and any archive generated) publicly accessible,

having regard to Policy 11 (Historic Environment) of the Rushcliffe Local Plan Part 1: Core Strategy (2014); and Policies 28 (Historic Environment: Conserving and Enhancing Heritage Assets) and 29 (Development Affecting Archaeological Sites) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Chapter 16 (Conserving and enhancing the historic environment) of the National Planning Policy Framework (July 2021). This condition is pre-commencement to ensure an appropriate level of care and recording (as necessary) is made of any heritage assets which are irreplaceable if not protected prior to development commencing.]

20. Prior to the commencement of development, a scheme for the upgrading of the bridgeway 5 within the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for:
- An all-weather surface, consisting of compacted stone of a grade and consistency suitable for equine, foot, and cycle traffic, to a consistent and minimum width of 3 metres, with a minimum 1m maintained grass verges either side.
 - A gap of 1.5m width can be considered at each end of the bridgeway to prevent motor vehicle access.
 - The continued maintenance of the improved surface and seasonal vegetation control.

[Reason: In order to support and achieve the proposed transport objectives of 'providing an environment in which pedestrians and cyclists feel they are the highest priority', in accordance with the Strategic Level Health Impact Assessment, Transport Assessment and Framework Travel Plan submitted as part of the application and to comply with Policy 16 - Green Infrastructure, Landscape, Parks and Open Space of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 (Development Requirements), Policy 11 (Recreational Open Space) and Policy 39 (Health Impacts of Development) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019). This is a pre-commencement condition to ensure that abortive works and costs to the applicants are avoided by ensuring the design of the bridgeway is considered as part of the design of the entire development.]

21. Prior to any development commencing in any phase an Employment and Skills Strategy for the construction phase of the approved development in that phase shall be submitted to and approved in writing by the Borough Council. This strategy will provide opportunities for people in the locality including employment, apprenticeships and training. 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.]

22. No development shall commence on any part of the application site unless or until a suitable access arrangement as shown on the drawing entitled 'Access Junction Layout', drawing no. ADC1913-DR-010 rev. P6' has been provided to the satisfaction of the Local Planning Authority. No dwellings shall be occupied until the approved access arrangements have been implemented.

[In the interests of highway safety having regard to Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019). This is a pre-commencement condition to ensure access to the site is and can be safely provided]

23. No dwellings shall be served from Colston Gate until their junction/vehicle access has been provided as shown on the drawing entitled 'illustrative Masterplan', drawing no. 122 rev. C' to the satisfaction of the Local Planning Authority.

[To ensure an adequate form of development in the interests of highway safety having regard to Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).]

24. No dwellings shall be occupied until works have been carried out to the junctions of Bingham Road/Hollygate Lane/Colston Gate and Main Road/Bingham Road/Plumtree Road, as shown for indicative purposes on drawings 173493-A03-01 rev. B and ADC1913/DR/100 rev. P3 to the satisfaction of the Local Planning Authority.

[To ensure an adequate form of development in the interests of highway safety having regard to Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).]

25. No part of the development hereby permitted shall take place until details of the new roads have been submitted to and approved in writing by the Local Planning Authority including longitudinal and cross-sectional gradients, street lighting, Traffic Regulation Orders, drainage and outfall proposals, construction specification, provision of and diversion of utilities services, and any proposed structural works. The development shall be implemented in accordance with these details to the satisfaction of the Local Planning Authority.

[In the interests of Highway safety having regard to Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019). To ensure the road layout is given adequate consideration at design stage and prior to construction commencing]

26. No dwelling shall be occupied until the drives and parking areas serving those properties have been surfaced in a bound material (not loose gravel). The surfaced drives and parking areas shall then be maintained in such bound material for the life of the development.

[To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc) in the interests of highway safety]

having regard to Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).]

27. No part of the development hereby permitted shall be brought into use until the access driveways and parking areas are constructed with provision to prevent the unregulated discharge of surface water from the driveways and parking areas to the public highway. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.

[To prevent surface water discharging onto the public highway in the interests of highway safety having regard to Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).]

NOTES TO APPLICANT

In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) (Order) 2010, as amended, and the National Planning Policy Framework 2021, the Council has worked in a positive and proactive way in determining the application and has granted planning permission.

The applicant is reminded that this permission is also subject to a planning obligation made under the provisions of Section 106 of the Town and Country Planning Act 1990 (as amended) the purpose of which is to exercise controls to secure the proper planning of the area. The planning obligation runs with the land and not with any person or company having an interest therein.

If the use of a crusher is required, this should be sited as far as possible from nearby properties and be operated in accordance with its process permit.

The applicants should consult Severn Trent Water Limited who should be satisfied that the sewerage and sewage disposal systems serving the development have sufficient capacity to accommodate additional flows, generated as a result of the development, without causing pollution.

All demolition and construction work, including deliveries, shall be restricted to the following times, to cause the minimum amount of disturbance to neighbouring residents: Monday-Friday: 0700 - 1900 hours, Saturday: 0800 - 1700 hours, Sunday/Bank Holidays: No work activity.

Structures cannot be constructed on the line of the right of way without the prior authorisation of the Rights of way team. It should be noted that structures can only be authorised under certain criteria and such permission is not guaranteed.

The safety of the public using the path should be observed at all times. A Temporary Closure of the Footpath may be granted to facilitate public safety during the construction phase subject to certain conditions. Further information and costs may be obtained by contacting the Rights of Way section. The applicant should be made aware that at least 5 weeks' notice is required to

process the closure and an alternative route on should be provided if possible.

The rights of way team are available for further discussion and site visits.

Good practice 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 in or immediately adjacent to ecological mitigation areas or sensitive areas (including ditches).
- All work impacting on vegetation or buildings used by nesting birds should avoid the active bird nesting season, if this is not possible a search of the impacted areas should be carried out by a suitably competent person for nests immediately prior to the commencement of works. If any nests are found work should not commence until a suitably qualified ecologist has been consulted.
- Best practice should be followed during building work to ensure trenches dug during works activities that are left open overnight should be left with a sloping end or ramp to allow animal that may fall in to escape. Also, any pipes over 200mm in diameter should be capped off at night to prevent animals entering. Materials such as netting and cutting tools should not be left in the works area where they might entangle or injure animals. No stockpiles of vegetation, soil or rubble should be left overnight and if they are left then they should be dismantled by hand prior to removal. Night working should be avoided.
- Root protection zones should be established around retained trees / hedgerows so that storage of materials and vehicles, the movement of vehicles and works are not carried out within these zones.
- Pollution prevention measures should be adopted
- It is recommended that consideration should be given to climate change impacts, energy efficiency, alternative energy generation, sustainable transport (including travel planning, electric vehicle and bike charging points and cycle storage), water efficiency, management of waste during and post construction and the use of recycled materials and sustainable building methods.

A sewer modelling study may be required to determine the impact this development will have on the existing system and if flows can be accommodated. 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.

Planning Practice Guidance and section H of the Building Regulations 2010 detail surface water disposal hierarchy. The disposal of surface water by means of soakaways should be considered as the primary method. If this is not practical and there is no watercourse is available as an alternative other sustainable method should also be explored. If these are found unsuitable, satisfactory evidence will need to be submitted, before a discharge to the

public sewerage system is considered.

Severn Trent Water advises that there is a public sewer located within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003 and you may not build close to, directly over or divert a public sewer without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development. If the applicant proposes to divert the sewer, the applicant will be required to make a formal application to the Company under Section 185 of the Water Industry Act 1991. They may obtain copies of our current guidance notes and application form from either our website (www.stwater.co.uk) or by contacting our Developer Services Team (Tel: 0800 707 6600).

This decision relates to planning law only. It is not a legal agreement either to remove or relocate any right of way affected by the development given planning permission.

This decision notice should be read in conjunction with the Section 106 Agreement dated [to be confirmed] and the development should be completed in strict accordance with the obligations and provisions contained therein, to the satisfaction of the Rushcliffe Borough Council and Nottinghamshire County Council.

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.

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

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

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

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.

All correspondence with the Highway Authority should be addressed to:-

NCC Highways (Development Control, Floor 3)
Nottinghamshire County Council
County Hall
Loughborough Road
West Bridgford
Nottingham, NG2 7QP

21/00231/OUT - Outline planning application for up to 45 dwellings with all matters reserved other than access / means of access - Land South and East of Hollygate Lane, Cotgrave, Nottinghamshire.

Updates

Additional representations were received after the agenda had been published and were circulated to the Committee before the meeting.

In accordance with the Council's Public speaking Protocol for Planning committee, Mr N Grace (Applicants Agent) addressed the Committee.

Comments

Members requested consideration be given to a pedestrian crossing on Bingham Road (or another suitable location), provision for such to be included within the Section 106 Agreement and an informative added in respect of this.

DECISION

THE DIRECTOR OF DEVELOPMENT AND ECONOMIC GROWTH IS AUTHORISED TO GRANT PLANNING PERMISSION SUBJECT TO:

- 1) THE PRIOR SIGNING OF A SECTION 106 AGREEMENT; AND**
- 2) THE FOLLOWING CONDITIONS (SAVE THAT IN THE EVENT THAT AFTER THE DATE OF THE COMMITTEE'S DECISION BUT PRIOR TO THE PLANNING PERMISSION BEING ISSUED ANY CHANGES ARE**

NEEDED TO THE WORDING OF THE CONDITIONS OR THEIR INFORMATIVES ONLY), THE DIRECTOR – DEVELOPMENT AND ECONOMIC GROWTH BE DELEGATED AUTHORITY TO MAKE THESE CHANGES IN CONSULTATION WITH THE CHAIR OF THE PLANNING COMMITTEE, PROVIDED THAT THESE CHANGES DO NOT EXCEED OR ALTER THE SUBSTANTIVE NATURE OF THE CONDITIONS AS SET OUT IN THE OFFICERS REPORT TO THE COMMITTEE

1. No development shall take place until a phasing plan for the development has been submitted to and approved in writing by the local planning authority. This phasing plan shall include: phasing of the construction of the development, including access, housing, areas of amenity and informal space (including play spaces), landscaping, drainage systems, roads and footpaths. For the purposes of all other conditions of this permission, 'phase' shall refer to the phases approved under this condition.

Reason: To ensure the proper phasing of the development and to ensure it takes the form envisaged by the Local Planning Authority

2. Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") for each phase shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved. Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission. The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.

[Reason: As required by Section 92 of the Town and Country Planning Act 1990 as amended by Section 51(2) of the Planning and Compulsory Purchase Act 2004.]

3. The development authorised by this permission shall be carried out in complete accordance with the approved drawings and specification listed below:

- Location Plan: A_1815 EX100 – dated Aug 2019
- Proposed access – Colston Gate: 182-TA13 dated 20/09/19
- Design and Access Statement - prepared by AT Architecture
- Joint Statement of Community Involvement - prepared by Bidwells
- Landscape & Visual Impact Assessment - prepared by Aspect Landscape Planning
- Health Impact Assessment - prepared by GraceMachin Planning & Property
- Phase 1 Ground Investigation - prepared by Geo Environmental
- Archaeological Assessment & Project Specification - prepared by TVAS North Midlands
- Extended Phase 1 Ecology Survey - prepared by Lockhart Garratt
- Reptile Survey - prepared by Lockhart Garratt

- Ecology Update - prepared by Aspect Ecology
- Arboriculture Assessment - prepared by Lockhart Garratt
- Transport and Access Investigations - prepared by Martin Andrews Consulting Ltd
- Travel Plan - prepared by Martin Andrews Consulting Ltd
- Flood Risk and Drainage Assessment - prepared by Martin Andrews Consulting Ltd
- Noise Constraints Assessment - prepared by Professional Consult
- Topographical Survey - prepared by jpp

[Reason: To define the permission, for the avoidance of doubt having regard to Policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).]

4. No development in any phase shall take place until the details of a Construction Management Plan for that phase is submitted and approved in writing by the Local Planning Authority The statement shall have regard for the following items:

- a) Access and parking of vehicles of site operatives and visitors
- b) Loading and unloading of plant and materials
- c) Storage of plant and materials used in constructing the development;
- d) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- e) Wheel washing facilities
- f) Measures to control the emission of noise, dust, dirt and vibration during construction
- g) A scheme for recycling/disposing of waste resulting from construction works
- h) Hours of operation (including demolition, construction and deliveries)
- i) A scheme to treat and remove suspended solids from surface water run-off during construction.
- j) An earthworks strategy to provide for the management and protection of soils.
- k) 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
- l) Scheme for temporary signage and other traffic management measures, including routing and access arrangements. The agreed access shall be provided before development commences.
- m) The routing of deliveries and construction vehicles to/ from the site and any temporary access points.

[Reason: In the interests of Highway safety and to minimise disruption to users of the local highway network adjacent to the development site having regard to Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019). This is a pre-commencement condition to ensure that the appropriate measures to

protect the amenities of the local residents are in place before development starts.]

5. Before development is commenced, a Phase II Investigation Report shall be submitted to and approved by the Local Planning Authority. If this 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 before the development is occupied.

[Reason: To ensure that a satisfactory assessment of any land contamination and an appropriate strategy for its remediation from the site is carried out to ensure that the site is suitable for the approved development without resulting any unacceptable risk to the health of any construction workers, future users of the site, occupiers of nearby land or the wider environment having regard to Policy 1 (Presumption in Favour of Sustainable Development) of the Rushcliffe Local Plan Part 1: Core Strategy (2014), Policies 39 (Health Impacts of Development) and 40 (Pollution and Land Contamination) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Paragraphs 183 and 185 of the National Planning Policy Framework (July 2021). This is a pre-commencement condition to ensure that that any contaminants are dealt with prior to development starting that might exacerbate the wider impacts of any contaminants on construction workers and the local commiunity].

6. No part of the development hereby approved shall commence until a detailed surface water drainage scheme based on the principles set forward by the approved Flood Risk Assessment (FRA) and Drainage Strategy, 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:

- 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.
- Full drainage layout which shows piped network
- For all exceedance to be contained within the site boundary without flooding new properties in a 100year+40% storm.
- Details of STW approval for connections to existing network and any adoption of site drainage infrastructure.
- Evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development (at full stage we will require detailed management plans)

[Reason: To ensure that all major developments have sufficient surface water management are not at increased risk of flooding and do not increase flood risk off-site, and to comply with Policy 2 (Climate Change) of the Rushcliffe Local Plan Part 1: Core Strategy (2014), Policies 17 (Managing Flood Risk) and 18 (Surface Water Management) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Paragraphs 167 and 169 of the National Planning Policy Framework (July 2021).]

7. No part of the development hereby approved shall commence in any phase until drainage plans for the disposal of surface water and foul sewage for that phase have been submitted to and approved by the Local Planning Authority. Thereafter the scheme shall be implemented in accordance with the approved details prior to the first occupation of any dwelling.

[Reason: To ensure that is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution, and to comply with Policy 2 (Climate Change) of the Rushcliffe Local Plan Part 1: Core Strategy (2014), Policies 17 (Managing Flood Risk) and 18 (Surface Water Management) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Paragraphs 167 and 169 of the National Planning Policy Framework (July 2021). This condition is pre-commencement to avoid the potentially costly and abortive works of rectifying the situation if the drainage solution needed to be revised or altered at a later date]

8. Before development commences in any phase, a sound insulation scheme to effectively reduce the transmission of noise from external sources within that phase shall be submitted to and approved by the Local Planning Authority. It shall have regard to both BS 8233:2014 Sound Insulation and Noise Reduction for Buildings, and the noise assessment undertaken, stating all assumptions made.

(If appropriate) A complimentary ventilation scheme shall also be submitted to and approved by Local Planning Authority. This scheme shall be designed to ensure that the windows can remain closed. This will retain the integrity of the noise insulation scheme, whilst ensuring the provision of the ventilation required by the Building Regulations.

The upper limit for living rooms shall be an LAeq,16h of 35dB, and for bedrooms an internal LAeq,8h of 30dB and an LMax of 45dB.

Thereafter the approved details shall be installed/implemented prior to the first occupation and thereafter be retained for the lifetime of the development.

[Reason: To ensure that future occupiers of the development hereby approved are not adversely affected by unacceptable noise pollution from nearby sources having regard to Policies 1 (Development Requirements), 39 (Health Impacts of Development) and 40 (Pollution

and Contaminated Land) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and paragraphs 185 and 187 of the NPPF (July 2021). This condition is pre-commencement to avoid the potentially abortive costs to the applicant and disturbance to any future occupants of rectifying the situation post construction]

9. Before development commences in any phase, a noise attenuation scheme to adequately protect the outdoor amenity areas of the proposed dwellings in that phase shall be submitted to and approved by the Local Planning Authority. It shall have regard to BS 8233:2014 Sound Insulation and Noise Reduction for Buildings. The approved scheme shall be installed prior to the first occupation and thereafter be retained for the lifetime of the development. It is desirable that the steady noise level does not exceed 50 dBLAeq,16hours. Furthermore, 55 dBLAeq,16hours should be regarded as the upper limit.

[Reason: To ensure that future occupiers of the development hereby approved are not adversely affected by unacceptable noise pollution from nearby sources having regard to Policies 1 (Development Requirements), 39 (Health Impacts of Development) and 40 (Pollution and Contaminated Land) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and paragraphs 185 and 187 of the NPPF (July 2021). This condition is pre-commencement to avoid the potentially abortive costs to the applicant and disturbance to any future occupants of rectifying the situation post construction]

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

[Reason: To protect the amenities of nearby residential properties at for the duration of the construction of the development hereby permitted, having regard to having regard to Policy 10 (Design and Enhancing Local Identify) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).]

11. 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 in any phase of the development. Contamination testing should take place within UKAS and MCERTS accredited laboratories, unless otherwise agreed with the Local Planning Authority. Laboratory 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.

[Reason: To ensure that all aggregate materials brought onto the site are free from contamination so that the site is suitable for the approved development without resulting any unacceptable risk to the health of any construction workers, future users of the site, occupiers of nearby land or the wider environment having regard to Policy 1 (Presumption in

Favour of Sustainable Development) of the Rushcliffe Local Plan Part 1: Core Strategy (2014), policies 39 (Health Impacts of Development) and 40 (Pollution and Land Contamination) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Paragraphs 183 and 185 of the National Planning Policy Framework (July 2021).]

12. If pile driven foundations are to be used for the construction of the development, a method statement detailing techniques for the control of noise, dust and vibration from piling works shall be submitted and approved by the Local Planning Authority prior to the development commencing. The method statement shall have regard to the guidance given in:
- a) BS 5228-1:2009+A1: 2014 - Code of practice for noise and vibration control on construction and open sites.
 - b) The control of dust and emissions from construction and demolition. Best Practice Guidance; Greater London Authority, November 2006.

Thereafter the works shall be carried out in accordance with the approved method statement.

If piling works are required, no development shall commence until a scheme for protecting the neighbouring dwellings from noise, dust and vibration from the pile driven foundations has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

[Reason: To ensure that the occupiers of neighbouring properties are not adversely affected by unacceptable vibration and noise pollution from the development hereby permitted, having regard to Policies 1 (Development Requirements), 39 (Health Impacts of Development) and 40 (Pollution and Contaminated Land) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).]

13. No development in any phase shall take place until a Biodiversity Net Gain Assessment supported by a Landscape and Ecological Management Plan (LEMP) including strengthening of the hedgerow to the east of the site to support woodland connectivity and provision of enhancements for Bat foraging in that phase have been submitted to and approved by the Local Planning Authority and shall include all of the biodiversity enhancements and protection measures set out within the report(s). Thereafter, the approved biodiversity improvements must be retained and be appropriately maintained on the site for 30 years from planting.

[Reason: To ensure the development contributes to the enhancement of biodiversity on the site having regard to Policy 17 (Biodiversity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014); Policy 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019); Chapter 15 (Conserving and enhancing the natural environment) of the National Planning Policy Framework (July 2021). This is a pre-

commencement condition to ensure that the ecological matters are considered prior to the detailed design of the development being finalised so that they are considered at the earliest possible stage.]

14. No development in any phase shall take place until an ecological construction method statement incorporating reasonable avoidance measures (RAMs), including the good practice points below in that phase have been submitted to and approved by the Local Planning Authority:
 - a) The use of external lighting (during construction and post construction) should be appropriate to avoid adverse impacts on bat populations, see <https://www.bats.org.uk/news/2018/09/new-guidance-on-bats-andlighting> for advice and a wildlife sensitive lighting scheme should be developed and implemented.
 - b) Permanent artificial bat boxes / bricks / tiles and wild bird nests (for example Swallow/swift cups and sparrow terrace / boxes and barn owl box) should be installed within / on buildings and /or predator poles.
 - c) Insect and herptile habitat enhancements should be provided and hedgehog corridors between gardens
 - d) New wildlife habitats should be created where appropriate, including wildflower rich neutral grassland,
 - e) hedgerows, trees and woodland, wetlands and ponds.
 - f) Any existing hedgerow / trees should be retained and enhanced, any hedge / trees removed should be replaced. Any boundary habitats should be retained and enhanced.
 - g) New trees / hedges should be planted with native species (preferably of local provenance and including fruiting species). See <https://www.rushcliffe.gov.uk/conservation/treeshedgesandlandscaping/landscapingandtreeplanting/plantingonnewdevelopments/> for advice including the planting guides (but exclude Ash (*Fraxinus excelsior*))
 - h) Sustainable Urban Drainage schemes (SUDs) where required should be designed to provide ecological benefit.

[Reason: To ensure the development contributes to the enhancement of biodiversity on the site having regard to Policy 17 (Biodiversity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014); Policy 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019); Chapter 15 (Conserving and enhancing the natural environment) of the National Planning Policy Framework (July 2021). This is a pre-commencement condition to ensure that the ecological matters are considered prior to the detailed design of the development being finalised so that they are considered at the earliest possible stage.]

15. The development hereby permitted must not commence in any phase and no preparatory operations in connection with the development hereby permitted (including demolition, site clearance works, fires, soil moving, temporary access construction and / or widening, or any operations involving the use of motorised vehicles or construction machinery) shall take place in that phase until a detailed Arboricultural

Method Statement (AMS) prepared in accordance with BS5837:2012 'Trees in relation to design, demolition and construction - Recommendations', has been submitted to and approved in writing by the Local Planning Authority and all protective fencing has been erected as required by the AMS. The AMS must include full details of the following:

- a) The timing and phasing of any arboricultural works in relation to the approved development;
- b) Detailed tree felling and pruning specification in accordance with BS3998:2010 Recommendations for Tree Works;
- c) Details of a Tree Protection Scheme in accordance with BS5837:2012 which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site which are to be retained or which are the subject of any Tree Preservation Order;
- d) Details of any construction works required within the root protection area as defined by BS5837:2012 or otherwise protected in the Tree Protection Scheme;
- e) Details of the location of any underground services and methods of installation which make provision for protection and the long-term retention of the trees on the site. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, no services shall be dug or laid into the ground other than in accordance with the approved details;
- f) Details of any changes in ground level, including existing and proposed spot levels, required within the root protection area as defined by BS5837:2012 or otherwise protected in the approved Tree Protection Scheme;
- g) Details of the arrangements for the implementation, supervision and monitoring of works required to comply with the AMS.

The development shall be carried out in accordance with the approved details.

[Reason: To ensure the adequate protection of the existing trees and hedgerows on the site during the construction of the development having regard to regard to Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014); Policies 37 (Trees and Woodlands) and 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Chapter 15 (Conserving and Enhancing the Natural Environment) of the National Planning Policy Framework (July 2021). This is a pre-commencement condition to ensure that the protection of the trees which cannot be easily replaced if felled or damaged prior as a result of development commencing prior to protection measures being agreed.]

16. All works to existing trees in any phase shall be carried out in accordance with British Standard BS 3998:2010 Tree work (or any equivalent British Standard if replaced).

[Reason: To ensure that the work is carried out to satisfactory standard to minimise any adverse impact on the health of the tree having regard to Policy 37 of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).]

17. As part of the proposed landscaping scheme pursuant to any future reserved matter, detailed plans showing the location of all new and replacement trees and shrubs to be planted, including the number and/or spacing of shrubs in each shrub bed or hedgerow in that phase shall be provided and shall also include:
- a) A schedule of the new trees and shrubs (using their botanical / Latin names) to be planted including their size at planting (height or spread for shrubs, height or trunk girth for trees);
 - b) Plans showing the proposed finished land levels/contours of landscaped areas;
 - c) Details of all proposed hard surfaces areas, retaining structures, steps, means of enclosure, surface finishes and any other hard landscaping features;
 - d) Details of the protection measures to be used of any existing landscape and ecological features to be retained.

[Reason: To ensure the development creates a visually attractive environment and to safeguard against significant adverse effects on the landscape character of the area having regard to Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014); Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Chapter 12 (Achieving Well-designed Places) of the National Planning Policy Framework (July 2021).]

18. Prior to the occupation of the development in any phase, a scheme for the provision of Electric Vehicle Charging Points (EVCP's) within that phase must be submitted to and approved in writing by the Local Planning Authority. The submitted scheme must include details of the type, number and location of the proposed EVCP apparatus. If any plots are not to be served by an EVCP then it must be demonstrated why the provision of an EVCP would be not be technically feasible within that phase. None of the dwellings within that phase shall be occupied until an EVCP serving it has been installed in accordance with the approved scheme. Thereafter an EVCP must be permanently retained on each dwelling in accordance with the approved scheme throughout the lifetime of the development.

[Reason: To promote sustainable transport measures that will help lead to a reduction in carbon emissions within the Borough and help contribute towards a reduction in general air quality having regard to Policy 2 (Climate Change) of the Local Plan Part 1: Core Strategy (2014) and Policy 41 (Air Quality) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Paragraph 110 of the National Planning Policy Framework (July 2021).]

19. Prior to any development commencing in any phase an Employment and Skills Strategy for the construction phase of the approved development in that phase shall be submitted to and approved in writing by the Borough Council. This strategy will provide opportunities for people in the locality including employment, apprenticeships and training. 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.

[Reason: 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. This is a pre-commencement condition because recruitment and employment takes place prior to commencement].

20. No development shall commence on any part of the application site unless or until a suitable access arrangement as shown on the drawing entitled 'Access Junction Layout', drawing no. ADC1913-DR-010 rev. P6' has been provided to the satisfaction of the Local Planning Authority. No dwellings shall be occupied until the approved access arrangements have been implemented.

[Reason: In the interests of highway safety having regard to Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019). This condition is pre-commencement to ensure that the access to the site is and can be safely provided]

21. No dwellings shall be occupied until the vehicle access onto Colston Gate has been provided as shown on the drawing no. 182-TA-13 has been provided to the satisfaction of the Local Planning Authority.

[Reason: To ensure an adequate form of development in the interests of highway safety having regard to Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).]

22. No dwellings shall be occupied until works have been carried out to the junctions of Bingham Road/Hollygate Lane/Colston Gate and Main Road/Bingham Road/Plumtree Road, as shown for indicative purposes on drawings 173493-A03-01 rev. B and ADC1913/DR/100 rev. P3 to the satisfaction of the Local Planning Authority.

[Reason: To ensure an adequate form of development in the interests of highway safety having regard to Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).]

23. No part of the development hereby permitted shall take place until details of the new roads have been submitted to and approved in writing by the Local Planning Authority including longitudinal and cross-sectional gradients, street lighting, Traffic Regulation Orders, drainage and outfall proposals, construction specification, provision of and diversion of utilities services, and any proposed structural works. The development shall be implemented in accordance with these details to

the satisfaction of the Local Planning Authority.

[Reason: In the interests of Highway safety having regard to Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).]

24. No part of the development hereby permitted shall be brought into use until all drives and parking areas serving those properties are surfaced in a bound material (not loose gravel). The surfaced drives and parking areas shall then be maintained in such bound material for the life of the development.

[Reason: To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc) in the interests of highway safety having regard to Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).]

25. No part of the development hereby permitted shall be brought into use until the access driveways and parking areas serving those properties are constructed with provision to prevent the unregulated discharge of surface water from the driveways and parking areas to the public highway. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.

[Reason: To prevent surface water discharging onto the public highway in the interests of highway safety having regard to Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).]

NOTES TO APPLICANT

In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) (Order) 2010, as amended, and the National Planning Policy Framework 2021, the Council has worked in a positive and proactive way in determining the application and has granted planning permission.

The applicant is reminded that this permission is also subject to a planning obligation made under the provisions of Section 106 of the Town and Country Planning Act 1990 (as amended) the purpose of which is to exercise controls to secure the proper planning of the area. The planning obligation runs with the land and not with any person or company having an interest therein.

If the use of a crusher is required, this should be sited as far as possible from nearby properties and be operated in accordance with its process permit.

The applicants should consult Severn Trent Water Limited who should be satisfied that the sewerage and sewage disposal systems serving the development have sufficient capacity to accommodate additional flows, generated as a result of the development, without causing pollution.

All demolition and construction work, including deliveries, shall be restricted to

the following times, to cause the minimum amount of disturbance to neighbouring residents: Monday-Friday: 0700 - 1900 hours, Saturday: 0800 - 1700 hours, Sunday/Bank Holidays: No work activity.

Structures cannot be constructed on the line of the right of way without the prior authorisation of the Rights of way team. It should be noted that structures can only be authorised under certain criteria and such permission is not guaranteed.

The safety of the public using the path should be observed at all times. A Temporary Closure of the Footpath may be granted to facilitate public safety during the construction phase subject to certain conditions. Further information and costs may be obtained by contacting the Rights of Way section. The applicant should be made aware that at least 5 weeks' notice is required to process the closure and an alternative route on should be provided if possible.

The rights of way team are available for further discussion and site visits.

Good practice construction methods should be adopted including:

- a) 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.
- b) No works or storage of materials or vehicle movements should be carried out in or immediately adjacent to ecological mitigation areas or sensitive areas (including ditches).
- c) All work impacting on vegetation or buildings used by nesting birds should avoid the active bird nesting season, if this is not possible a search of the impacted areas should be carried out by a suitably competent person for nests immediately prior to the commencement of works. If any nests are found work should not commence until a suitably qualified ecologist has been consulted.
- d) Best practice should be followed during building work to ensure trenches dug during works activities that are left open overnight should be left with a sloping end or ramp to allow animal that may fall in to escape. Also, any pipes over 200mm in diameter should be capped off at night to prevent animals entering. Materials such as netting and cutting tools should not be left in the works area where they might entangle or injure animals. No stockpiles of vegetation, soil or rubble should be left overnight and if they are left then they should be dismantled by hand prior to removal. Night working should be avoided.
- e) Root protection zones should be established around retained trees / hedgerows so that storage of materials and vehicles, the movement of vehicles and works are not carried out within these zones.
- f) Pollution prevention measures should be adopted
- g) It is recommended that consideration should be given to climate change impacts, energy efficiency, alternative energy generation, sustainable transport (including travel planning, electric vehicle and bike charging points and cycle storage), water efficiency, management of waste during and post construction and the use of recycled materials and sustainable building methods.

A sewer modelling study may be required to determine the impact this development will have on the existing system and if flows can be accommodated. 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.

Planning Practice Guidance and section H of the Building Regulations 2010 detail surface water disposal hierarchy. The disposal of surface water by means of soakaways should be considered as the primary method. If this is not practical and there is no watercourse is available as an alternative other sustainable methods should also be explored. If these are found unsuitable, satisfactory evidence will need to be submitted, before a discharge to the public sewerage system is considered.

Severn Trent Water advises that there is a public sewer located within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003 and you may not build close to, directly over or divert a public sewer without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development. If the applicant proposes to divert the sewer, the applicant will be required to make a formal application to the Company under Section 185 of the Water Industry Act 1991. They may obtain copies of our current guidance notes and application form from either our website (www.stwater.co.uk) or by contacting our Developer Services Team (Tel: 0800 707 6600).

This decision relates to planning law only. It is not a legal agreement either to remove or relocate any right of way affected by the development given planning permission.

This decision notice should be read in conjunction with the Section 106 Agreement dated [to be confirmed] and the development should be completed in strict accordance with the obligations and provisions contained therein, to the satisfaction of the Rushcliffe Borough Council and Nottinghamshire County Council.

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

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

In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act

1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact Nottinghamshire County Council Highway Development Control (email: hdc.south@nottscc.gov.uk) for details.

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

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.

All correspondence with the Highway Authority should be addressed to:-

NCC Highways (Development Control, Floor 3)
Nottinghamshire County Council
County Hall
Loughborough Road
West Bridgford
Nottingham, NG2 7QP

The meeting closed at 5.30 pm.

CHAIRMAN