

When telephoning, please ask for: Tracey Coop
Direct dial 0115 914 8511
Email democraticservices@rushcliffe.gov.uk

Our reference:
Your reference:
Date: Monday, 30 May 2022

To all Members of the Planning Committee

Dear Councillor

A Meeting of the Planning Committee will be held on Thursday, 9 June 2022 at 2.30 pm in the Council Chamber, Rushcliffe Arena, Rugby Road, West Bridgford to consider the following items of business.

This meeting will be accessible and open to the public via the live stream on YouTube and viewed via the link: <https://www.youtube.com/user/RushcliffeBC>
Please be aware that until the meeting starts the live stream video will not be showing on the home page. For this reason, please keep refreshing the home page until you see the video appear.

Yours sincerely



Gemma Dennis
Monitoring Officer

AGENDA

1. Apologies for Absence and Substitute Members
2. Declarations of Interest
 - a) Under the Code of Conduct
 - b) Under the Planning Code
3. Minutes of the Meeting held on (Pages 1 - 14)
4. Planning Applications (Pages 15 - 234)

The report of the Director for Development and Economic Growth.

Membership

Chairman: Councillor R Butler
Vice-Chairman: Councillor Mrs M Stockwood
Councillors: B Bansal, S Bailey, N Clarke, L Healy, D Mason, F Purdue-Horan, V Price, C Thomas and J Walker

Rushcliffe Borough
Council Customer
Service Centre

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Gordon Road
West Bridgford
Nottingham
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8.30am - 4.30pm

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NG2 7YG





Rushcliffe
Borough Council

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MINUTES OF THE MEETING OF THE PLANNING COMMITTEE THURSDAY, 12 MAY 2022

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

PRESENT:

Councillors Mrs M Stockwood (Vice-Chairman), B Gray, L Healy, D Mason, C Thomas, V Price, G Dickman, R Inglis, G Moore, J Stockwood and J Walker

ALSO IN ATTENDANCE:

3 members of the public

OFFICERS IN ATTENDANCE:

A Ashcroft	Planning Services Consultant
G Dennis	Legal Services Manager
L Richardson	Principal Planning Consultant
R Kelly	Area Planning Officer
T Coop	Democratic Services Officer

APOLOGIES:

Councillors R Upton, S Bailey, N Clarke, P Gowland and F Purdue-Horan

34 Declarations of Interest

There were no declarations of interest.

35 Minutes of the Meeting held on 14 April 2022

The minutes of the meeting held on 14 April 2022 were approved as a true record and were signed by the Chairman, Councillor M Stockwood.

36 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.

As Ward Councillors for Ruddington, Councillor G Dickman and Councillor J Walker removed themselves from the meeting and did not take part in the following discussion or vote on the next item.

21/01768/FUL – Residential development of 24 No. dwellings and associated landscaping – Land East of Loughborough Road, Ruddington, Nottinghamshire.

Updates

An additional representation was received after the agenda had been published and was circulated to the Committee before the meeting.

In accordance with the Council's Public Speaking Protocol for Planning Committee, Mr T Dillarstone (Applicants Agent), Mr C Seagrave (Objector) and Councillor J Walker (Ward Councillor) addressed the Committee.

DECISION

THE DIRECTOR – DEVELOPMENT AND ECONOMIC GROWTH BE AUTHORISED TO GRANT PLANNING PERMISSION SUBJECT TO THE PRIOR SIGNING OF A SECTION 106 AGREEMENT AND 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 shall be carried out in strict accordance with the following approved plans:

S11-19-SR-2 (Soar)
S11-19-SR(PC)-2 (Soar)
S11-19-KD-1 SP (Kildale)
S11-19-HY-1 (Helmsley)
S11-19-DL-1-SP Dalton)
S11-19-BD-1 (Bedale)
S11-19-SV-4 (Severn)
S11-19-SR(PC)-2 (Soar)
S11-19-SL-2-SP (Solway)
S11-19-SD-4 (Swindale)
S11-19-RR-1-SP (Rother)
S11-19-MM-2 (Minsmere)
S11-19-LA-7 (Lea)
S11-19-DK-1 (Denwick)
S11-19-DE-1 (Dove)
S11-19-BM(PC)-2 (Beamish)
15-819 GB07 (Garage)
15-819 GB06 (Garage)
P20-2335_001 Rev E
P20-2335_005 Rev R - Sheet 1 Planning Layout
P20-2335_005 Rev Q - Sheet 2 Planning Layout
P20-2335_005 REV D Refuse Vehicle Tracking Plan
P20-2335_006 Rev M - Materials
P20-2335_007 Rev R – Boundary Treatments Plan/Mitigation Layout Plan
P20-2335_008 Rev M - Hard Landscaping Plan
P20-2335_011 Rev E - Garden Compliance Plan

P20-2335_012 Rev D - EVCP
P20-2335_013 Rev B - Open space plan
P20-2335_100 Rev L - Soft Landscape
Access Extract
101 Rev E - Drainage Area
140 Rev N - Drainage

[To ensure an acceptable development in accordance with 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.]

3. The development hereby permitted shall only be constructed in accordance with the materials as detailed on the approved materials plan - P20-2335_006 Rev L, unless details are otherwise submitted to and agreed in writing by the Borough Council.

[To ensure an acceptable development in accordance with 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.]

4. The boundary treatment and means of enclosure, as detailed on plan reference - P20-2335_007 Rev P, shall be erected prior to the occupation of the respective dwelling(s)

[To ensure an acceptable appearance to the development and to comply with Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 1 (Development Requirements) of the Local Plan Part 2: Land and Planning Policies].

5. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- a) the 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 dust and dirt during construction
- g) a scheme for recycling/disposing of waste resulting from demolition and construction works.
- h) The routing of deliveries and construction vehicles to site and any temporary access points.

[In the interest of highway safety, and to minimise disruption to users of the public highway and protect the amenity of local residents.]

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

[In the interests of highway safety.]

7. No dwelling shall be occupied until the vehicle access, parking, maneuvering, and turning areas for that dwelling have been constructed in accordance with the approved drawings, and are available for use.

[In the interests of highway safety.]

8. Occupation of the proposed dwellings shall not take place until their respective driveways have been surfaced in a bound material (not loose gravel) for a minimum distance of 5 metres behind the highway boundary, and which shall be drained to prevent the discharge of surface water from the driveway to the public highway. The bound material and the provision to prevent the discharge of surface water to the public highway shall be retained for the lifetime of the development.

[In the interests of highway safety.]

9. 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 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 July 2021) and must be in accordance with the Environment Agency's 'Land Contamination Risk Management' (LCRM).

[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.]

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

[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.]

11. 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 confirming that all measures outlined in the approved RS have been successfully carried out and completed has been submitted to and approved in writing by the Local Planning Authority. The Verification Report must include, where appropriate the results of any validation testing and copies of any necessary waste management documentation.

[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.]

12. Any topsoil (natural or manufactured), or subsoil that is to be imported onto the site must be assessed for chemical or other potential contaminants in accordance with a written scheme of investigation which shall be submitted to and approved in writing by the local planning

authority prior to the material being bought onto the site. Only material that has been tested in accordance with the approved investigation scheme shall be imported onto the site.

[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

13. The development hereby permitted must not commence until a Noise Impact Assessment (NIA) has been submitted to and approved in writing by the Local Planning Authority. The NIA must be prepared by a suitably qualified acoustician and as a minimum must include the following:

- a) A survey of the existing level of noise on and around the site, identifying the locations of all noise generating source(s) and the maximum and minimum noise levels from those source(s) from within and around the site;
- b) A prediction of the level of noise impact on the proposed development as a result of existing noise source(s) around the site;
- c) Propose mitigation measures to protect future occupiers of the proposed development from existing noise generated off the site. The development hereby permitted must be carried out and completed in accordance with the approved NIA and any mitigation measures proposed must be fully implemented prior to the development being occupied or first bought into use.

[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).]

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

[To assist in reducing travel demand by enabling working from home initiatives and in the interests of encouraging sustainable forms of travel in accordance with the aims of Policy 24 of the Rushcliffe Local Plan Part 1: Core Strategy.]

15. The dwelling(s) hereby permitted must not be occupied until the Electric Vehicle Charging point(s) (EVCP's) shown on drawing P20-2335_012

Rev B have been installed in accordance with that drawing. Thereafter an EVCP must be permanently retained at the dwelling(s) in accordance with the approved drawing throughout the lifetime of the development.

[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

16. The development hereby permitted must not be occupied or first brought into use until the 'biodiversity gain' improvements outlined in the Ecological Assessment dated May 2021 submitted with the application have been completed in accordance with that report. Thereafter the biodiversity gain improvements must be retained on the site throughout the lifetime of the development.

[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]

17. The hard and soft landscaping shown on the submitted drawings P20-2335_008 Rev L and P20-2335_100 Rev L must be carried out and completed in accordance with those approved details not later than the first planting season (October - March) following either the substantial completion of the development hereby permitted or it being first brought into use, whichever is sooner. If within a period of 5 years from the date of planting, any tree or shrub planted as part of the approved LS is removed, uprooted, destroyed, dies or becomes 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 (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.]

18. No development shall take place until the applicants, or their agents or successors in title, have secured the implementation of a programme of archaeological control and supervision to be carried out on service routes within the site, by a professional archaeologist or archaeological organisation. The details of such a scheme of investigation shall be

submitted to and approved in writing by the Borough Council also prior to the commencement of the development on the site.'

[to ensure that any unexpected archaeology is appropriately recorded and investigated in a manner proportionate to its significance 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.]

19. The development hereby permitted must not be occupied or first brought into use until details of any proposed street lighting have been submitted to and approved in writing by the Local Planning Authority.

[In the interests of highway safety and to protect the amenities of the area 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).]

20. None of the dwellings within the development hereby permitted shall be occupied until the optional requirement for water efficiency (i.e: not exceeding 110 litres per person per day) set out at Regulation 36(2)(b) of the Building Regulations 2010 as amended) (or any equivalent regulation revoking and/or re-enacting that Statutory Instrument) has been complied with. Thereafter this water efficiency standard must be retained throughout the life of each dwelling on the site

[To promote a reduction in water consumption having regard to Policy 12 (Housing Standards) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)]

21. The development hereby permitted must not commence until details of both the existing and proposed land levels across the site and relative to adjoining land, together with the finished floor levels of the proposed building(s), have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development hereby permitted must be carried out and completed in accordance with the approved details.

[To ensure the satisfactory appearance of the development in respect of its relationship to adjoining properties having regard to policies 10 (Design and Enhancing 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 of the National Planning Policy Framework.]

Councillor G Dickman and Councillor J Walker re-joined the meeting.

**21/02484/FUL – Two storey side and rear extension – 2 Cambridge Road,
West Bridgford, Nottinghamshire**

Updates

There were no late representations or speakers for 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, received on the 27th August 2021:

- Floor plans and elevations
- Planning application form
- Plans as existing
- Site location plan
- Site plan

[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. The external materials to be used in the development hereby permitted shall be in strict accordance with those specified in the application.

[To ensure the appearance of the development is satisfactory having regard to policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy and the Rushcliffe Local Plan Part 2: Land and Planning Policies]

NOTES TO APPLICANT

Please be advised that all applications approved on or after the 7th October 2019 may be subject to the Community Infrastructure Levy (CIL). The Borough Council considers that the approved development is not CIL chargeable. Further information about CIL can be found on the Borough Council's website at <https://www.rushcliffe.gov.uk/planningandgrowth/cil/>

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.

The provisions of the Party Wall Act 1996 may apply in relation to the boundary with the neighbouring property. A Solicitor or Chartered Surveyor may be able to give advice as to whether the proposed work falls within the scope of this Act and the necessary measures to be taken.

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

It is possible that the roof space, and/or behind the soffit, fascia boards, etc. may be used by bats. You are reminded that bats, their roosts and access to roosts are protected and it is an offence under the Countryside and Wildlife Act 1981 to interfere with them. If evidence of bats is found, you should stop work and contact Natural England on 0300 060 3900 or by email at enquiries@naturalengland.org.uk.

22/00570/CTY – Erection of a Primary School for 1.5 Forms of Entry, plus 26 place Nursery with associated Car Parking. Associated areas of soft play, hard play, grass playing field with landscaping works. Erection of 2.4m high security fencing and gates to perimeter and sprinkler tank. Provision of bound surface and lit cycle and footpath on route of public footpath East Leake FP5 – 53 Evans Road, East Leake, Nottinghamshire.

Update

An additional representation was received after the agenda had been published and was circulated to the Committee before the meeting.

Comments

Members suggested additional consideration be given to of vehicular access, including traffic management, pedestrian and cycle routes to and from the school and a carbon management plan.

DECISION

THE COUNTY COUNCIL BE INFORMED THAT THE BOROUGH COUNCIL DOES NOT OBJECT TO THE PROPOSAL SUBJECT TO THE FOLLOWING CONDITIONS (ALONG WITH ANY OTHER CONDITIONS THAT THE COUNTY COUNCIL CONSIDER APPROPRIATE):

1. The development hereby permitted may not be begun until a Biodiversity Gain Plan (BGP) has been submitted to and agreed in writing by the County Planning Authority, the development shall be carried out in accordance with the approved BGP.

[As required by Paragraph 13 of Part 2 of Schedule 7A of the Town and Country Planning Act 1990 (as amended by the Environment Act 2020.)

2. The development hereby approved shall not commence until the recommendations listed in the Preliminary Ecological Assessment Report (PEAR) have been undertaken and relevant reports containing any mitigation measures have been submitted to the County Planning Authority. Thereafter the development shall be carried out in accordance with the recommendations contained within the details and retained as such for the lifetime of the development

[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 2021.]

3. The hard and soft landscaping shown on the submitted drawings must be carried out and completed in accordance with those approved details not later than the first planting season (October - March) following either the substantial completion of the development hereby permitted or it being first brought into use, whichever is sooner. If within a period of 5 years from the date of planting, any tree or shrub planted as part of the approved landscaping scheme is removed, uprooted, destroyed, dies or becomes 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 (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 2021.]

4. The development 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 on the site 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 County 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.

[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 2021.]

5. Any aggregate (other than virgin quarry stone), topsoil (natural or manufactured), or subsoil that is to be imported onto the site must be assessed for chemical or other potential contaminants in accordance with a written scheme of investigation which shall be submitted to and approved in writing by the County planning authority prior to the material being bought onto the site. Only material that has been tested in accordance with the approved investigation scheme shall be imported

onto the site.

[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 178 and 177 of the National Planning Policy Framework 2021.]

Informatives:

- The technical input of the Highway Authority, the Lead Local Flood Authority and Archaeological Team are recommended to be sought
- Consideration be given to the environmental credentials of the building through the use of solar panels etc.
- The Borough Council also advises the County Council to consider the implications of the Traffic Regulation Orders in the event that such controls are not secured through the democratic process.
- Consideration should be given to a dedicated vehicular drop-off/pick-up zone outside of the school, including for buses/coaches.
- Consideration should be given to the provision of a dedicated gathering area for parents/guardians etc so as not to block the public footpath/ pavements/ cycle paths for other users at school start and end times. Consideration should also be given to secure provision of children's scooters
- Yellow "zig-zag" highway markings should be provided. A crossing patrol would also increase children's safety
- Consideration should be given to the provision of vehicular access to the playing fields by emergency vehicles.

The meeting closed at 4.08 pm.

CHAIRMAN

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Planning Committee

Thursday, 9 June 2022

Planning Applications

Report of the Director – Development and Economic Growth

PLEASE NOTE:

1. Slides relating to the application will be shown where appropriate.
2. Plans illustrating the report are for identification only.
3. Background Papers - the application file for each application is available for public inspection at the Rushcliffe Customer Contact Centre in accordance with the Local Government Act 1972 and relevant planning legislation/Regulations. Copies of the submitted application details are available on the website <http://planningon-line.rushcliffe.gov.uk/online-applications/>. This report is available as part of the Planning Committee Agenda which can be viewed five working days before the meeting at <https://democracy.rushcliffe.gov.uk/ieListMeetings.aspx?Committeeld=140> Once a decision has been taken on a planning application the decision notice is also displayed on the website.
4. Reports to the Planning Committee take into account diversity and Crime and Disorder issues. Where such implications are material they are referred to in the reports, where they are balanced with other material planning considerations.
5. With regard to S17 of the Crime and Disorder Act 1998 the Police have advised they wish to be consulted on the following types of applications: major developments; those attracting significant numbers of the public e.g. public houses, takeaways etc.; ATM machines, new neighbourhood facilities including churches; major alterations to public buildings; significant areas of open space/landscaping or linear paths; form diversification to industrial uses in isolated locations.
6. Where the Planning Committee have power to determine an application but the decision proposed would be contrary to the recommendation of the Director – Development and Economic Growth, the application may be referred to the Council for decision.
7. The following notes appear on decision notices for full planning permissions:
“When carrying out building works you are advised to use door types and locks conforming to British Standards, together with windows that are performance tested (i.e. to BS 7950 for ground floor and easily accessible windows in homes). You are also advised to consider installing a burglar alarm, as this is the most effective way of protecting against burglary.

If you have not already made a Building Regulations application we would recommend that you check to see if one is required as soon as possible. Help and guidance can be obtained by ringing 0115 914 8459, or by looking at our web site at

<http://www.rushcliffe.gov.uk/planningandbuilding/buildingcontrol>

Application	Address	Page
20/02663/FUL	Land East OF Bottom Green Farm, Bottom Green, Upper Broughton, Nottinghamshire, LE14 3BA	19 - 34
	Widening of an existing agricultural access, erection of new gates and post and rail fencing, and formation of hardstanding for agricultural purposes	
Ward	Nevile and Langar	
Recommendation	Grant planning permission subject to conditions	
<hr/>		
20/03248/OUT	Land Rear of Mill Hill Lane/The Old Park Cotgrave Nottinghamshire	35 - 80
	Application for Outline Planning Permission for the construction of up to 210 dwellings (all matters reserved except for access)	
Ward	Cotgrave	
Recommendation	The Director of Development and Economic Growth is authorised to grant planning permission subject to the prior signing of a Section 106 agreement and the following condition(s), which the Director of Development and Economic Growth is also authorised to amend to correct any matters that do go to the heart of the condition.	
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Application	Address	Page
20/02508/OUT	Land South and East of Hollygate Lane, Cotgrave, Nottinghamshire Application for Outline Planning Permission for up to 100 dwellings with all Matters Reserved other than access/means of access.	81 - 128
Ward	Cotgrave	
Recommendation	The Director of Development and Economic Growth be authorised to grant planning permission subject to the prior signing of a Section 106 agreement and the following condition(s), which the Director of Development and Economic Growth is also authorised to amend to correct any matters that do go to the heart of the condition.	
21/01203/OUT	Land South of Hollygate Lane and North of Colston Gate, Cotgrave, Nottinghamshire Outline planning application for up to 90 dwellings with all matters reserved except for means of access	129 - 184
Ward	Cotgrave	
Recommendation	The Director of Development and Economic Growth be authorised to grant planning permission subject to the prior signing of a Section 106 agreement and the following condition(s), which the Director of Development and Economic Growth is also authorised to amend to correct any matters that do go to the heart of the condition.	

Application	Address	Page
21/00231/OUT	Land South and East of Hollygate Lane, Cotgrave, Nottinghamshire	185 - 224
	Outline planning application for up to 45 dwellings with matters reserved other than access/means of access	
Ward	Cotgrave	
Recommendation	the Director of Development and Economic Growth be authorised to grant planning permission subject to the prior signing of a Section 106 agreement and the following condition(s), which the Director of Development and Economic Growth is also authorised to amend to correct any matters that do go to the heart of the condition.	



Application Number: 20/02663/FUL
East of Bottom Green Farm, Upper Broughton



scale 1:1000

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20/02663/FUL

Applicant Mr David Shelton

Location Land East Of Bottom Green Farm, Bottom Green, Upper Broughton, Nottinghamshire, LE14 3BA

Proposal Widening of an existing agricultural access, erection of new gates and post and rail fencing, and formation of hardstanding for agricultural purposes

Ward Nevile And Langar

Full details of the proposal can be [here](#)

THE SITE AND SURROUNDINGS

1. The application site comprises an existing agricultural access on the south side of Bottom Green Lane, to the east of Bottom Green Farm, in Upper Broughton.
2. Residential properties lie to the north, east and west. Agricultural land/ open countryside lies to the south.

DETAILS OF THE PROPOSAL

3. The application seeks planning permission for the widening of an existing agricultural access, a the erection of new gates and new post and rail fencing, and the formation of hardstanding for agricultural purposes. The application is partly retrospective as some works have already been undertaken in respect of the access without the benefit of planning permission.
4. It is understood that the alterations to the access are proposed to improve access for farm vehicles and enable vehicles to exit the highway without having to stop on the road.
5. During the course of determination, and in response to concerns raised by the Highways Authority and Conservation Officer in respect of the scheme, revised plans were submitted amending the design of the proposal. The revisions are summarised as follows:
 - a. Reduction in the width of the access from 12m to 8m;
 - b. Reinstatement of part of the previously removed Hawthorne/ Blackthorne hedge along the road frontage;
 - c. Additional hedgerow and tree planting;
 - d. Proposed use of bitumen surface with 6mm bound granite chippings instead of tarmacadam.
6. Due to the nature of the changes and the time that had elapsed since the original consultation exercise was undertaken, all statutory consultees and neighbours were consulted on the revised plans/ information for a period of 21-

days.

7. For the avoidance of doubt, the description below is based on the latest iteration of the development proposal (i.e. the revised site layout plan and surfacing details received 15th February 2022).
8. The proposed agricultural access/ track would measure 8m in width and would arc from the highway boundary towards the western boundary of the site (adjacent to the existing conifer hedging). The track would comprise a bitumen surface with 6mm bound granite chippings with camber to soakaway. A metal farm gate (1.2m high) is proposed to be located circa 17.5m southwest of the access.
9. The existing boundary hedging to the front (north) of the site is proposed to be retained. The soft verge and part of the conifer hedging to the front (north) of the site, removed as part of the access works undertaken prior to planning permission being sought, is proposed to be reinstated (new mixed Hawthorne/Blackthorne hedging proposed) and a Rowan tree planted behind. Further south in the site (level with the new gate and new pedestrian style) a new section of mixed Hawthorne/ Blackthorne hedging and a further Rowan tree is also proposed to be planted.
10. A new post and rail fence measuring 1.2m high is proposed circa 16m to the south of the access (at closest approach), including a pedestrian style comprised of two steps plus a support post.
11. The existing dropped kerb (which also serves 'The cottage' to the east) is proposed to be extended by circa 5m (from a total length of 13m to 18m) to facilitate the proposal.

SITE HISTORY

12. None relevant

REPRESENTATIONS

Ward Councillor(s)

13. One ward member, Councillor T. Combellack responded to the originally submitted plans as follows:

"With the information to hand I object to this application."

14. On receipt of revised plans (February 2022 consultation), Councillor Combellack responded as follows:

"As this application would appear to be in contravention of the Neighbourhood Plan, I agree with the Parish Council and must object."

Town/ Parish Council

15. Upper Broughton Parish Council responded to the originally submitted plans objecting to the proposal. Their concerns are summarised as follows:

- a. The development is contrary to Policy 22 of the Rushcliffe Local Plan. The proposals seek to remove an existing hedgerow and grassed area and replace it with a wide area of hard paving, The Parish Council does not agree that this seeks to conserve and enhance the existing situation.
 - b. The applicant has provided very little information as to why the works are required and existing double gates are unsuitable for use. The existing access has functioned perfectly adequately for a number of years without incident. No explanation or justification has been given as to why such a large area of hard standing is required.
 - c. The proposals do nothing to conserve or enhance the appearance and character of the area.
 - d. Policy 28 considers the impacts of proposals with regard to Conserving and Enhancing Heritage Assets. The Parish Council wishes to query whether a 300m² area of compacted road planings, is appropriate to the character of the area and consequently whether its use is contrary to Part 2 c) of the Policy. The large hole which has been created in the frontage of Bottom Green, has had a significant impact on the historic street pattern (Part 2d). The Parish Council feels it is detrimental in terms of scale and massing.
 - e. Policy UB2 of the Village Plan recognises the previous view over the gate as being locally important. Whilst it could be argued that the view is still there and has been opened up by the works, the Parish Council feels that the previous view punched through and was framed by the existing hedgerow and gate which contributed to that view and which no longer exists, meaning the removal of these features has had a significant detrimental impact on this view.
 - f. Whilst perhaps not necessarily a planning issue it is perhaps worth noting road planings are technically a waste material. The Parish Council has some reservations about the providence of the materials used.
 - g. There has been an enforcement notice issued against this site for the removal of the historic hedgerow (without permission) to the southern boundary. The Parish Council would be grateful to know if the hedgerow has been replaced as instructed by the enforcement notice.
16. On receipt of revised plans (February 2022 consultation), Upper Broughton Parish Council continued to raise objections to the proposal. Their response is summarised as follows:
- a. It has a negative impact on 'important view 5' and is contrary to Policy UB2 of the Upper Broughton Neighbourhood Plan.
 - b. The proposals are not in keeping with the character of Upper Broughton and are contrary to Policy UB5 of the Upper Broughton Neighbourhood Plan.
 - c. A hedge has been removed contrary to policy UB9 of the Upper Broughton Neighbourhood Plan.
 - d. It is contrary to Policy 1 of the Rushcliffe Local Plan Part 1: Core Strategy 2014 (presumption in Favour of Sustainable Development) in that the proposal is purely to encourage traffic movements on and off a road that already gives concerns to the residents, when a sustainable proposal would be looking to reduce the traffic movements.
 - e. It is contrary to Policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy 2014 (Design and Enhancing Local Identity) as the proposal removes an unmade track, which would be a typical feature of Upper Broughton and replaces it with a large hardstanding/ road, so detracting from the local identity of the village.

- f. As Upper Broughton is a Conservation Village, it is disappointing to see that the applicant has removed a considerable stretch of roadside ancient hedge in the centre of the village and tarmacked the large entrance, which now appears to be being used as a car park.
- g. The original hedge should be reinstated as Upper Broughton is a Conservation Village, and this sort of development should not be allowed.

Statutory and Other Consultees

The Borough Council

17. The Conservation Officer objected to the originally submitted scheme on the basis that it would harm the character and appearance of the Conservation Area, primarily due to the development having a suburbanising impact/ significantly altering the low-key rural feel of the area.
18. On receipt of the revised plans/ details (February 2022 consultation), the Conservation Officer removed their objection, confirming that their previously raised concerns have been addressed and that the proposal would not harm the special interest of the Conservation Area.

Nottinghamshire County Council

19. The Highways Authority responded to the originally submitted scheme recommending that the application be deferred to enable the applicant to address their concerns in respect of the proposed width of the access (which was considered excessive for its use) and the proposed surfacing.
20. On receipt of the revised plans/ details (February 2022 consultation), the Highways Authority responded stating that they have no objection to the proposal subject to the imposition of suitable conditions and informatives regarding the widening of the dropped kerb and the surfacing of the access.
21. The Archaeological Officer does not object to the proposal and does not have any recommendations.
22. The Rights of Way Team do not raise any objection to the proposal. A number of informatives are recommended regarding Upper Broughton Footpath No. 6 which crosses the application site.

Other Consultees

23. The Ramblers Association do not object to the proposal. In their response they request that the proposed replacement styles are replaced with kissing gates to make access easier and reduce maintenance.
24. Historic England responded to the consultation confirming that they have no comments to make on the proposal. Instead, they suggest that the views of the Council's specialist conservation and archaeological advisers are sought.

Local Residents and the General Public

25. One representation was received from a nearby occupier, in respect of the originally submitted scheme, providing comments only (i.e. neither objecting to

nor supporting the proposal). A summary of the points raised in the representation is set out below:

- a. Is this a retrospective application, as work has already been carried out? Or is the applicant planning further work, and if this is the case I would like to view the plans.
- b. Unfortunately, I have not been able to download the files outlining the plans!

PLANNING POLICY

26. The Development Plan for Rushcliffe consists of The Rushcliffe Local Plan Part 1: Core Strategy (LPP1) and the Local Plan Part 2: Land and Planning Policies (LPP2). Other material considerations include the National Planning Policy Framework (NPPF) (2021), the National Planning Practice Guidance (the Guidance) and the Rushcliffe Residential Design Guide. Due to the location of the site, the Upper Broughton Neighbourhood Plan (the Neighbourhood Plan) also comprises part of the Development Plan and requires due consideration.

Relevant National Planning Policies and Guidance

27. The relevant national policy considerations for this proposal are those contained within the National Planning Policy Framework (NPPF) and the proposal should be considered within the context of a presumption in favour of sustainable development as a core principle of the NPPF.
28. As such, the following sections in the NPPF with regard to achieving sustainable development are considered most relevant to this planning application:
 - Chapter 2 - Achieving Sustainable Development
 - Chapter 12 - Achieving Well Designed Places
 - Chapter 16 - Conserving and enhancing the historic environment

A copy of the National Planning Policy Framework 2021 can be found [here](#)

A copy of the Planning Practice Guidance can be found [here](#)

29. The Borough Council has a duty under sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires special regard to be paid to the desirability of preserving listed buildings, their setting or features of special architectural or historical interest that they possess; and special attention to be paid to preserving or enhancing the character and/ or appearance of the conservation area.

Relevant Local Planning Policies and Guidance

30. The LPP1 sets out the overarching spatial vision for the development of the Borough to 2028. The following policies in the LPP1 are of particular relevance:
 - Policy 1 - Presumption in Favour of Sustainable Development
 - Policy 10 - Design and Enhancing Local Identity

- Policy 11 - Historic Environment

A copy of The Rushcliffe Local Plan Part 1: Core Strategy (LPP1) can be found [here](#)

31. Under LPP2, the following relevant policies are pertinent to highlight in relation to the proposal:

- Policy 1 - Development Requirements
- Policy 22 - Development within the countryside
- Policy 28 - Conserving and Enhancing Heritage Assets

A copy of The Local Plan Part 2: Land and Planning Policies (LLP2) can be found [here](#)

32. The following policies of the Neighbourhood Plan are of particular relevance to the determination of the application:

- Policy UB2 - Locally Important Views
- Policy UB5 - Local Design and Amenity
- Policy UB9 - Trees and Hedges

A copy of the Upper Broughton Neighbourhood Plan can be found [here](#)

APPRAISAL

33. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

34. The main material planning considerations in the determination of this planning application are:

- a. Principle of Development
- b. Impact on the character/ appearance of the surrounding area (including heritage impacts)
- c. Visual impacts/ impact upon an 'important view' as defined in the Neighbourhood Plan
- d. Amenity considerations
- e. Highway safety

Principle of the development

35. LPP1 Policy 1 reinforces that a positive and proactive approach to decision making should be had which reflects the presumption in favour of sustainable development contained in the NPPF.

36. LPP2 Policy 22 seeks to ensure that land beyond the Green Belt and the physical edge of settlements is conserved and enhanced. The policy states

that development for the purposes of agriculture will be permitted providing that it complies with the requirements of part (3) of the policy which includes, but is not limited to, the conservation/ enhancement of the appearance and character of the landscape, including its historic character.

37. The development proposal comprises the widening of an existing agricultural access onto Bottom Lane.
38. In accordance with the policies set out above, the development proposal is considered acceptable 'in principle' (as it is a proposal for 'the purposes of agriculture') providing the proposal complies with part (3) of Policy 22 as well as all other relevant Development Plan policies.

Impact upon the character/ appearance of the surrounding area (including heritage impacts)

39. Core Strategy Policy 10 states that development should make a positive contribution to the public realm and sense of place and should have regard to the local context and reinforce valued local characteristics. Development should be assessed, amongst other things, in terms of its massing, scale, proportions and materials. This is reinforced under Policy 1 of the Local Plan Part 2, which also states that development should be sympathetic to the character and appearance of neighbouring buildings and the surrounding area.
40. Core Policy 11 seeks to ensure that the historic environment and heritage assets and their settings are conserved and/ or enhanced in line with their interest and significance. LPP2 Policy 28 sets out the criteria which proposals affecting a heritage asset and/ or its setting will be considered against.
41. Chapter 12 of the NPPF concerns achieving well-designed places. Specifically, it requires that development should function well and add to the overall quality of the area, not just in the short term but over the lifetime of the development. Chapter 16 discusses the conservation and enhancement of the historic environment.
42. Policy UB5 of the Neighbourhood Plan sets out the design criteria that new development must adhere to. The policy seeks to ensure that new development is in keeping with the scale, form and character of its surroundings, protects important features such as hedgerows and trees and has a safe and suitable access. The importance of the protection of trees and hedges is echoed in Policy UB9.
43. The application site is located within the Upper Broughton Conservation Area. It is close to several Grade II listed buildings within 50 to 125 metres of the proposal site. Two key unlisted buildings are found either side of the proposal site and several others are found nearby. The site is identified as a positive open space and it indicates that a panoramic (wide) view across the Conservation Area and looking out over the countryside is found at the proposal sites north boundary.
44. In light of the above, the impact of the proposal on the special interest of the Listed Buildings and Conservation Area must be given consideration. The Planning (Listed Buildings and Conservation Areas) Act 1990, in particular section 72 relating to Conservation Areas, requires due consideration.

45. The Borough Council's Conservation Officer objected to the originally submitted scheme on the basis that it would harm the character and appearance of the Conservation Area, primarily due to the development having a suburbanising impact/ significantly altering the low-key rural feel of the area.
46. On receipt of the revised plans/ details (February 2022 consultation), the Conservation Officer removed their objection, confirming that their previously raised concerns have been addressed and that the proposal would not harm the special interest of the Conservation Area.
47. The scale and nature of the revised development proposal is such that, in the Officer's view, the special interest of the Conservation Area would be retained. Prior to planning permission being sought, it is noted that a section of hedgerow was removed. The revised proposal includes the reinstatement of a section of hedgerow and the planting of new hedgerow and Rowan trees. The reinstatement of previously removed hedgerow, alongside the planting of new hedgerows and trees, will soften the appearance of the development and reduce its impact on the character and appearance of the area from that as originally proposed.
48. Furthermore, the existing extent of hard surfacing which has already taken place is also to be reduced and replaced with 6mm bound granite chippings as per the proposed plans. This would reduce the originally considered suburbanising impacts through more limited extents of surfacing and informal layout whilst still retaining a more rural character with regards to the new proposed finish of 6mm bound granite chippings.
49. Whilst the site lies between two 'positive buildings' as identified in the Conservation Area Appraisal, it is not considered that the works proposed would cause any harm to the setting of these buildings and therefore the positive impact these buildings provide to the special character of the conservation area would be protected. It is further noted that the site represents a positive open space, and that a panoramic view out across the site to the open countryside exists and is identified as important character features in the conservation area townscape appraisal. The sites agricultural use would remain, and whilst the scheme proposes a greater extent of surfacing and wider access than originally existed, it is not considered that these agricultural works would be to the detriment of the character of the area, and the site would still provide a positive open space and wider outlook, thereby protecting the value of these features and the special character and appearance of the Upper Broughton Conservation Area.
50. In light of the above the special character and appearance of the conservation area is considered to be 'preserved' as is described as a 'desirable' objective within section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990.
51. Overall, the development proposal is considered acceptable in terms of its impact upon the character of the area/ impact on heritage assets and would comply with local and national policies in that regard.

Visual impacts/ impact upon an 'important view' as defined in the Neighbourhood Plan

52. Policy UB2 of the Neighbourhood Plan identifies a locally important view ('View 5: From Bottom Green', opposite the old Saddlery, looking south) which crosses the site. The view is described as a "...panorama from south east to south west of arable land...The view is important as it shows the view of the end of the Vale of Belvoir and the relationship between the village and surrounding countryside...".
53. The concerns of the parish council regarding the impact of the proposal on Important View No. 5 are noted. They state that "...*the previous view punched through and was framed by the existing hedgerow and gate which contributed to that view...*".
54. As stated previously, the revised proposal includes the reinstatement of a section of hedgerow to the site frontage and the planting of new hedgerow and Rowan trees. In the officer's view, the reinstatement of previously removed hedgerow, alongside the planting of new hedgerows and trees, will assist in 're-framing' the view and softening the appearance of the widened access. It is not considered that the development would significantly alter or that the development would reduce the significance of the view. The 1.2m tall metal farm gates would also retain the agricultural character of the site and view.
55. Overall, the visual impact of the proposal including the impact on Important View No. 5 is considered acceptable.

Impact upon residential amenity

56. Core Strategy Policy 10 states that development should be assessed in terms of their impact on the amenity of nearby residents. This is reinforced under policy 1 of the Land and Planning Policies document, which states that development should not be granted where there is a significant adverse effect upon the amenity of adjoining properties.
57. As the proposal is for the widening of an existing access only, the impact upon the residential amenity of nearby occupiers is considered to be limited. It is understood that the alterations to the access are proposed to improve access for farm vehicles and enable vehicles to exit the highway without having to stop on the road. There is no suggestion that the use of the site/ access will intensify as a result of the proposal.
58. Taking the above information into account, officers are of the view that the proposed development would not have a detrimental impact upon the residential amenity of nearby properties.

Highway Safety

59. LPP2 Policy 1 (2) notes that all development must include a suitable means of access without detriment to the amenity of adjacent properties or highway safety. The application proposes the widening of an existing agricultural access only.
60. The Highways Authority responded to the originally submitted scheme recommending that the application be deferred to enable the applicant to

address their concerns in respect of the proposed width of the access (which was considered excessive for its use) and the proposed surfacing.

61. On receipt of the revised plans/ details (February 2022 consultation), the Highways Authority responded stating that they have no objection to the proposal subject to the imposition of suitable conditions requiring 1. provision of a widened dropped kerb; and 2. suitable surfacing of the access. They also recommended that an informative relating to the dropped kerb be included on any grant of permission.
62. Subject to the imposition of suitable conditions (as referenced above), officers are of the view that the proposal would not be detrimental to highway safety.

Third Party Representations

63. During the consultation process, a number of objections have been received regarding the proposed development. Objections have been received from a ward councillor, the parish council and members of the public. The objections have been summarised below and will now be addressed:
64. Very little information has been provided as to why the works are required/ why the existing double gates are unsuitable for use.
 - As the proposal is acceptable 'in- principle' it is not necessary for the applicant to provide justification for the proposed development/ explain why the existing arrangement is unsuitable. In this instance however it has previously been confirmed that the works are required to improve the site access, enabling modern agricultural vehicles to enter the site without waiting on the highway.
65. The proposals do nothing to conserve or enhance the appearance and character of the area.
 - This is covered in the section titled 'Impact upon the character/ appearance of the surrounding area (including heritage impacts)'. The Borough Council's Conservation officer does not object to the revised scheme.
66. It has a negative impact on 'important view 5' and is contrary to Policy UB2 of the Upper Broughton Neighbourhood Plan.
 - This is covered in the section titled 'Visual impacts/ impact upon an 'important view' as defined in the Neighbourhood Plan'.
67. The proposal is purely to encourage traffic movements, when a sustainable proposal would be looking to reduce the traffic movements
 - There is no suggestion in the application that the use of the access would intensify. The alterations to the access are proposed to improve access for farm vehicles and enable vehicles to exit the highway without having to stop on the road.
68. Road planings are technically a waste material. The Parish Council has some reservations about the providence of the materials used.
 - The revised scheme proposes a bitumen surface with 6mm bound granite chippings.

69. There has been an enforcement notice issued against this site for the removal of the historic hedgerow (without permission)
- The hedgerow removal notice represents a separate matter, not related to this application for planning permission.
70. Contrary to planning policy including the Neighbourhood Plan.
- Officers have carried out a complete assessment against all relevant planning policies and are of the view that the development is acceptable.

Conclusion

71. In conclusion, as set out above, the development proposal would not result in an unacceptable impact on the character/ appearance of the surrounding area (including the Conservation Area) nor would it result in an unacceptable impact on residential amenity or highway safety. Furthermore, it would not result in an unacceptable impact on important views or vistas. Accordingly, the proposed development is considered to conform with the objectives of Policies 1, 10 and 11 of the LPP1, Policies 1, 22 and 28 of the LPP2 and the relevant policies of the Neighbourhood Plan. The application is therefore recommended for approval subject to conditions.
72. Negotiations have taken place during the consideration of the application to address adverse impacts identified by the officer and raised in representations submitted in connection with the proposal. Amendments have been made to the proposal, addressing the identified adverse impacts, thereby resulting in an acceptable scheme and the grant of planning permission.

RECOMMENDATION

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

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]

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.

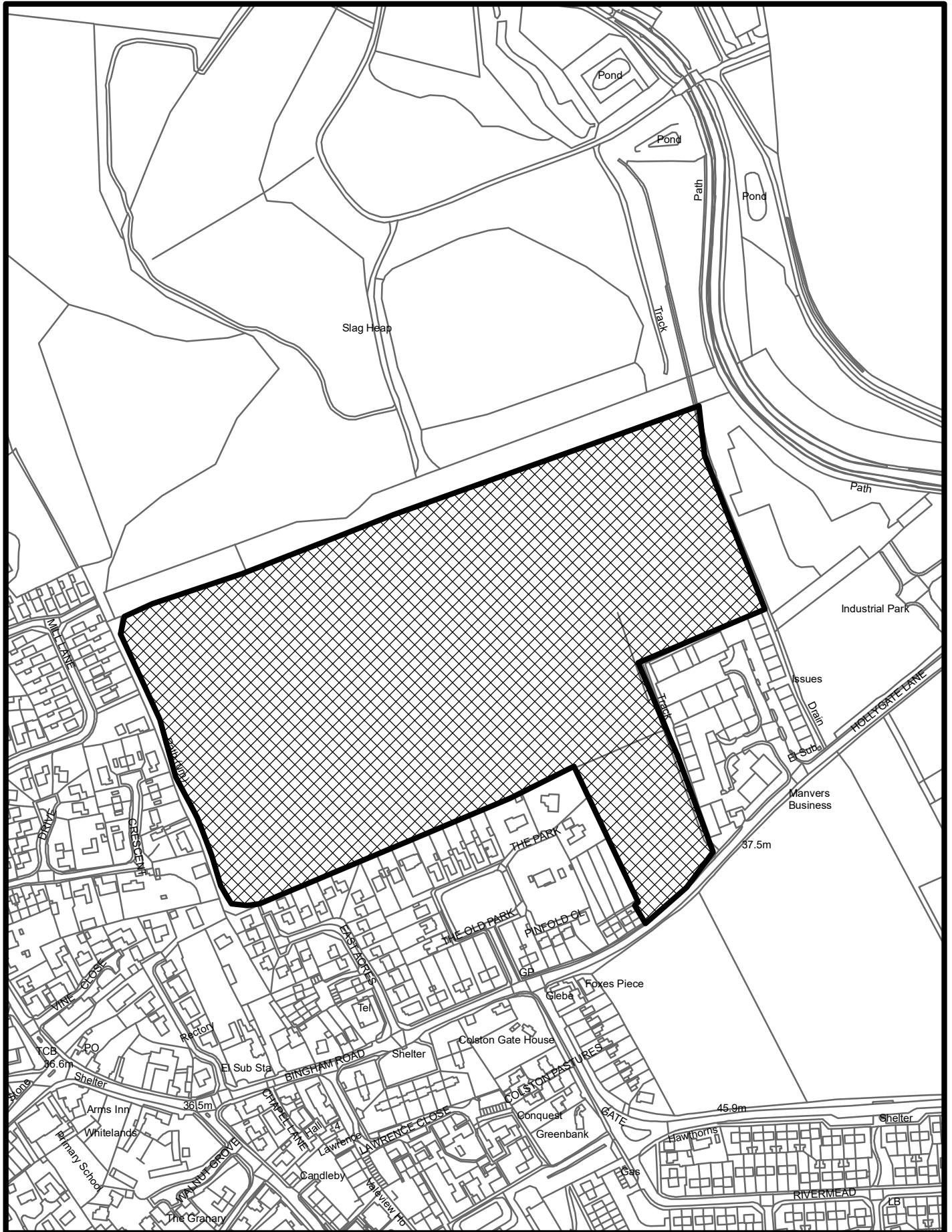
A Temporary Closure of the Footpath may be granted to facilitate public safety during the construction phase subject to certain conditions. Further information and costs may be obtained by contacting the Rights of Way section. The applicant should be made aware that at least 5-weeks notice is required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

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Application Number: 20/03248/OUT
Land rear of Mill Hill Lane/The Old Park Cotgrave



scale 1:4000

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20/03248/OUT

Applicant Barratt Homes North Midlands Charlotte Henson

Location Land Rear of Mill Hill Lane/The Old Park Cotgrave Nottinghamshire

Proposal Application for Outline Planning Permission for the construction of up to 210 dwellings (all matters reserved except for access).

Ward Cotgrave

Full details of the proposal can be found [here](#).

THE SITE AND SURROUNDINGS

1. Cotgrave is a large settlement to the east of Nottingham City and within the Borough of Rushcliffe. It is identified within Policy 3 of the Rushcliffe Publication Core Strategy as a key settlement for growth.
2. The application site comprises two arable fields of approximately 11.87 hectares and is located on the northern side of Hollygate Lane on the north eastern edge of town. The site is accessed via a smaller field, fronting onto Hollygate Lane located between residential properties to the west, and a business park to the east. The site itself is a much larger, wider expanse of land than the site frontage and it opens behind existing built form that fronts onto the road. To the north of the site is an area of woodland that forms part of the Country Park for the neighbouring colliery re-development site and a Local Wildlife Site. To the east is a small business park, beyond which is the residential development on the former colliery site. The site is largely fronted to its immediate south and west by existing residential development.
3. Within the site there are areas of marshy grassland, scrub, and trees in the north eastern corner of the site. The site is gently sloping towards the east, between 36m- 50m AOD. The site is bound by a mixture of natural features (hedgerow and trees), and man-made structures such as garden boundaries where the site adjoins the existing residential and business park development.

DETAILS OF THE PROPOSAL

4. The application seeks outline planning permission for up to 210 dwellings on the site with associated infrastructure, surface water attenuation and balancing ponds, and open space.
5. All matters are reserved for future consideration except for a single access point off Hollygate Lane to serve the proposed development. This means consideration of this application is therefore limited to the principle of development, and whether the proposed means of access and water attenuation proposals are acceptable.

6. The site is allocated for residential development in the Adopted Rushcliffe Local Plan Part 2, Policy 2.1 – Land Rear of Mill Lane/The Old Park, Cotgrave i.e., North of Hollygate Lane, Cotgrave.
7. The site is proposed to be accessed via a newly formed four-armed roundabout which would also facilitate access to allocated residential site Rushcliffe Local Plan Part 2 (LPP2) Policy 2.2 Land South of Hollygate Lane, Cotgrave. That allocation is subject to separate planning applications also on this agenda.
8. A balancing pond (attenuation facility) is shown on the indicative plans that would be provided in the northern part of the site and this forms an integral component of the overall drainage scheme.
9. The application is accompanied by an Illustrative Masterplan which demonstrates how up to 210 homes could be delivered. The submission states that the scheme would incorporate a mix of house types from 2 to 5 bedrooomed properties and that it would provide a high-quality residential development incorporating a mix of types, styles and sizes of houses. For the avoidance of doubt, the document does not confirm the proposed layout at this stage as it would be considered as part of a future reserved matters application should this application be approved.
10. The application proposes that affordable housing would be provided consistent with Policy 8: Housing Size, Mix and Choice of the Rushcliffe Local Plan Part 1: Rushcliffe Core Strategy (Dec 2014) at 10%. The overall net density of development proposed is approximately 34 dwellings per hectare.
11. The application is supported by several specialist reports relating to ecology, access and transport, heritage, flooding and drainage, accessibility, trees, and archaeology. A Travel Plan has also been submitted
12. The applicant has provided a Heads of Terms document and separate confirmation that they are agreeable with all requested developer conditions and are agreeable to entering a S106 Agreement to secure them.

SITE HISTORY

13. The site has no recent planning history.

REPRESENTATIONS

Ward Councillor(s)

14. One Ward Councillor (Cllr Butler) does not object to the proposal but comments that the increase in numbers of dwellings on the site compared to the policy position needs to be explored and explained.

Town/Parish Council

15. Cotgrave Town Council objects to the proposal on the following grounds:
 - a) The developers have a history of failing to discharge planning conditions/legal obligations imposed on them in relation to the neighbouring site (Cotgrave Colliery) which does not inspire confidence.

- b) The proposal is for a greater number of houses than set out in the Planning Policy i.e., 210 vs 180.
 - c) Traffic impacts, especially at identified pinch points in the settlement.
 - d) Query whether the ecology surveys are in date
 - e) Also requests if any s106 contributions towards leisure/open space can be used towards the existing, nearby Grassmere Play Area.
16. Cotgrave Town Council also raised concerns regarding the proposed improvement of the current and planned infrastructure, which would include transport/road links, education and medical provision and other amenities that would be required due to the increasing population. They also requested all biodiversity surveys are carried out thoroughly and reported.

Statutory and Other Consultees

17. National Highways do not object to the proposal subject to conditions being attached to the grant of permission and contributions towards the A52 improvements are per the Memorandum of Understanding (MoU).
18. Severn Trent Water do not object to the proposal subject to conditions being attached to any grant of permission.
19. The NHS Clinical Commissioning Group (CCG) request Section 106 (S106) contributions for Primary Health Care from this development. Officers however note that Primary Health Contributions are covered by the Community Infrastructure Levy (CIL) and therefore not through the S106 process.
20. Pedals object to the proposal due to the lack of consideration towards alternative modes of transport, namely cycles.

Nottinghamshire County Council comments:

21. Highway Authority initially raised objections to the proposed mitigation measures proposed. Following the submission of revised information, they do not object to the proposal subject to conditions being attached to any grant of permission.
22. Lead Local Flood Authority (LLFA) initially objected to the proposal requesting additional surface water drainage information. The developer provided/clarified a number of points with a Drainage & SuDS Strategy Report, which should be seen as the Surface Water Management Plan. The LLFA subsequently within confirmed that they have no objections subject to conditions being attached to any grant of permission.
23. Strategic Planning make comments regarding floodrisk, pedestrian access, service runs for utilities, and make obligation requests towards education, green space, waste management, bus stops and sustainable travel.
24. Community Liaison Officer for Heritage does not object to the proposal subject to conditions being attached to any grant of permission.
25. Public Rights of Way Team acknowledge that the application is an outline with access only but make comments on their preferred routes for pedestrian

access/rights of way through the site for consideration as part of any future detailed layout.

The Borough Council comments:

26. Planning Contributions Officer advised on the CIL liability for the development can only be calculated once Reserved Matters approval (confirming the quantum of development) has been submitted.
27. Planning Policy Team does not object to the proposal confirming that it is an allocated site within the Local Plan Part 2.
28. Conservation Officer does not object to the proposal.
29. Environmental Sustainability Officer (ESO) initially requested updated surveys be provided, which the applicant provided. Subsequently the ESO advises that they do not object to the proposal but sought one point of clarification (presumed typo) regarding the biodiversity net gain information.
30. Strategic Housing Officer (affordable housing) does not object to the proposal but provides details of the breakdowns of affordable housing type and tenure.
31. Community Development Manager has commented that the proposal would generate a need for on-site children's play provision, unequipped play/amenity public open space and allotments that should be secured through Section 106 contributions and that the indoor and outdoor sports.
32. Design and Landscape Officer does not object to the proposal.
33. Environmental Health Officer does not object to the proposal subject to conditions being attached to any grant of permission.

Local Residents and the General Public

34. A total of nineteen (19) representation have been received, sixteen (16) of them objecting to the proposal citing the following:
 - a) There is no need for the proposed new housing.
 - b) The village is too small to support further development.
 - c) Increase in dwellings proposed on site by 17%
 - d) Insufficient infrastructure and services to support the new residents.
 - e) Safe access for bikes/cyclists needs further consideration
 - f) The roundabout's design is inadequate
 - g) Risk of flooding on the site
 - h) Increased traffic
 - i) There is already existing pressure on the doctor's surgery
 - j) The schools are busting
 - k) Loss of privacy
 - l) Road safety
 - m) Loss of Bluebell Spiney
 - n) Impacts on ecology
 - o) Loss of Greenbelt land
 - p) Nuisance (noise, dust, disturbance) during construction
 - q) Impacts on archaeology

- r) No details of the layout/houses have been provided
 - s) Light pollution
 - t) Transparency of the deal as RBC are selling the land to the developer.
35. Three (3) neutral response were received making the following comments:
- a) Pedestrian safety should be considered
 - b) concerns about the blind Colston Gate junction
 - c) Barratt's have failed to meet all the conditions imposed on them for the Colliery development
 - d) There are no details of the proposed layout/ house types etc
 - e) The gardens are too small
 - f) Issues with Management Companies
 - g) Concerns that the development will become overflow carparking for the neighbouring country park.
36. Full details of the representations received can be found [here](#).

PLANNING POLICY

37. The Development Plan for Rushcliffe consists of the adopted Rushcliffe Local Plan Part 1: Core Strategy (December 2014) (LPP1) and the Rushcliffe Local Plan Part 2: Land and Planning Policies - adopted October 2019 (LPP2). Other material considerations include the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG) and the Rushcliffe Residential Design Guide 2009.
38. The full text of the Council's policies are available on the Council's website at: <https://www.rushcliffe.gov.uk/planningpolicy/>

Relevant National Planning Policies and Guidance

39. The National Planning Policy Framework (NPPF) includes a presumption in favour of sustainable development. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area. In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development. There are three dimensions to sustainable development, economic, social, and environmental.
40. The relevant paragraphs of the NPPF are:
- Paragraph 11
 - Paragraph 68
 - Paragraph 92
 - Paragraph 93
 - Paragraph 100
 - Paragraph 110
 - Paragraph 126
 - Paragraph 130 and
 - Paragraph 167.
41. Full details of the NPPF can be found [here](#).

Relevant Local Planning Policies and Guidance

42. The Rushcliffe Local Plan Part 1: Core Strategy was formally adopted in December 2014. It sets out the overarching spatial vision for the development of the Borough to 2028.
43. The following policies in the Rushcliffe Local Plan Part 1: Core Strategy are also relevant:
- Policy 1 - Presumption in Favour of Sustainable Development
 - Policy 2 - Climate Change
 - Policy 3 - Spatial Strategy
 - Policy 8 - Housing Size, Mix and Choice
 - Policy 10 - Design and Enhancing Local Identity
 - Policy 11 - Heritage Environment
 - Policy 14 – Managing Travel Demand
 - Policy 15 – Transport Infrastructure Priorities
 - Policy 16 - Green Infrastructure, Landscape, Parks and Open Spaces
 - Policy 17 - Biodiversity
 - Policy 18 - Infrastructure
 - Policy 19 - Developer Contributions
44. Full text of the above Policies can be found [here](#).
45. The Local Plan Part 2: Land and Planning Policies (LLP2) was adopted in October 2019 and the following policies in LPP2 are also considered material to the consideration of this application:
- Policy 1 -Development Requirement
 - Policy 2.1 - Housing Allocation – Land rear of Mill Lane/The Old Park, Cotgrave
 - Policy 12 - Housing Standards
 - Policy 17 - Managing Flood Risk
 - Policy 18 - Surface Water Management
 - Policy 28 - Considering and Enhancing Heritage Assets
 - Policy 29 - Development Affecting Archaeological Sites
 - Policy 32 - Recreational Open Space
 - Policy 35 – Green Infrastructure Network and Urban Fringe
 - Policy 37 - Trees and Woodland
 - Policy 38 - Non-Designated Biodiversity Assets and the Wider Ecological Network
 - Policy 39 - Health Impacts of Development
 - Policy 40 - Pollution and Land Contamination
 - Policy 41 - Air Quality
 - Policy 43 - Planning Obligations Threshold
46. Full text of the above Policies can be found [here](#).
47. Consideration should also be given to other Borough Council Strategies including the Sustainable Community Strategy, Leisure Strategy, Nature Conservation Strategy and the Borough Council's Corporate Priorities.

48. Conservation of Habitat and Species Regulations 2017, and the Wildlife and Countryside Act (as amended) 1981 - These regulations/legislations contain certain prohibitions against activities affecting European Protected Species, such as bats. These include prohibitions against the deliberate capturing, killing or disturbance and against the damage or destruction of a breeding site or resting place of such an animal. The Habitats Directive and Regulations provide for the derogation from these prohibitions in certain circumstances. Natural England is the body primarily responsible for enforcing these prohibitions and is responsible for a separate licensing regime that allows what would otherwise be an unlawful act to be carried out lawfully.
49. The Council as Local Planning Authority is obliged in considering whether to grant planning permission to have regard to the requirements of the Habitats Directive and Habitats Regulations in so far as they may be affected by the grant of permission. Where the prohibitions in the Regulations will be offended (for example where European Protected Species will be disturbed by the development) then the Council is obliged to consider the likelihood of a licence being subsequently issued by Natural England and the "three tests" under the Regulations being satisfied. Natural England will grant a licence where the following three tests are met:
 - a. There are "imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment"
 - b. There is no satisfactory alternative; and
 - c. The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.
50. The Supreme Court has clarified that it could not see why planning permission should not ordinarily be granted unless it is concluded that the proposed development is unlikely to be issued a license by Natural England.
51. Natural Environment and Rural Communities Act 2006 at Section 40 states that *"every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity."* Section 40(3) of the same Act also states that *"conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat."*
52. Planning for Growth (Ministerial Statement 2011) emphasises the priority for planning to support sustainable economic growth except where this compromises key sustainable development principles. The range of benefits of proposals to provide more robust and viable communities should be considered and appropriate weight should be given to economic recovery.
53. The Community Infrastructure Levy Regulations 2010 (As amended) places the Government's policy tests on the use of planning obligations into law.
54. Equality Act 2010 - Under S149 of the Act all public bodies are required in exercising their functions to eliminate discrimination, advance equality of opportunity and foster good relation.

55. Design Council Building for Life 12 - This assessment sets 12 criteria to measure the suitability of schemes and their locations in relation to design, layout, sustainability criteria, adaptability and effect of existing local character and reduction of crime, amongst other things.
56. Environmental Impact Assessment Regulations – This is an outline planning application for the development of up to 210 dwellings and supporting infrastructure. As such it was screened under the Environmental Impact Assessment Regulations 2018. The screening opinion concluded that the proposal is not considered to constitute EIA development and that matters could be adequately considered by way of general development management considerations as part of the determination of the application(s). It should be noted that the screening opinion only relates to the EIA regulations and does not imply any likely outcome of the planning application.

APPRAISAL

57. The planning process in England is underpinned by planning law requiring all applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. The Framework (NPPF) does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise.
58. Paragraph 7 of The Framework confirms that the purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives which are economic, social, and environmental and Paragraph 8 says that the roles performed by the planning system in this regard should not be undertaken in isolation, because they are mutually dependent. It goes on to say that, to achieve sustainable development, economic, social, and environmental gains should be sought jointly and simultaneously through the planning system, which should play an active role in guiding development to sustainable solutions.
59. Consideration of this outline application is limited to whether the principle of developing up to 210 dwelling on the site together with whether the proposed means of access and drainage strategy are appropriate.
60. Objections to the proposals on the basis that it forms part of the green belt is unfounded given that the site has been allocated for housing in the Development Plan for Rushcliffe. The release of green belt land was considered in detail as part of the plan-making process for the Local Plan Part 2: Land and Planning Policies. There is no requirement to demonstrate any very special circumstances exist to justify development of housing or employment uses on the site.

Principle of Development

61. In considering this application, it must be borne in mind that the Council does currently have a 5-year housing land supply.

62. Policy 3 of LPP1 identifies Cotgrave as a 'Key settlement identified for growth' and, furthermore, the principle of developing this site for housing was established with allocation of the site under Policy 2.1 in the Local Plan Part 2 (LPP2).
63. Policy 2.1 states that the area shown on the policies map is identified as an allocation for "around" 180 homes subject to a number of requirements set out in the policy document. Part of the assessment of the application is to determine whether that quantum of development proposed is acceptable on this site or not. Nevertheless, officers note that Policy 2.1 does not seek to place an upper limit on the number of dwellings on this site as it does not state a maximum of 180 dwellings. Officers are satisfied that the principle of dwellings on this site has already been established. Furthermore, officers are also satisfied that although 210 is greater than 180 homes, it is broadly "around" that figure. Whilst the application is for outline permission, with only matters of access to be considered, Members of the Committee need to be satisfied that the site could accommodate up to 210 dwellings without having unacceptable impacts on matters such as ecology, the landscape, public and neighbour's amenity and any other material consideration, not just the impacts of the new access on highway safety. If these 210 dwellings have any significant impact on the amenities/services in the settlement and the highway network, it must be considered whether those impacts can be adequately mitigated through either planning conditions or S106/CIL contributions if appropriate.
64. In summary, this is an allocated site contained within the Borough Councils Local Plan, therefore the development of the site in principle has been established in policy terms by the Borough Council. There have been no changes to national policy since the allocation of the site in relation to flood risk policy or access. As such, the principle of development this site for housing use as proposed would accord with the development plan when read as a whole.

Flooding and Drainage

65. Criterion c) of Policy 2 of the Core Strategy and policy 17 of Local Plan Part 2; together with paragraph 167 of the NPPF are of relevance. These policies broadly echo paragraph 167 of the NPPF which states "when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that: a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location; b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment; c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate; d) any residual risk can be safely managed; and e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan."
66. The application site is shown on the Environment Agency's online Flood Map as being within Flood Zone 1, that is land with a low probability of flooding. The

Grantham Canal, a navigable reach fed by the River Trent, is located approximately (approx. 120m) east of the north eastern site extent. The extents of Flood Zones 2 (Medium Probability) & 3a (High Probability) are shown to reach the area directly adjacent to the north eastern site corner, however the extents do not encroach within the site boundary. The site is therefore located entirely within Flood Zone 1 (low probability of flooding).

67. The site has already been allocated in the Local Plan and therefore is not subject to the Sequential or Exception (flood) test in terms of assessing other locations that may be more suitable for housing. A Flood Risk Assessment (FRA) formed part of the submission, despite the site's location in Floodzone 1. The FRA states that "*The site is assessed to be at low risk of flooding from groundwater, reservoir failure and sewer sources.*"
68. The FRA concludes that "*In compliance with the requirements of National Planning Policy Framework, and subject to the mitigation measures proposed, the development could proceed without being subject to significant flood risk. Moreover, the development will not increase flood risk to the wider catchment area as a result of suitable management of surface water runoff discharging from the site.*"
69. The principle element of the flood risk management strategy at the site is avoidance of flood risk. To enable this, the development is located entirely within Flood Zone 1. The views of the Environment Agency and the Emergency Planner were not sought, due to the site's location within Flood Zone 1.
70. Nottinghamshire County Council as the Lead Local Flood Authority (LLFA) has also reviewed the application and have no objection to the proposals subject to a condition requiring 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 and needs to include Evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development.
71. Similarly, Severn Trent Water do not object to the proposals in principle but recommend conditions relating to the submission of a drainage strategy that should be submitted to and approved in writing by the Local Planning Authority in consultation with them.
72. In conclusion, based on the information provided, and the specialist advice given from statutory consultees, it is considered that the proposals to construct up to 210 dwellings on the site would not increase flood risk elsewhere and would include mitigation measures (as far as possibly can be considered in this outline application) which protect the site and manage any residual flood risk. As such the development therefore complies Criterion c) of Policy 2 of the Core Strategy, Policy 17 of Local Plan Part 2, together with paragraph 167 of the NPPF.

Access and Highway Safety

73. Access is a matter being considered as part of the determination of this application. The site would be served by one single point of access off Hollygate Lane via a new 4-arm roundabout. Mitigation measures are also proposed as part of the applications on the southern side of Hollygate Lane that would prioritise traffic travelling west along Colston Gate through the southern allocation, changing the traffic priorities at the junction of Bingham Road, Hollygate Lane and Colston Gate and introduce a new roundabout at the junction of Bingham Road, Main Road and Plumtree Road within Cotgrave itself.
74. The application has been accompanied by several technical reports that have been reviewed by the Highway Authority. Initially concerns about the delivery of the access and it being potentially constrained by one of the landowners/site promoters on the southern side of Hollygate Lane were addressed by relocating the proposed access point (and the roundabout) further to the north-east. The relocation of the access roundabout required land to the frontage of the neighbouring business park. That land is currently owned by the Borough Council, as is much of this strategic allocation site. The application is therefore before Members for your consideration to be open and transparent in the determination of the planning applications on or requiring Council owned land.
75. The Highway Authority have reviewed the revised access arrangements and advised that the revised Transport Assessment (TA) included the proposed relocation of the roundabout arrangement onto Hollygate Lane. There were also amendments proposed for the Hollygate Lane/Colston Gate junction, the Main Road/Bingham Road/Plumtree Road priority-controlled simple T-junction which is proposed to be altered to a mini-roundabout.

A606 / Cotgrave Road Traffic Signals

76. The initial modelling contained within the TA suggests that this junction would be significantly over capacity in the 2024 with development scenario. However, the TA suggested that the impact of the development is not severe as the average queue length is only lengthened by 14 passenger car units (PCU's). The Highway Authority disagreed with the conclusions and advised that the impacts were not considered insignificant.
77. The Highway Authority also advised of concerns with some of the data in the traffic modelling requesting this be corrected/updated to fully understand the impact of the proposal on this junction.
78. It was also highlighted that there currently is scheme being proposed by National Highways to improve this junction this seeks to widen the A606 north and south that is affected by the proposed housing development

Roundabout on Hollygate Lane

79. The Highway Authority advised that they are now broadly satisfied with the provision and design of the roundabout to serve the development. Any minor amendments required could be agreed as part of a section 278 agreement of

the Highways Act. In view of this, the Highway Authority has no objections in principle to the proposed roundabout arrangements.

Change of priority at Bingham Road/Hollygate Lane/Colston Gate

80. The Highway Authority has no objections in principle to the amending the junction arrangements, however they did initially raise some concerns. These were subsequently addressed by the applicants to the satisfaction of the Highway Authority. .

Main Road/Bingham Road/Plumtree Road mini roundabout

The County Council's Road Safety Department initially raised some concerns regarding the design of the mini roundabout and the: Highway Authority requested that the developers review the design accordingly.

Stragglethorpe Road / Hollygate Lane

The Highway Authority advised that this junction is consistently problematic for accidents, and none of the recent/proposed developments have seemingly taken any steps to address this.

81. As a result, the Highway Authority questioned whether the impact of the development on this junction had been underestimated in terms of traffic numbers.
82. The above concerns were shared with the agents/applicants for all four planning applications across the two allocations due to the interconnectivity, combined impact and proposed mitigation ensuring acceptability, in planning terms, reflecting the NPPF and Rushcliffe Local Plan Parts 1 and 2. Subsequently further additional information was submitted seeking to address the above issues and the Highway Authority were again asked to review this.
83. The Highway Authority have reviewed the revised access arrangements and advised that they are now broadly satisfied with the amendments that have been made to the junctions at Colston Gate and Plumtree Road. Whilst the Highway Authority may require a couple of tweaks to the details of the works, they could be agreed upon during the technical approval process as part of a section 278 agreements of the Highways Act, i.e., outside of the planning process.
84. The Highway Authority advise that they are satisfied with the applicant's response in relation to the impacts of the development on the Stragglethorpe Road junction and the justification for the suggested traffic distribution.

A606 Melton Road/ Cotgrave Road junction

85. Following consultation and discussions with the Traffic Signals Department, they have confirmed that the amended LINSIG (modelling) results do now include the correct values for the A606 Melton Road/ Cotgrave Road junction.
86. However, the Traffic Signals Department state that in most peak scenarios the junction is already over saturated and the forecast scenarios show that

- capacity would be further negatively affected going forward with the predicted uplifted flows and new development.
87. Looking at the impacts of the junction, the Highway Authority advise that the developments in the Cotgrave Land Allocations is adding to queues by approximately 30%. In view of this, they requested that all developers in the land allocations contribute 30% between them to the overall cost of the scheme of mitigation measures that would need to take place at this junction. This figure should then be apportioned to each developer based on the number of dwellings each is constructing as part of the s106 agreements.
 88. There has been a scheme that has been looked by the County Council to improve flows and capacity at this junction as well as other junctions in the vicinity on the A606. Costings on this scheme have been requested to determine a provisional cost for the works at the A606 Melton Road/ Cotgrave Road junction and will be shared with the applicants.
 89. Taking into account the above, the Highway Authority now has no objections to the proposal subject to the above s106 request and a number of conditions being attached to any grant of permission.
 90. Officers are therefore satisfied that the proposal accords with the requirements of Policy 1 (Development Requirements) of the LPP2 which seeks to secure, amongst other things, a suitable means of access for all new developments without detriment to the amenity of adjacent properties or highway safety and the parking provision in accordance with the advice provided by the Highway Authority.

Landscape / Visual Amenity

91. As previously described, the site is currently undeveloped. The site is predominantly arable grassland including trees and hedgerows albeit on the edges of the proposal site. There is also a boggy/peaty area to the east of the site.
92. Consideration has been given to the impact of the access arrangements, and the principle of developing the site for up to 210 dwellings on the visual amenity of the area. The application included a Tree survey, an Arboricultural Assessment Report and an Arboricultural Assessment Tree Schedule. There are no trees or hedgerows along the site's frontage with Hollygate Lane, which comprises a timber post and rail fence and a wide, metal pair of "farm" gates. Whilst there are small areas of self-seeded shrubs and planting within small areas of the fencing, these do not form a hedgerow as a such.
93. The Borough Council's Design and Landscape Officer has been consulted and advised that with respect to the new access they don't have any comments to make. The Design and Landscape Officer did also advise that they may have made some comments at pre-application stage about the proximity of houses to existing woodland, and provision of pedestrian links within the site but that they would be happy to look at this in more detailed during any subsequent reserved matters application.
94. The application is therefore considered to accord with the requirements of Policy 16 of the Rushcliffe Local Plan Part 1: Core Strategy and with Policies 1 (Development Requirements) and 37 (Trees and Woodland) of the Rushcliffe Local Plan Part 2: Land and Planning Policies which seeks to secure a suitable

means of access for all new developments without detriment to the amenity of adjacent properties or highway safety and avoid adverse impacts through the loss of trees on site.

Design and neighbouring amenity

95. It should be acknowledged that this application is for outline planning permission with appearance, landscaping, layout, and scale reserved for subsequent approval. It is considered the application has demonstrated that the proposed development can be accommodated on the site and achieve high quality design and, therefore, is in accordance with the Framework. Careful consideration of layout and design will be given at the reserved matters application stage. It is considered that the proposed development can be designed to ensure that it would not result in any material overbearing, overlooking or overshadowing impact on neighbouring residential amenity due to the scale of the properties and their relationship with neighbouring dwellings. It is, therefore, considered that the indicative details and the information within the Planning Statement and Illustrative Masterplan would ensure that the amenity of neighbouring properties is not unduly and unacceptably affected.
96. Information has been submitted by the applicant to demonstrate that a development of up to 210 dwellings could be accommodated on the site and provide the gardens, adequate car parking provision and general amenity space. Thus, it is considered that the application accords with Policy 10 of the Core Strategy, and the updated NPPF, which acknowledges at Section 12 (Achieving well designed places) that good design is a key aspect of sustainable development, and that acceptable standards of amenity will be maintained and achieved.
97. In respect of noise and disturbance, a noise assessment has been submitted to consider the potential impact of road traffic noise and the neighbouring business park would have on future residential. The conclusion was that noise levels across the site are below the guideline value for external living areas. Therefore, mitigation measures are not required for garden areas anywhere on the site.
98. Regarding indoor noise levels, the assessment concludes that the large majority of properties would be able to achieve guideline noise values within living rooms and bedrooms with windows opened for ventilation. However, facades of living rooms and bedrooms on the southern western edge of the site, overlooking Hollygate Lane, would need to be able to rely on closed windows to achieve internal noise guideline levels. An alternative means of ventilation would therefore need to be installed in these facades to enable the windows to remain closed whilst maintaining adequate ventilation. Alternatively, the assessment concludes, if only non-noise sensitive facades face Hollygate Lane, then all windows could be open for ventilation across the entire development. Nevertheless, officers are mindful that the layout of the site, orientation of any properties and separation distances are not yet known nor matters for consideration. Therefore, mitigation measures, such as glazing and alternative ventilation requirements, can be confirmed at the detailed design stage.
99. The Borough Council's Environmental Health Officer agrees with the findings of the noise assessment but request that conditions requiring a sound

insulation scheme to reduce the transmission of noise from external sources and any required ventilation scheme be attached to any grant of permission.

100. The Environmental Health Officer also requested that in order to control and manage noise, dust emissions and overall air quality during the construction phase of the development conditions be imposed requiring a Construction Management Plan, together with details for the control of noise, dust and vibration from piling works. Restricted demolition and construction hours are also suggested.
101. It is considered that these suggested are justified would provide measures to protect neighbouring amenity to accord with the broad policy requirement to ensure that there is no significant adverse effect upon the amenity, particularly residential amenity of adjoining properties or the surrounding area as detailed in Policy 1 – Development Requirements of the adopted Rushcliffe Local Plan Part 2: Land and Planning Policies.

Contamination

102. The NPPF (Section 15) requires that decisions should ensure that a site is suitable for its proposed use considering ground conditions and any risks arising from natural hazards or former activities.
103. A Phase One and Two Geo Environmental Assessment has been submitted in support of the application. It considers matters such as historical industrial use of the site, environmental permits, incidents and registers, landfill and other waste sites, current land use, geology, hydrogeology and hydrology, flooding, designated environmentally sensitive sites, natural hazards, and mining.
104. The Borough Councils Environmental Health Officer (EHO) has thoroughly assessed the reports and advises that they do not object to the proposal, subject to, conditions being attached to any grant of permission requiring a Phase II Investigation Report be submitted to and approved by the Local Planning Authority. The EHO also advises that if the Report confirms that "contamination" exists, a remediation report and validation statement will also be required. In addition, they recommended that if any 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.
105. It is therefore considered that the site can be developed subject to any potential remediation and conditions are proposed in respect of this. This is not unusual, and it is not considered that this prevents residential development on the site and will ensure compliance with the requirements of Policy 14 (Environmental Protection) of the Local Plan Part 2 Land and Planning Policies and with Section 15 of the NPPF.

Appearance

106. The proposed housing development would be relatively low density of around 34 dwellings per hectare. As previously stated, the site is largely set back from the public vantage points of Hollygate Lane and Bingham Road by the existing residential and business development that fronts onto these roads. As such it would be read against a foreground of the existing built form from areas to the south that are afforded fleeting glimpses of the site. Similarly, when viewed

from the north and the east the site would be read as a foreground to the existing development of the settlement.

107. The submission includes an indicative layout, purely to demonstrate that the upper limit of 210 dwellings could be accommodated within the site whilst providing suitable separation distances, plot and garden sizes, sufficient amenity spaces and locations for infrastructure. No details of the layout or designs of the properties or streets have been provided, as they do not form part of the determination of the application. Nevertheless, officers are satisfied that the site can accommodate up to 210 dwellings, and that, in principle, the appearance would be acceptable and be capable of integrating with the surrounding built form and open countryside
108. The application is therefore considered to accord with the requirements of Policy 1 (Development Requirements) of the LPP2 which seeks to secure that proposals would not impact on the amenity of any adjoining properties, provides a suitable means of access, provides sufficient space for ancillary amenity and circulation space, is of a scale, density, height, massing, design, layout and is constructed from suitable materials that are sympathetic to the area, as well as addressing other matters including but not limited to noise, impacts on wildlife, landscape character, heritage assets and energy efficiency requirements.

Archaeology and non-designated heritage assets

109. The County Council's heritage advisor has not objected to proposal but initially advised that it was not possible to undertake archaeological evaluation through trial trenching the eastern part of the site, which is the boggy/peaty area. The heritage advisor commented that one trench came close, and from this a single human inhumation was recovered. The County Council were awaiting scientific dating on this individual, although they advised it is likely to be of prehistoric date. Geotechnical investigation has revealed a relatively complex depositional history to this area, linked to a relatively confined area of long-lived wetland probably associated with a spring. This kind of location has frequently acted as a focus of ritual activity from the Prehistoric periods through to the Medieval and beyond, and the presence of one inhumation in the relatively small sample of the site which has been evaluated gives an idea of what may be present. Waterlogged and therefore potentially well-preserved remains of burials, ritual monuments, ritual deposits are likely to be present on the site.
110. The letter from RPS (the applicants archaeologists) notes that this area could be preserved by preventing any form of development, drainage or any other type of ground works, either as part of the development or in the future. The heritage advisor advises they are in complete agreement with this suggestion. While the County Council do not yet have evidence of nationally important remains within this area, this more likely reflects the limitations of the evaluation rather than the actual archaeological record. The County therefore advises that this part of the site needs to be excluded from development works, now and into the future. They therefore recommend that a condition is imposed on any planning permission for the overall site excluding this wetland area from development. The exact area will need to be agreed with the applicants and the Borough Council, and the County Council also request that permitted development rights be removed from the agreed area, to prevent accidental and unmitigated damage to the buried archaeological resource in the future.

111. For the remainder of the site, archaeological remains of a range of dates were located in the majority of the evaluation trenches. Saxon activity was identified, which is potentially of significance given the known cemetery sit on Windmill Hill close to the high point of the proposed development site. The remains found were not obviously of such significance that they would preclude development, as long as appropriate mitigation measures, through excavation and appropriate specialist input, including dating techniques, are undertaken in advance of the development commencing. This could be achieved through the imposition of an appropriate condition, requiring a detailed scheme of mitigation to be submitted for prior approval and to be implemented in full to your written satisfaction. As such the County Council Heritage Advisor does not object to the proposal subject to the above measures being secured through either planning condition(s) and/or in the legal agreement as appropriate.
112. The Borough Council's Conservation Officer advises that the proposal site is not located in a Conservation Area. There are no designated heritage assets either within the site or within the immediate vicinity which might have their settings impacted upon by the proposed development. The Conservation Officer therefore considers that the proposals therefore would not harm the significance of any heritage assets or their settings within the wider area.
113. The proposal would serve to preserve the nearest Conservation Area and continue to preserve the setting of the nearest Listed Buildings, a goal considered to be desirable within section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and the proposal is therefore considered positively in relation to the duty under those section(s) of The 1990 Act.
114. Therefore, subject to the measures to mitigate the issues identified by the County Council Heritage Advisor the proposal is considered to accord with the requirements of Policy 11 of the Local Plan Part 1, and Policy 28 of the Local Plan, Part 2.

Ecology and Biodiversity Net Gain

115. The NPPF (Section 15) advises that the planning system should contribute to and enhance the natural and local environment by: minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. Under Section 40 of the Natural Environment and Rural Communities Act (2006), every local authority has a statutory duty, in exercising its functions, to have regard, so far as it is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity. Paragraph 179 of the NPPF states that to "*...protect and enhance biodiversity and geodiversity, plans should:*
 - a) *Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity; wildlife corridors and steppingstones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation; and*

- b) *promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.*"
116. Policy 17 of the Local Plan Part 1: Core Strategy requires biodiversity to be increased over the plan period, for designated national and local sites of biological or geological importance for nature conservation to be protected, and that development on or affecting other, non-designated sites or wildlife corridors with biodiversity value only to be permitted where it can be demonstrated that there is an overriding need for the development and that adequate mitigation measures are put in place.
117. To consider the potential impact the proposed development may have on species and habitats present at the site, the applicant has submitted a biodiversity proposal habitat plan, a biodiversity habitat retention plan, a biodiversity metric and a biodiversity technical note along with an ecological appraisal and a sustainability statement.
118. The Council's Environmental Sustainability Officer (ESO) reviewed the submission and noted that an Ecological Appraisal has been supplied with a survey carried out (May - Sept 2019). That appraisal survey was supplemented with an update survey carried out in August 2020 confirming no change. Those assessment surveys have been carried out according to good practice and are in date.
119. The site consists of "arable land, poor semi-improved grassland, tall ruderal vegetation and marshy grassland. Other habitat comprised scattered and dense scrub, a dry ditch, earth bank, bare ground and hardstanding. The site is bound by domestic boundaries, fence lines, hedgerows, scattered scrub lines and an off-site, mature broad-leaved woodland".
120. A small population of grass snake has been identified utilising the site. The site has habitats with the potential to support; wild birds (including skylark, starling, song thrush, house sparrow and dunnock); invertebrates; amphibians; commuting and foraging Bats and terrestrial mammals (including European hedgehog).
121. Hedgerow priority habitats were identified on site. Within the wider landscape, are developed land, with Cotgrave Country Park and Local Wildlife Site (LWS) and mature broad-leaved plantation present to the north of the site, however impacts are not predicted.
122. The ESO comments that the development provides opportunities for ecological enhancement. Furthermore, they state the favourable conservation status of Protected Species is unlikely to be impacted by this development.
123. A biodiversity impact assessment, along with a proposed habitat plan has been supplied which demonstrates a net gain of 4.65 biodiversity units (17.84%) and 0.67 hedgerow units (156.17%). The ESO also advises that the proposed new Native Species Rich Hedgerow Planting appears to have been omitted from the proposed habitat plan, this should be corrected, prior to landscaping plans being approved. Officers requested this from the applicants, who subsequently clarified that ...

124. The ESO has requested several conditions and notes to applicants referring to the mitigation measures set out in the appraisal surveys. Therefore, subject to these forming part of the recommendation the proposal is considered to accord with the requirements of Policy 16 of the LPP1 and to accord with Policy 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the LPP2 which seek to ensure net gain in biodiversity and improvements to the ecological network through the creation, protection and enhancement of habitats and through the incorporation of features that benefit biodiversity.

Health and Wellbeing

125. The NPPF, Policy 12 of the Core Strategy (Local Services and Healthy Lifestyles), Rushcliffe's Sustainable Community Strategy and Nottinghamshire Health and Wellbeing Strategy support the promotion of healthy communities through the creation of safe and accessible environments; high quality public spaces, recreational space/sports facilities, community facilities and public rights of way. Consideration also needs to be given to access to community facilities and services, as a lack of these can lead to people being isolated and suffering from mental health conditions, therefore adversely affecting their health and wellbeing.
126. The provision of open and green space is proposed as part of the development, which would support these policy ambitions. Improvements to existing bus facilities will also support the ability of less mobile members of the population to visit community facilities as required and to access the facilities Cotgrave.

Affordable Housing

127. The site lies within the Cotgrave housing submarket area. Under Policy 8 (Housing Size, Mix and Choice) of the Rushcliffe Local Plan Part 1: Core Strategy the Borough Council would seek the provision of 10% affordable housing on the site. This would equate to 21 affordable units on a scheme for (up to) 210 units overall. The level of provision is evidenced in the Nottingham Core Strategic Housing Market (SHMA) Needs Update (2012). As indicated by the SHMA update, Core Strategy paragraph 3.8.9 states that 42% should be intermediate housing, 39% should be affordable rent and 19% should be social rent. This equates to 9 intermediate units, 8 affordable rent and 4 social rent units.
128. The table appended identifies the breakdown of affordable housing that is sought in order to meet existing and predicted needs through the lifetime of the development. This breakdown is based upon the outputs of the housing needs model that was produced as part of the SHMA Needs Update 2012. This considers both existing need (backlog need based on the waiting list) and future need (based on forward household projections).
129. Since adoption of the Core Strategy the National Planning Policy Framework (NPPF) has amended the definition of affordable housing. Critically, it no longer refers to 'intermediate housing', instead referring to 'other affordable routes to home ownership' (e.g., shared ownership, rent to buy, and other low-cost homes for sale) alongside 'affordable housing for rent' (affordable and social rent), starter homes, and discount market sales.

130. The Government has also introduced “First Homes” as a form of discount market sales housing, these will comprise 25% of the affordable housing contribution and must be sold at a discount of 30% as a minimum. The details of contributions and, guidance on the implications of First Homes during the transitional period (prior to adoption of the Greater Nottingham Strategic Plan) is set out in the [Affordable Housing SPD](#). Critically, whilst social rent requirements are ringfenced, the inclusion of First Homes would reduce the proportion of affordable rent and other affordable homes for sale.
131. The affordable housing officer advises that affordable units should be ‘pepper potted’ in two small groups across the site. They also advise that flats should be provided as two storey maisonettes.
132. To conclude, the provision of 10% affordable housing on this site would assist the Borough Council in meeting its strategic aims to address housing need in the Borough whilst reducing the number of households in temporary accommodation by increasing the supply of permanent affordable housing.

Planning Obligations

133. Planning obligations assist in mitigating the impact of otherwise unacceptable development to make it acceptable in planning terms. Planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind. These tests are set out as statutory tests in the Community Infrastructure Levy Regulations 2010 and as policy tests in the National Planning Policy Framework. This report has a table attached which sets out the contributions being sought by infrastructure providers or equivalent and the Borough Council’s considered position on this, as local planning authority.
134. The contributions requested have been challenged with the infrastructure providers and additional information provided where necessary to justify the level or type of contribution being sought. Legislation and guidance state that planning obligations should not be sought where they are clearly not necessary to make the development acceptable in planning terms and this has been taken into account in the preparation of the S106 Table. The financial contributions relate to contributions required as a direct result of the development for education, open space, play, allotments, health, bus route and bus stop improvements, highway improvements, waste and library improvements, together with the provision of 10% affordable housing on site (i.e., up to 21 units).

Planning Balance and Conclusion

135. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. For these reasons, not only would the scheme accord with the development plan as a whole, but the balance of material considerations also weighs in its favour. Consequently, it is recommended that the Planning Committee support the resolution to grant planning permission, subject to conditions.
136. The principle of the development of this allocated site is acceptable subject to

conditions. Notwithstanding the submitted illustrative layout and planning statement, matters of internal layout and details, together with the impact of adjacent residential amenity, will be considered fully at the reserved matters stage.

137. Discussions have taken place in an attempt to resolve issues raised by interested parties, which has resulted in the submission of additional information. Negotiations have been undertaken in relation to securing appropriate levels of planning obligation to mitigate impacts of the proposal. This has ultimately resulted in a favourable recommendation to the Planning Committee.

RECOMMENDATION

It is RECOMMENDED that the Director of Development and Economic Growth is authorised to grant planning permission subject to the prior signing of a Section 106 agreement and the following condition(s), which the Director of Development and Economic Growth is also authorised to amend to correct any matters that do go to the heart of the condition.

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 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).]

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 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).]

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 throughout the lifetime of the development.

[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).]

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.

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

WORK IN PROGRESS DOCUMENT – may be subject to change.

Item/Policy	Detail/requirement	Developer proposes	RBC comment	Trigger sought by consultees
<p>Primary School Contribution</p>	<p>A development of up to 210 dwellings on this site and the neighbouring allocation of up to 235 dwellings would generate a requirement for an additional 77 places at £17,613 per place towards the current deficiency in primary places available in the planning area. However, this site would only generate a need for 44 additional spaces based on 210 dwellings. This site, along with other sites which are proposed for allocation</p>	<p>Accept the principle and the proposed pro-rate breakdown suggested by the County Council</p>		<p>TBC</p>

	<p>in the Local Plan, mean that additional education provision will be required, either through extensions to existing provision. No feasibility study has been undertaken to understand the scope to expand provision at Candleby Lane School and it is not expected that additional provision can be delivered at Cotgrave CofE School. It is therefore requested that the Section 106 Agreements provide sufficient flexibility to enable the County Council to expend the contributions at another local primary school outside of the Cotgrave Planning Area if subsequent feasibility studies demonstrate that expansion of the Cotgrave Schools is unviable.</p>			
<p>Secondary School Provision</p>	<p>In relation to Secondary Education, they advise that the two allocated sites would generate a need for</p>	<p>Covered by the Authority's Community Infrastructure Policy where contributions are levied on the gross</p>	<p>Agreed that this request is covered by the Authority's</p>	<p>TBC</p>

	<p>an additional 70 new secondary places and there is a deficiency in places available. As a result, the County Council would be seeking a total contribution across the two allocations of £1,697,570 (70 x £24,251).</p>	<p>internal area of the net additional liable floorspace. It is levied as a charge per square metre of net additional liable floorspace and charged to the developer accordingly.</p>	<p>Community Infrastructure Policy.</p>	
<p>A52 Improvements Contribution</p>	<p>Highways England state that they take responsibility for delivering infrastructure improvements required to support growth on the A52, whilst seeking appropriate local contributions proportional to the scale of impact through a developer contribution strategy. This approach is supported in Rushcliffe Core Strategy Policy 18. As part of the contribution strategy for this proposed development a sum of £955.82 per-dwelling basis has been identified by Highways England in consultation with Rushcliffe Borough Council. This will be required by way of developer contributions.</p>	<p>Agrees to the principle of the request</p>	<p>The requested contributions from Highways England accord with the A52/A606 Improvement Package Developer Contributions Strategy Memorandum of Understanding and Policy 18 Rushcliffe Core Strategy. The applicant has agreed to provide them on a pro rata basis and the timing of the payment need to be considered and confirmed as part of the S106A discussions.</p>	<ul style="list-style-type: none"> • 20% of the A52 Improvements Contribution on first occupation • 80% of the A52 Improvements Contribution prior to Occupation of 75% of the Dwellings and not to allow Occupation of more than 75% of the Dwellings

Highway Improvements	A contribution (TBC) towards 30% of the cost of improving the A606 Melton Road/Cotgrave Road junction	Matter is being considered	Officers note the impact is arising in part from this, and the other developments proposed on the allocations within Cotgrave and that any improvement works to this junction do not appear to be covered by the MoU.	TBC
Green Spaces	<p>A contribution of £4,500 is requested to maintain sections of path linking the development site across County Council land to the existing path on Bluebell Spinney. The request includes a maintenance charge for the first 15 years.</p> <p>As the precise length of the path and surface treatment is not yet known, the contribution requirement has been calculated using the following assumptions:</p> <ul style="list-style-type: none"> • The path sections will be up to 10m long and 2.5m wide, giving an area of 25 square metres; there will be three path links which gives an area total of 75 square metres • The path surfacing will be semi-bound (e.g. Ultitrec) 	The applicant accepts the principle of the request.	Agrees that the figure is correct, and the timing of the payment need to be considered and confirmed as part of the S106A discussions.	TBC

	<ul style="list-style-type: none"> • The path will need repairing after 5 years and 10 years and replacing after 15 years Prices in the Paths for All guide called 'Estimating price guide for path projects (2019)' give a figure of approx. £30 per square metre (average) for this type of surfacing. This figure has been applied for the full replace, and halved for the repair (i.e. £15 per square metre), as follows: • 75 square metres x £15 = £1,125 repair at 5 years • 75 square metres x £15 = £1,125 repair at 10 years • 75 square metres x £30 = £2,250 replace at 15 years • Total = £4,500 			
<p>The Bus Stop Improvements Contribution</p>	<p>Improvements to the two bus stops:</p> <p>RU0891 High Hazles Road – Install raised boarding kerbs</p> <p>RU0892 High Hazles Road – Install formal bus stop location including real time bus stop pole & display including associated</p>	<p>Agrees to the principle of the request.</p>	<p>Agrees that the figure is correct, and the timing of the payment need to be considered and confirmed as part of the S106A discussions.</p>	<p>Prior to Occupation of the first Dwelling and not to allow Occupation of the first Dwelling until the contribution has been paid.</p>

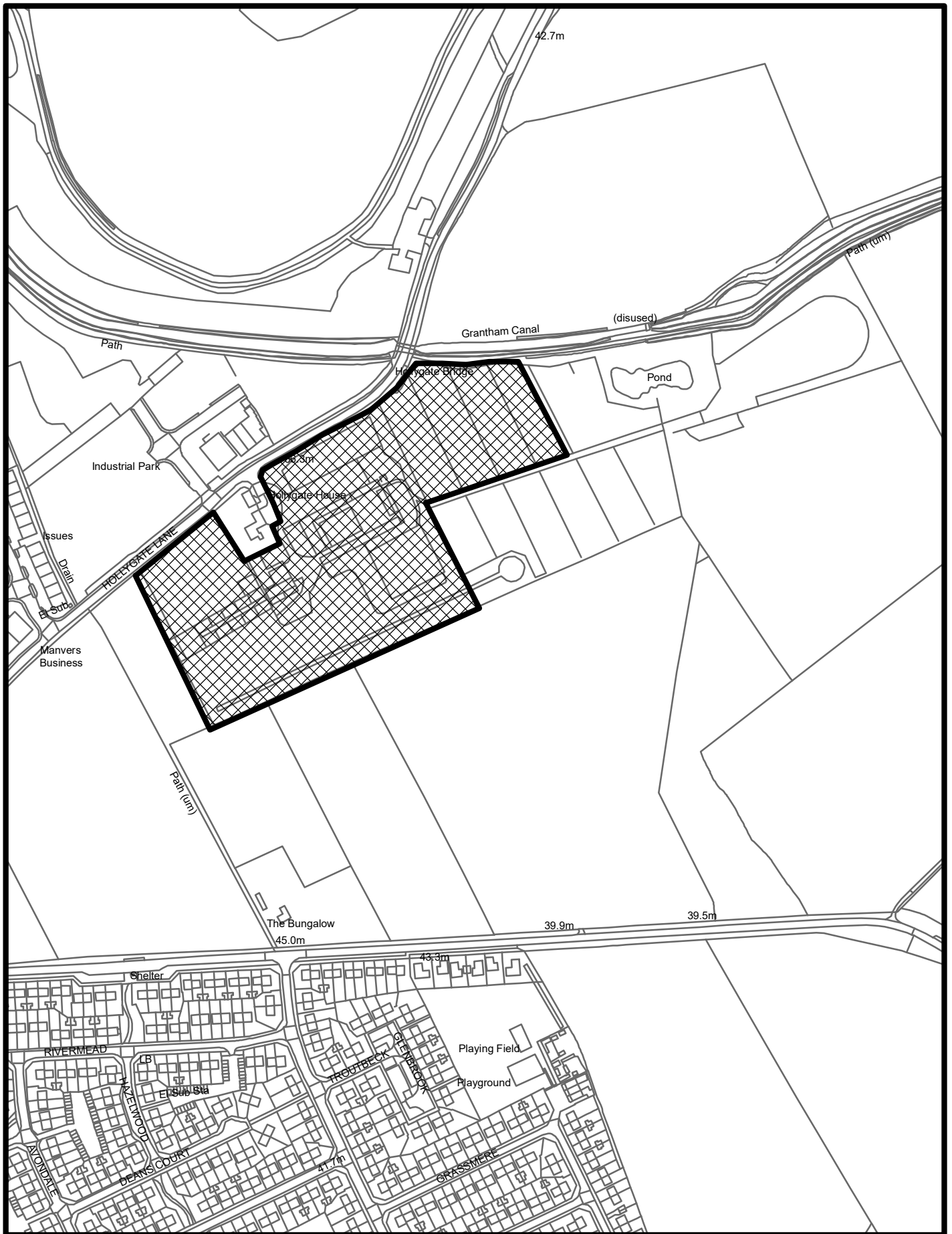
	<p>electrical connections, hardstand including raised boarding kerbs, lowered access kerbs and polycarbonate bus shelter including lighting.</p> <p>RU0575 Morkinshire Lane – Install real time bus stop pole & display including associated electrical connections.</p> <p>A Total of £33,600 is requested.</p>			
<p>Waste Collection</p>	<p>In order to meet this growing demand on the Recycling Centres in the area a financial contribution proportionate to the proposed development of 210 homes is sought. In order to reach an appropriate figure a model has been created. The requested contribution for the proposed site Land rear of Mill Hill Lane/The Old Park Cotgrave is £14,307.61 (68.13 per dwelling x up to 210 dwellings).</p>	<p>Payment of £68.13 per dwelling is accepted.</p>	<p>Agrees that the figure is correct, and the timing of the payment need to be considered and confirmed as part of the S106A discussions.</p>	<p>Prior to Occupation of the first Dwelling and not to allow Occupation of the first Dwelling until the contribution has been paid.</p>

Sustainable Travel Contribution	The County Council request a planning obligation of £36,000 towards sustainable travel. This would be used to provide sustainable transport measures for residents of the development which may include, but not exclusively, the use of taster tickets for travel on public transport.	Agrees to the principle	Agrees that the figure is pro-rata correct, and the timing of the payment need to be considered and confirmed as part of the S106A discussions.	Prior to Occupation of the first Dwelling and not to allow Occupation of the first Dwelling until the contribution has been paid.
Affordable Housing	Core Strategy Policy 8 requires 10% affordable housing: 42% should be intermediate housing, 39% should be affordable rent and 19% should be social rent. FIRST HOMES TOO	A scheme to be submitted to the Borough Council in writing which provides for 10% of any Dwellings forming part of the Development as Affordable Housing; Identifies the tenure mix to be provided in accordance with the Affordable Housing Tenure Mix Identifies the dwelling mix in accordance with the Affordable Housing Dwelling Mix Details the location of the Affordable Dwellings within the Development Details the Affordable Housing Provider approved by the Borough Council who has appropriate local	The applicant has agreed in principle of providing 10% of affordable housing in accordance with Core Strategy Policy 8. As part of the S106A. The details of securing the affordable housing scheme would be included as part of the S106A. It is agreed that an affordable housing scheme could provide the necessary details of tenure mix, dwelling (size mix) details of the location, and the affordable housing	Provide details of affordable housing in an affordable housing scheme as part of the S106A which would include details of tenure mix, dwelling (size mix) details of the location, and the affordable housing provider.

		management and maintenance arrangements and who has or is willing to enter into a nominations agreement with the Borough Council.	provider. However, the timing of this agreed to be agreed but it would be expected prior to the commencement of development on the site or as part of the reserved matters application once the layout and design is considered.	
Health	CCG standard formula require contribution of £920 for each 2xbed dwelling and £600 for each 1x bedroom dwelling.	Covered by the Authority's Community Infrastructure Policy where contributions are levied on the gross internal area of the net additional liable floorspace. It is levied as a charge per square metre of net additional liable floorspace and charged to the developer accordingly.	Agreed that this request is covered by the Authority's Community Infrastructure Levy Policy (CIL).	
Open Space	The Rushcliffe Playing Pitch Strategy 2017 identifies a current shortfall of pitch provision that this development would worsen. Contributions towards the provision of an equipped Local Equipped Area for Play (LEAP) on-	Agrees to the principle of the requested provision being provided.	As we are only considering the principle of development (and access) at this stage; the location, size and management of open space within the site cannot be considered in detail. The applicant has agreed to the provision of open space within the site and for details	TBC

	<p>site and the provision of 0.12ha of land for it are sought. Unequipped play/amenity public open space requires the provision of 0.265ha of land. Sports provision and Leisure Provision would be captured through CIL. Allotments requires the provision of 0.4ha per 1000 population, i.e., 0.19ha of land on-site unless is requested.</p>		<p>to be provided as part of an Open Space Scheme. The details of it can be secured by the S106A and considered in detail at the reserved matters stage.</p>	
Monitoring Fee	<p>S106 monitoring costs of £273 per principal obligation X by the number of years over which monitoring will be required.</p>	<p>Agrees to the principle of proving a monitoring fee but the actual amount is TBA</p>	<p>The approach is accepted but the actual overall monitoring fee shall be agreed with the applicant prior to the conclusion of the S106A.</p>	<p>Prior to Commencement of Development to pay to the Borough Council the Monitoring Fee Not to Commence Development until the Monitoring Fee has been paid to the Borough Council.</p>
Indexation	<p>All financial contributions subject to indexation using Retail Price Index or the BCIS All-in Tender Price Index as appropriate</p>	TBA	TBA	TBA

Legal Costs	With all Sect 106 agreements, the applicant is required to pay the Council's legal fees. In this instance these would be £2,000.	TBC	Required to complete agreement.	To be paid on completion of agreement.
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Application Number: 20/02508/OUT
Land south & east of Hollygate Lane Cotgrave



scale 1:4000

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20/02508/OUT

Applicant Charlotte Henson

Location Land South and East of Hollygate Lane, Cotgrave, Nottinghamshire

Proposal Application for Outline Planning Permission for up to 100 dwellings with all Matters Reserved other than access/means of access.

Ward Cotgrave

Full details of the proposal can be found [here](#).

THE SITE AND SURROUNDINGS

1. Cotgrave is a large settlement to the east of Nottingham City and within the Borough of Rushcliffe. It is identified within Policy 3 of the Rushcliffe Publication Core Strategy as a key settlement for growth.
2. The site currently comprises a residential property, “Hollygate House” and its surrounds, that is bound on all sides by hedgerows and trees. The site is located on the southern side of Hollygate Lane on the north eastern edge of town. The site is approximately 4.52 hectares, relatively level and comprises of two sets of buildings (in addition to the house), groups of trees and equestrian centre grazing land. Directly to the north east of the site, across Hollygate Lane, is “Hollygate Industrial Park”. The recreational route of Grantham Canal lies to the north east of the Site and leads to Cotgrave Country Park. To the east, south and west of the site lies open countryside in the form of agricultural fields.

DETAILS OF THE PROPOSAL

3. The application seeks outline planning permission for up to 100 dwellings on the site with associated infrastructure, surface water attenuation and balancing ponds, and open space.
4. All matters reserved for future consideration except for single access point off Hollygate Lane to serve the proposed development. This means consideration of this application is therefore limited to the principle of development, and whether or not the proposed means of access and water attenuation proposals are acceptable.
5. The site is allocated for residential development in the Adopted Rushcliffe Local Plan Part 2, Policy 2.2 – Land South of Hollygate Lane, and identifies the site for around 190 homes.
6. The application site comprises one (unequal) third of the strategic allocation for residential development under Policy 2.2 in the Local Plan, Part 2. This application is for the eastern most “third” of the allocation site.

7. The site is proposed to be accessed via a newly formed junction onto Hollygate Lane.
8. A balancing pond (attenuation facility) is shown on the indicative plans that would be provided on land to the east of the site allocation and this forms an integral component of the overall drainage scheme.
9. The application is accompanied by an Illustrative Masterplan which demonstrates how up to 100 homes could be delivered. The submission states that the scheme would incorporate a mix of house types from 2 to 5 bedroomed properties and that it would provide a high-quality residential development incorporating a mix of types, styles and sizes of houses. For the avoidance of doubt, the document does not confirm the proposed layout at this stage as it would be considered as part of a future reserved matters application should this application be approved.
10. The application does propose that affordable housing would be provided consistent with Policy 8: Housing Size, Mix and Choice of the Rushcliffe Local Plan Part 1: Rushcliffe Core Strategy (Dec 2014) at 10%. The overall net density of development proposed is approximately 34 dwellings per hectare.
11. The application is supported by a number of specialist reports relating to ecology, noise, access and transport, heritage, landscaping, flooding and drainage, accessibility, trees and archaeology. A Travel Plan has also been submitted
12. The applicant has provided a Heads of Terms document and separate confirmation that they are agreeable with all requested developer conditions and are agreeable to entering into a S106 Agreement to secure them.
13. Members should note that Hollygate House would be retained as part of the proposal, albeit the illustrative masterplan shows the entire site surrounded by new residential properties.
14. The remaining two “thirds” of the allocation are subject to separate planning applications that are also on this agenda for consideration.

SITE HISTORY

15. The site has no recent planning history.

REPRESENTATIONS

Ward Councillor(s)

16. One Ward Councillor (Cllr Butler) does not object to the proposal.
17. One Ward Councillor (Cllr Healy) does not object to the proposal.

Town/Parish Council

18. Cotgrave Town Council does not object.

Statutory and Other Consultees

19. National Highways do not object to the proposal subject to conditions being attached to the grant of permission requiring contributions towards the A52 improvements are per the Memorandum of Understanding (MoU).
20. Severn Trent Water do not object to the proposal subject to conditions being attached to any grant of permission.
21. The Canal and Rivers Trust do not object to the proposal, but request that the applicants speak to them prior to drafting any reserved matters applications.
22. The Trent Valley Internal Drainage Board (TVIDB) does not object to the proposal.
23. The NHS Clinical Commissioning Group (CCG) request Section 106 (S106) contributions for Primary Health Care from this development. Officers however note that Primary Health Contributions are covered by the Community Infrastructure Levy (CIL) and therefore not through the S106 process.
24. The NHS makes requests for s106 contributions towards the delivery of healthcare services in hospitals
25. Pedals object to the proposal due to the lack of consideration towards alternative modes of transport, namely cycles.

Nottinghamshire County Council comments:

26. Highway Authority initially raised objections to the proposed mitigation measures proposed. Following the submission of revised information, they do not object to the proposal subject to conditions being attached to any grant of permission.
27. Lead Local Flood Authority (LLFA) do not object to the proposal subject to conditions being attached to any grant of permission.
28. Strategic Planning make comments regarding floodrisk, pedestrian access, service runs for utilities, and make obligation requests towards bus service support, education, green space, bus stops and sustainable travel.
29. Community Liaison Officer for Heritage does not object to the proposal subject to conditions being attached to any grant of permission.

The Borough Council comments:

30. Planning Contributions Officer advised on the CIL liability for the development can only be calculated once Reserved Matters approval (confirming the quantum of development) has been submitted.
31. Planning Policy Team does not object to the proposal confirming that it is an allocated site within the Local Plan Part 2.
32. Conservation Officer does not object to the proposal.

33. Environmental Sustainability Officer (ESO) does not object to the proposal subject to conditions being attached to any grant of permission.
34. Strategic Housing Officer (affordable housing) does not object to the proposal.
35. Community Development Manager has commented that the proposal would generate a need for on-site children's play provision, unequipped play/amenity public open space and allotments that should be secured through Section 106 contributions.
36. Design and Landscape Officer does not object to the proposal.
37. Environmental Health Officer does not object to the proposal subject to conditions being attached to any grant of permission.

Local Residents and the General Public

38. A total of five (5) representation have been received, one (1) of them objecting to the proposal simply stating "No!"
39. Four (4) neutral response were received making the following comments:
 - a) Pedestrian safety should be considered
 - b) Questions over the timings of some surveys e.g., during lockdown?
 - c) There are no details of the proposed layout/ house types etc
 - d) The gardens are too small
 - e) Issues with Management Companies
 - f) Concerns that the development will cause congestion on roads
 - g) Concerns regarding the impacts on services and facilities e.g., Drs, schools, in the town.

The representations can be read in full [here](#).

PLANNING POLICY

40. The Development Plan for Rushcliffe consists of the adopted Rushcliffe Local Plan Part 1: Core Strategy (December 2014) (LPP1) and the Rushcliffe Local Plan Part 2: Land and Planning Policies - adopted October 2019 (LPP2). . Other material considerations include the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG) and the Rushcliffe Residential Design Guide 2009.
41. The full text of the policies is available on the Council's website at: <https://www.rushcliffe.gov.uk/planningpolicy/>

Relevant National Planning Policies and Guidance

42. The National Planning Policy Framework (NPPF) includes a presumption in favour of sustainable development. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area. In assessing and determining development proposals, local planning authorities should apply

the presumption in favour of sustainable development. There are three dimensions to sustainable development, economic, social and environmental.

43. The relevant paragraphs of the NPPF are:

- Paragraph 11
- Paragraph 68
- Paragraph 92
- Paragraph 93
- Paragraph 100
- Paragraph 110
- Paragraph 126
- Paragraph 130 and
- Paragraph 167.

44. Full details of the NPPF can be found [here](#).

Relevant Local Planning Policies and Guidance

45. The Rushcliffe Local Plan Part 1: Core Strategy was formally adopted in December 2014. It sets out the overarching spatial vision for the development of the Borough to 2028.

46. The following policies in the Rushcliffe Local Plan Part 1: Core Strategy are also relevant:

- Policy 1 - Presumption in Favour of Sustainable Development
- Policy 2 - Climate Change
- Policy 3 - Spatial Strategy
- Policy 8 - Housing Size, Mix and Choice
- Policy 10 - Design and Enhancing Local Identity
- Policy 11 - Heritage Environment
- Policy 14 – Managing Travel Demand
- Policy 15 – Transport Infrastructure Priorities
- Policy 16 - Green Infrastructure, Landscape, Parks and Open Spaces
- Policy 17 - Biodiversity
- Policy 18 - Infrastructure
- Policy 19 - Developer Contributions

47. Full text of the above Policies can be found [here](#).

48. The Local Plan Part 2: Land and Planning Policies (LLP2) was adopted in October 2019 and the following policies in LPP2 are also considered material to the consideration of this application:

- Policy 1 -Development Requirement
- Policy 2.2 - Housing Allocation – Land south of Hollygate Lane, Cotgrave
- Policy 12 - Housing Standards
- Policy 17 - Managing Flood Risk
- Policy 18 - Surface Water Management
- Policy 28 - Considering and Enhancing Heritage Assets
- Policy 29 - Development Affecting Archaeological Sites

- Policy 32 - Recreational Open Space
 - Policy 35 – Green Infrastructure Network and Urban Fringe
 - Policy 37 - Trees and Woodland
 - Policy 38 - Non-Designated Biodiversity Assets and the Wider Ecological Network
 - Policy 39 - Health Impacts of Development
 - Policy 40 - Pollution and Land Contamination
 - Policy 41 - Air Quality
 - Policy 43 - Planning Obligations Threshold
49. Full text of the above Policies can be found [here](#).
50. Consideration should also be given to other Borough Council Strategies including the Sustainable Community Strategy, Leisure Strategy, Nature Conservation Strategy and the Borough Council's Corporate Priorities.
51. Conservation of Habitat and Species Regulations 2017, and the Wildlife and Countryside Act (as amended) 1981 - These regulations/legislations contain certain prohibitions against activities affecting European Protected Species, such as bats. These include prohibitions against the deliberate capturing, killing or disturbance and against the damage or destruction of a breeding site or resting place of such an animal. The Habitats Directive and Regulations provide for the derogation from these prohibitions in certain circumstances. Natural England is the body primarily responsible for enforcing these prohibitions and is responsible for a separate licensing regime that allows what would otherwise be an unlawful act to be carried out lawfully.
52. The Council as Local Planning Authority is obliged in considering whether to grant planning permission to have regard to the requirements of the Habitats Directive and Habitats Regulations in so far as they may be affected by the grant of permission. Where the prohibitions in the Regulations will be offended (for example where European Protected Species will be disturbed by the development) then the Council is obliged to consider the likelihood of a licence being subsequently issued by Natural England and the "three tests" under the Regulations being satisfied. Natural England will grant a licence where the following three tests are met:
1. There are "imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment"
 2. There is no satisfactory alternative; and
 3. The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.
53. The Supreme Court has clarified that it could not see why planning permission should not ordinarily be granted unless it is concluded that the proposed development is unlikely to be issued a license by Natural England.

54. Natural Environment and Rural Communities Act 2006 at Section 40 states that *"every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity."* Section 40(3) of the same Act also states that *"conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat."*
55. Planning for Growth (Ministerial Statement 2011) emphasises the priority for planning to support sustainable economic growth except where this compromises key sustainable development principles. The range of benefits of proposals to provide more robust and viable communities should be considered and appropriate weight should be given to economic recovery.
56. The Community Infrastructure Levy Regulations 2010 (As amended) places the Government's policy tests on the use of planning obligations into law.
57. Equality Act 2010 - Under S149 of the Act all public bodies are required in exercising their functions to eliminate discrimination, advance equality of opportunity and foster good relation.
58. Design Council Building for Life 12 - This assessment sets 12 criteria to measure the suitability of schemes and their locations in relation to design, layout, sustainability criteria, adaptability and effect of existing local character and reduction of crime, amongst other things.
59. Environmental Impact Assessment Regulations – This is an outline planning application for the development of up to 210 dwellings and supporting infrastructure. As such it was screened under the Environmental Impact Assessment Regulations 2018. The screening opinion concluded that the proposal is not considered to constitute EIA development and that matters could be adequately considered by way of general development management considerations as part of the determination of the application(s). It should be noted that the screening opinion only relates to the EIA regulations and does not imply any likely outcome of the planning application.

APPRAISAL

60. The planning process in England is underpinned by planning law requiring all applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. The Framework (NPPF) does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise.
61. Paragraph 7 of The Framework confirms that the purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives which are economic, social and environmental and Paragraph 8 says that the roles performed by the planning system in this regard should not be undertaken in isolation, because they are mutually dependent. It goes on to say that, to achieve sustainable development, economic, social and environmental gains should be sought jointly and

simultaneously through the planning system, which should play an active role in guiding development to sustainable solutions.

62. Consideration of this outline application is limited to whether or not the principle of developing up to 100 dwellings (of the around 190 indicated by Policy 2.2 of LPP2) on the site together with whether the proposed means of access and drainage strategy are appropriate.
63. Objections to the proposals on the basis that it forms part of the Green Belt is unfounded given that the site has been allocated for housing in the Development Plan for Rushcliffe. The release of green belt land was considered in detail as part of the plan-making process for the Local Plan Part 2: Land and Planning Policies. There is no requirement to demonstrate any “very special circumstances” exist to justify development of housing or employment uses on the site.

Principle of Development

64. Policy 2.2 of the local plan, states that the area shown on the policies map is identified as an allocation for “around” 190 homes subject to a number of requirements set out in the policy document. Part of the assessment of the application is to determine whether that quantum of development proposed is acceptable on this site or not. Nevertheless, officers note that Policy 2.2 does not seek to place an upper limit on the number of dwellings on this site as it does not state a maximum of 190 dwellings.
65. Members will also note that two other, separate planning applications, also seeking outline permission for the remaining two-thirds of the allocation site are on the agenda papers for consideration. The total quantum of development proposed cross the whole site would be up to 235 dwellings. Whilst there are three separate planning “applications”, as this is one “allocation” site, in this instance Members must be mindful of the whole allocation, rather than considering each application purely in isolation.
66. The Planning Inspector, as part of the Local Plan Inquiry and ultimately the adoption of the Plan that allocates this site for development accepted the site’s relationship to the town. Nevertheless, it is the determination if this application that assess matters such as the walking distances to the village, the impacts on wildlife, ecology, as well as on the villages character and appearance, albeit in principle, for a quantum of up to 100 dwellings on the eastern most part of the allocation.

Officers are satisfied that the principle of dwellings on this site has already been established. Furthermore, officers are also satisfied that although up to 235 is greater than 190 homes, it is broadly “around” that figure. Whilst the application is for outline permission, with only matters of access to be considered, Members of the Committee need to be satisfied that the site could accommodate up to 235 dwellings without having unacceptable impacts on matters such as ecology, the landscape, public and neighbour’s amenity and any other material consideration, not just the impacts of the new access to serve the eastern most part of the allocation on highway safety. If these 100 dwellings have any significant impact on the amenities/services in the settlement and the highway network, it must be considered whether those

impacts can be adequately mitigated through either planning conditions or S106/CIL contributions if appropriate

67. In summary, this is an allocated site contained within the Borough Councils Local Plan, therefore the development of the site in principle has been established in policy terms by the Borough Council. There have been no changes to national policy since the allocation of the site in relation to flood risk policy or access. As such, the principle of development this site for housing use (as proposed) would accord with the development plan when read as a whole.

Flooding and Drainage

68. Criterion c) of Policy 2 of the Core Strategy and policy 17 of Local Plan Part 2; together with paragraph 167 of the NPPF are of relevance. These policies broadly echo paragraph 167 of the NPPF which states “*when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that: a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location; b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment; c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate; d) any residual risk can be safely managed; and e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.*”
69. The application site is shown on the Environment Agency’s online Flood Map as being largely within Flood Zone 1, that is land with a low probability of flooding. however, a portion of the site (to the north) is shown to be partially located within Flood Zone 2 (Medium Probability of flooding) and Flood Zone 3 (High Probability of flooding) of the Grantham Canal (and associated downstream River Trent network). Due to the absence of modelled flood levels on the Grantham Canal, it is recommended that the proposed development be sequentially arranged so that the development is located outside of the Flood Zone 2 & 3 extents. Officers note that “layout” is a reserved matter, nevertheless, the indicative layout shows that the built development could be contained entirely within Floodzone 1.
70. The site has already been allocated in the Local Plan and therefore is not subject to the Sequential or Exception (flood) test in terms of assessing other locations that may be more suitable for housing. A Flood Risk Assessment (FRA) formed part of the submission.
71. The FRA concludes that “*In compliance with the requirements of National Planning Policy Framework, and subject to the mitigation measures proposed, the development could proceed without being subject to significant flood risk. Moreover, the development will not increase flood risk to the wider catchment area as a result of suitable management of surface water runoff discharging from the site.*”

72. The principle element of the flood risk management strategy at the site is avoidance of flood risk. To enable this, the development is arranged so that the built development is outside of Flood Zones 2 and 3, i.e., located within Flood Zone 1.
73. Nottinghamshire County Council as the Lead Local Flood Authority (LLFA) has reviewed the application and have no objection to the proposals subject to a condition requiring 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 and needs to include Evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development.
74. Similarly, Severn Trent Water do not object to the proposals in principle but recommend conditions relating to the submission of a drainage strategy that should be submitted to and approved in writing by the Local Planning Authority in consultation with them.
75. In conclusion, based on the information provided, and the specialist advice given from statutory consultees, it is considered that the proposals to construct up to 100 dwellings on the site would not increase flood risk elsewhere and would include mitigation measures (as far as possibly can be considered in this outline application) which protect the site and manage any residual flood risk. As such the development therefore complies Criterion c) of Policy 2 of the Core Strategy, Policy 17 of Local Plan Part 2, together with paragraph 167 of the NPPF.

Access and Highway Safety

76. Access is a reserved matter being considered as part of the determination of this application. The site would be served by one single point of access off Hollygate Lane, approximately halfway between the access serving Hollygate House and the Canal to its north-east.
77. The application has been accompanied by a number of technical reports that have been reviewed by the Highway Authority. Initially concerns about the delivery of the main access, via a four-arm roundabout, through the middle third of the allocation potentially constrained by one of the landowners/site promoters on the southern side of Hollygate Lane were addressed by relocating the proposed access for the middle third further to the north-east. However, it should be noted that that is not the proposed access arrangements for this application and this application has its own access further to the north east along Hollygate Lane.
78. Nevertheless, with the three planning applications forming one allocation, the access to the neighbouring part of the wider development is a material consideration. The relocation of the access roundabout required land to the frontage of the neighbouring business park. That land is currently owned by the Borough Council, as is much of the strategic allocation site. The application is therefore before Members for your consideration to be open

and transparent in the determination of the planning applications on or requiring Council owned land.

79. The Highway Authority have reviewed the revised access arrangements and advised that the revised Transport Assessment (TA) included the proposed relocation of the roundabout arrangement onto Hollygate Lane. There were also amendments proposed for the Hollygate Lane/Colston Gate junction, the Main Road/Bingham Road/Plumtree Road priority-controlled simple T-junction which is proposed to be altered to a mini-roundabout.

A606 / Cotgrave Road Traffic Signals

80. The modelling contained within the TA suggests that this junction would be significantly over capacity in the 2024 with development scenario. However, the TA suggested that the impact of the development is not severe as the average queue length is only lengthened by 14 passenger car units (PCU's). The Highway Authority disagreed with the conclusions and advised that this is not considered insignificant.
81. The Highway Authority also advised of concerns with some of the data in the traffic modelling requesting this be corrected/updated to fully understand the impact of the proposal on this junction.
82. It was also highlighted that there currently is scheme being proposed by National Highways to improve this junction this seeks to widen the A606 north and south that is affected by the proposed housing development.

Roundabout on Hollygate Lane

83. The Highway Authority advised that they are now broadly satisfied with the provision and design of the roundabout to serve the development. Any minor amendments required could be agreed as part of a section 278 agreement of the Highways Act. In view of this, the Highway Authority has no objections in principle to the proposed roundabout arrangements.

Change of priority at Bingham Road/Hollygate Lane/Colston Gate

84. The Highway Authority has no objections in principle to the amending the junction arrangements, however they did initially raise some concerns.

Main Road/Bingham Road/Plumtree Road mini roundabout

85. The County Council's Road Safety Department initially raised some concerns regarding the design of the mini roundabout and the Highway Authority requested that the developers review the design accordingly.

Stragglethorpe Road / Hollygate Lane

The Highway Authority advised that this junction is consistently problematic for accidents, and none of the recent/proposed developments have seemingly taken any steps to address this.

86. As a result, the Highway Authority questioned whether the impact of the development on this junction had been underestimated in terms of traffic numbers.

87. The above concerns were shared with the agents/applicants for all four planning applications across the two allocations due to the interconnectivity, combined impact and proposed mitigation ensuring acceptability, in planning terms, reflecting the NPPF and Rushcliffe Local Plan Parts 1 and 2. Subsequently further additional information was submitted seeking to address the above issues and the Highway Authority were again asked to review this.
88. The Highway Authority advised that they were broadly satisfied with the amendments that have been made to the proposed junctions at Colston Gate and Plumtree Road. Whilst the Highway Authority may require a couple of tweaks to the details of the works, they could be agreed upon during the technical approval process as part of a section 278 agreements of the Highways Act.
89. The Highway Authority also advised that they are satisfied with the applicant's response in relation to the impacts of the development on the Stragglethorpe Road junction and the justification for the suggested traffic distribution.

A606 Melton Road/ Cotgrave Road junction

90. Following consultation and discussions with the Traffic Signals Department, they have confirmed that the amended LINSIG (modelling) results do now include the correct values for the A606 Melton Road/ Cotgrave Road junction.
91. However, the Traffic Signals Department state that in most peak scenarios the junction is already over saturated and the forecast scenarios show that capacity would be further negatively affected going forward with the predicted uplifted flows and new development.
92. Looking at the impacts of the junction, the Highway Authority advise that the developments in the Cotgrave Land Allocations is adding to queues by approximately 30%. In view of this, they requested that all developers in the land allocations contribute 30% between them to the overall cost of the scheme of mitigation measures that would need to take place at this junction. This figure should then be apportioned to each developer based on the number of dwellings each is constructing as part of the s106 agreements.
93. Taking into account the above, the Highway Authority now has no objections to the proposal subject to the above s106 request and a number of conditions being attached to any grant of permission.
94. Officers are therefore satisfied that the proposal accords with the requirements of Policy 1 (Development Requirements) of the LPP2 which seeks to secure, amongst other things, a suitable means of access for all new developments without detriment to the amenity of adjacent properties or highway safety and the parking provision in accordance with the advice provided by the Highway Authority.

Landscape / Visual Amenity

95. As previously described, the site comprises a residential property, two groups of outbuildings and surrounding open land all enclosed by field boundaries

and trees. The site is predominantly grassland including a mixture of trees and hedgerows both within and on the edges of the proposal site.

96. Consideration has been given to the impact of the access arrangements, and the principle of developing the site for up to 100 dwellings on the visual amenity of the area. The application included a Tree Map Extract, an Arboricultural Report and a Landscape Visual Impact Assessment (LVIA).
97. The Borough Council's Design and Landscape Officer has been consulted and advised that the LVIA has been carried out in accordance with best practice and its conclusions are not disputed. They also commented that the proposed Sustainable Urban Drainage Scheme (SUDs) and open space would create a suitable buffer space between the canal towpath. The Design and Landscape Officer commented that they would expect to see some additional tree planting along the southern edge of this open space to help soften views from the high ground identified in Viewpoint 4 of the LVIA. These comments are noted however Members are reminded that Landscaping is a Reserved Matter at this stage.
98. The Design and Landscape Officer also comments that the tree survey looks accurate and is sufficient at this stage, but "if outline permission is granted, we would need to see the retained trees' root protection areas plotted on a proposed site layout plan". This request can be dealt with by way of a condition. The Design and Landscape Officer also comments that the new access would require the removal of a section of hedgerow, and they don't object to this. Nevertheless, they note that the visibility splays seem to clip the outer edge of the existing hedgerow, commenting that "*I would hope it could be retained through pruning, if not I would expect to see a replacement native hedgerow set back slightly into the site*". Again, this can be secured by means of a suitably worded planning condition.
99. Finally, the Design and Landscape Officer comments that although not explicitly clear on the plans submitted that they would prefer to see the site's frontage hedge retained wherever possible.
100. Whilst the Design and Landscape officers' comments about the landscaping features on the site are helpful with the exception of the landscaping in relation to the access, such matters are reserved for future consideration. The only matter for consideration at this time is the principle of development and the access arrangements, neither of which the Design and Landscape Officer objects to.
101. The application is therefore considered to accord with the requirements of Policy 16 of the Rushcliffe Local Plan Part 1: Core Strategy and with Policies 1 (Development Requirements) and 37 (Trees and Woodland) of the Rushcliffe Local Plan Part 2: Land and Planning Policies which seeks to secure a suitable means of access for all new developments without detriment to the amenity of adjacent properties or highway safety and also avoid adverse impacts through the loss of trees on site.

Design and neighbouring amenity

102. It should be acknowledged that this application is for outline planning permission with appearance, landscaping, layout and scale reserved for

subsequent approval. It is considered the application has demonstrated that the proposed development can be accommodated on the site and achieve high quality design and, therefore, is in accordance with the Framework. Careful consideration of layout and design will be given at the reserved matters application stage. It is considered that the proposed development can be designed to ensure that it would not result in any material overbearing, overlooking or overshadowing impact on neighbouring residential amenity due to the scale of the properties and their relationship with neighbouring dwellings. It is, therefore, considered that the indicative details and the information within the Planning Statement and Illustrative Masterplan would ensure that the amenity of neighbouring properties is not unduly and unacceptably affected.

103. Information has been submitted by the applicant to demonstrate that a development of up to 100 dwellings could be accommodated on the site and provide the gardens, car parking provision and general amenity space. Thus, it is considered that the application accords with Policy 10 of the Core Strategy, and the updated NPPF, which acknowledges at Section 12 (Achieving well designed places) that good design is a key aspect of sustainable development, and that acceptable standards of amenity will be maintained and achieved.
104. In respect of noise and disturbance, a noise assessment has been submitted to consider the potential impact of Hollygate Lane, and to a lesser degree the distant road network. The assessment notes that no industrial type noise was audible, from the commercial premises of Poly Advisory. Furthermore, it states the frontage of the commercial building which faces towards the development site comprises office space, with no items of plant, vents, or door openings present in the façade. The results of the noise survey and assessment indicate that noise levels across the site are below the guideline value for external living areas. Therefore, it concludes that, mitigation measures are not required for garden areas anywhere on the site.
105. With regard to indoor noise levels, the assessment concludes that the large majority of properties would be able to achieve guideline noise values within living rooms and bedrooms with windows opened for ventilation. However, facades of living rooms and bedrooms on the southern western edge of the site, overlooking Hollygate Lane, would need to be able to rely on closed windows to achieve internal noise guideline levels. An alternative means of ventilation would therefore need to be installed in these facades to enable the windows to remain closed whilst maintaining adequate ventilation. Alternatively, the assessment concludes, if only non-noise sensitive facades face Hollygate Lane, then all windows could be open for ventilation across the entire development. Nevertheless, officers are mindful that the layout of the site, orientation of any properties and separation distances are not yet known nor matters for consideration. Therefore, mitigation measures, such as glazing and alternative ventilation requirements, can be confirmed at the detailed design stage.
106. The Borough Council's Environmental Health Officer agrees with the findings of the noise assessment but request that conditions requiring a sound insulation scheme to reduce the transmission of noise from external sources and any required ventilation scheme be attached to any grant of permission.

107. The Environmental Health Officer also requested that to control and manage noise, dust emissions and vibration during the construction phase of the development the works shall be conditioned as part of a Construction Method Statement.
108. It is considered that these suggested conditions are justified would provide measures to protect neighbouring amenity to accord with the broad policy requirement to ensure that there is no significant adverse effect upon the amenity, particularly residential amenity of adjoining properties or the surrounding area as detailed in Policy 1 – Development Requirements of the adopted Rushcliffe Local Plan Part 2: Land and Planning Policies.

Contamination

109. The NPPF (Section 15) requires that decisions should ensure that a site is suitable for its proposed use taking into account ground conditions and any risks arising from natural hazards or former activities.
110. A Phase One and Two Geo Environmental Assessment has been submitted in support of the application.
111. The Borough Councils Environmental Health Officer (EHO) has thoroughly assessed the report(s) and advises that they do not object to the proposal, subject to, conditions being attached to any grant of permission requiring a Contaminated Land Report be submitted to and approved by the Local Planning Authority. The EHO also advises that if the Report confirms that "contamination" exists, a remediation report and validation statement will also be required. In addition, officers considered it necessary to control any materials brought to site for use in garden areas, soft landscaping, filling and level raising requiring them to be tested for contamination and suitability for use on site.
112. It is therefore considered that the site can be developed subject to any potential remediation and conditions are proposed in respect of this. This is not unusual, and it is not considered that this prevents residential development on the site and will ensure compliance with the requirements of Policy 14 (Environmental Protection) of the Local Plan Part 2 Land and Planning Policies and with Section 15 of the NPPF.

Appearance

113. The proposed housing development would be relatively low density of around 34 dwellings per hectare. As previously stated, the site is largely screened for Hollygate Lane and its surroundings by existing landscaping along the site's boundaries. Officers are also mindful, that the other two applications for the remaining two-thirds of the site would form a backdrop/foreground to the site against which it would be read. As such it would be read, as an entire development, alongside the existing residential developments that flank the site on Hollygate Lane and Colston Gate respectively.
114. The submission includes an indicative layout, which shows that the maximum of 100 dwellings could be accommodated within this part of the site whilst providing suitable separation distances, plot and garden sizes, sufficient amenity spaces and locations for infrastructure. Whilst there can be no

reliance that the indicative layout will form the final layout for any development on this site, it does serve to demonstrate that the site can accommodate this level of housing development.

115. It should also be stated, that looking at all three applications, officers are also satisfied that a total of up to 235 dwellings across the allocation are accepted in principle and would be capable of integrating with the surrounding built form and open countryside.
116. The application is therefore considered to accord with the requirements of Policy 1 (Development Requirements) of the LPP2 which seeks to secure that proposals would not impact on the amenity of any adjoining properties, provides a suitable means of access, provides sufficient space for ancillary amenity and circulation space, is of a scale, density, height, massing, design, layout and is constructed from suitable materials that are sympathetic to the area, as well as addressing other matters including but not limited to noise, impacts on wildlife, landscape character, heritage assets and energy efficiency requirements.

Archaeology and non-designated heritage assets

117. The County Council's heritage advisor has not objected to proposal but comments that there is little information held in the county Historic Environment Record (HER) to directly inform the potential of the site, though the wider landscape can make some contribution to the assessment.
118. They advise that "*Medieval ridge and furrow cultivation is evident over the eastern half of the site. This indicates that disturbance from later development has been limited and focussed around the buildings. The geophysical report notes that there are significant areas of disturbance that may mask earlier features, and the survival of ridge and furrow over some of the site offers the potential that any earlier features would likely be well-preserved below the Medieval landscape. The topography of the location is similar to another development site a short distance away that has produced significant archaeological features recommended for preservation in-situ. That site is over the other side of Hollygate Lane a short distance to the west. Both sites sit on the edge of the same low valley with a gentle slope at the rear. Given the scale of the development, the disturbance affecting the geophysical results, and the proximity of the site to significant archaeological remains I would recommend that the development be subject to a condition for archaeological trenching, followed up by a scheme of archaeological mitigation if the trenching demonstrates there is a need.*" The Heritage Advisor therefore recommend that a condition be attached to any grant of permission requiring the implementation of a programme for a programme of archaeological mitigation to be carried out during construction or excavation work on the site, by suitably experienced archaeologists from a professionally accredited archaeological organisation and that the findings be submitted to the Local Planning Authority for consideration prior to development taking place on site.
119. As such the County Council Heritage Advisor does not object to the proposal subject to the above measures being secured through either planning condition(s) and/or in the legal agreement as appropriate.

120. The Borough Council's Conservation Officer advises that the proposal site is not located in a Conservation Area. There are no designated heritage assets either within the site or within the immediate vicinity which might have their settings impacted upon by the proposed development. The Conservation Officer therefore considers that the proposals therefore would not harm the significance of any heritage assets or their settings within the wider area.
121. The proposal would serve to preserve the nearest Conservation Area and continue to preserve the setting of the nearest Listed Buildings, a goal considered to be desirable within section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and the proposal is therefore considered positively in relation to the duty under those section(s) of The 1990 Act.
122. Therefore, subject to the measures to mitigate the issues identified by the County Council Heritage Advisor the proposal is considered to accord with the requirements of Policy 11 of the Local Plan Part 1, and Policy 28 of the Local Plan, Part 2.

Ecology and Biodiversity Net Gain

123. The NPPF (Section 15) advises that the planning system should contribute to and enhance the natural and local environment by: minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. Under Section 40 of the Natural Environment and Rural Communities Act (2006), every local authority has a statutory duty, in exercising its functions, to have regard, so far as it is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity. Paragraph 179 of the NPPF states that to "...*protect and enhance biodiversity and geodiversity, plans should:*
 - a) *Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation; and*
 - b) *promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.*"
124. Policy 17 of the Local Plan Part 1: Core Strategy requires biodiversity to be increased over the plan period, for designated national and local sites of biological or geological importance for nature conservation to be protected, and that development on or affecting other, non-designated sites or wildlife corridors with biodiversity value only to be permitted where it can be demonstrated that there is an overriding need for the development and that adequate mitigation measures are put in place.
125. To consider the potential impact the proposed development may have on

species and habitats present at the site, the applicant has submitted a bat survey, a Great Crested Newt Survey, a Preliminary Ecological Appraisal (PEAR), and Arboricultural Report, a Tree Extract Map and a sustainability statement.

126. The Council's Environmental Sustainability Officer (ESO) reviewed the submission and noted that the surveys and reports have been carried out according to good practice and are in date.
127. The site consists of "*hardstanding, buildings, bare earth, improved and Poor semi-improved grassland, Ephemeral/Short Perennial vegetation, scrub, hedgerow, trees including woodland and ruderal habitats. Bat feeding roosts have been confirmed on the site and nesting swallows. Mature trees provide potential bat roost sites, and the site has potential to support reptiles, wild birds (including barn owl), badgers, foraging bats and other common mammals and invertebrates*".
128. The ESO also comments that "*Hedgerow and Woodland priority habitats were identified on site. The surrounding area includes residential properties, farmland, hedgerows, trees and woodland. The Grantham Canal Local Wildlife Site (LWS) lies to the north of the site and the Cotgrave Colliery LWS to the west. A Natural England Bat Mitigation License will be required. The development provides opportunities for ecological enhancement. The favourable conservation status of Protected Species may be impacted by this development unless mitigated*".
129. The ESO comments that if development has not commenced by April 2022 that updated surveys should be provided, and they strongly recommend that SUDs feature linked to the Canal should be considered. The ESO recommends that a bat mitigation plan should be secured by condition, as should the retention woodland, with any losses justified as part of a biodiversity net gain calculation. The ESO also recommends that a Landscape and Ecological Management Plan (LEMP) and an ecological construction method statement incorporating reasonable avoidance measures (RAMs) should be secured by planning conditions. The development site provides opportunities for ecological enhancement in the blue lined area to the east, as shown on the illustrative master plan.
130. As stated, the ESO has requested a number of conditions and notes to applicants referring to the mitigation measures set out in the appraisal surveys. Therefore, subject to these forming part of the recommendation the proposal is considered to accord with the requirements of Policy 16 of the LPP1 and to accord with Policy 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the LPP2 which seek to ensure net gain in biodiversity and improvements to the ecological network through the creation, protection and enhancement of habitats and through the incorporation of features that benefit biodiversity.

Health and Wellbeing

131. The NPPF, Policy 12 of the Core Strategy (Local Services and Healthy Lifestyles), Rushcliffe's Sustainable Community Strategy and Nottinghamshire Health and Wellbeing Strategy support the promotion of healthy communities through the creation of safe and accessible

environments; high quality public spaces, recreational space/sports facilities, community facilities and public rights of way. Consideration also needs to be given to access to community facilities and services, as a lack of these can lead to people being isolated and suffering from mental health conditions, therefore adversely affecting their health and wellbeing.

132. The provision of open and green space is proposed as part of the development, which would support these policy ambitions. Improvements to existing bus facilities will also support the ability of less mobile members of the population to visit community facilities as required and to access the facilities Cotgrave.

Planning Obligations

133. Planning obligations assist in mitigating the impact of otherwise unacceptable development to make it acceptable in planning terms. Planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind. These tests are set out as statutory tests in the Community Infrastructure Levy Regulations 2010 and as policy tests in the National Planning Policy Framework. This report has a table attached which sets out the contributions being sought by infrastructure providers or equivalent and the Borough Council's considered position on this, as local planning authority.
134. The contributions requested have been challenged with the infrastructure providers and additional information provided where necessary to justify the level or type of contribution being sought. Legislation and guidance state that planning obligations should not be sought where they are clearly not necessary to make the development acceptable in planning terms and this has been taken into account in the preparation of the S106 Table. The financial contributions relate to contributions required as a direct result of the development for education, open space, play, allotments, health, bus route and bus stop improvements, highway improvements, waste and library improvements, together with the provision of 10% affordable housing on site.

Planning Balance and Conclusion

135. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. For these reasons, not only would the scheme accord with the development plan as a whole, but the balance of material considerations also weighs in its favour. Consequently, it is recommended that the Planning Committee support the resolution to grant planning permission, subject to conditions.
136. The principle of the development of this allocated site is acceptable subject to conditions. Notwithstanding the submitted illustrative layout and planning statement, matters of internal layout and details, together with the impact of adjacent residential amenity, will be considered fully at the reserved matters stage.
137. Discussions have taken place in an attempt to resolve issues raised by

interested parties, which has resulted in the submission of additional information. Negotiations have been undertaken in relation to securing appropriate levels of planning obligation to mitigate impacts of the proposal. This has ultimately resulted in a favourable recommendation to the Planning Committee.

RECOMMENDATION

It is RECOMMENDED that the Director of Development and Economic Growth is authorised to grant planning permission subject to the prior signing of a Section 106 agreement and the following condition(s), which the Director of Development and Economic Growth is also authorised to amend to correct any matters that do go to the heart of the condition.

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
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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,
 - b) 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 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).]

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 National Planning Policy Framework (July 2021).]

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.

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

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WORK IN PROGRESS DOCUMENT – may be subject to change.

Item/Policy	Detail/requirement	Developer proposes	RBC comment	Trigger sought by consultees
Primary School Contribution	A development of up to 210 dwellings on this site and the neighbouring allocation of up to 235 dwellings would generate a requirement for an additional 77 places at £17,613 per place towards the current deficiency in primary places available in the planning area. However, this site would only generate a need for 21 additional spaces based on 100 dwellings. This site, along with other sites which are proposed for allocation in the Local Plan, mean that	Accept the principle and the proposed pro-rate breakdown suggested by the County Council	Pro-rata approach seems fairest allocation of the existing capacity in the system and therefore officers agree with the approach adopted by the County Council.	TBC

	<p>additional education provision will be required, either through extensions to existing provision. No feasibility study has been undertaken to understand the scope to expand provision at Candleby Lane School and it is not expected that additional provision can be delivered at Cotgrave CofE School. It is therefore requested that the Section 106 Agreements provide sufficient flexibility to enable the County Council to expend the contributions at another local primary school outside of the Cotgrave Planning Area if subsequent feasibility studies demonstrate that expansion of the Cotgrave Schools is unviable.</p>			
<p>Secondary School Provision</p>	<p>In relation to Secondary Education, they advise that the two allocated sites would generate a need for an additional 70 new</p>		<p>Agreed that this request is covered by the Authority's Community Infrastructure Policy (CIL).</p>	

	secondary places and there is a deficiency in places available. As a result, the County Council would be seeking a total contribution across the two allocations of £1,697,570 (70 x £24,251 per place).			
A52 Improvements Contribution	Highways England state that they take responsibility for delivering infrastructure improvements required to support growth on the A52, whilst seeking appropriate local contributions proportional to the scale of impact through a developer contribution strategy. This approach is supported in Rushcliffe Core Strategy Policy 18. As part of the contribution strategy for this proposed development a sum of £955.82 per-dwelling basis has been identified by Highways England in consultation with Rushcliffe Borough Council. This will be required by way of developer contributions.	Agrees to the principle of the request	The requested contributions from Highways England accord with the A52/A606 Improvement Package Developer Contributions Strategy Memorandum of Understanding and Policy 18 Rushcliffe Core Strategy. The applicant has agreed to provide them on a pro rata basis and the timing of the payment need to be considered and confirmed as part of the S106A discussions.	<ul style="list-style-type: none"> • 20% of the A52 Improvements Contribution on first occupation • 80% of the A52 Improvements Contribution prior to Occupation of 75% of the Dwellings and not to allow Occupation of more than 75% of the Dwellings

Highway Improvements	A contribution (TBC) towards 30% of the cost of improving the A606 Melton Road/Cotgrave Road junction	Matter is being considered	Officers note the impact is arising in part from this, and the other developments proposed on the allocations within Cotgrave and that any improvement works to this junction do not appear to be covered by the MoU.	TBC
Green Spaces	A contribution of £66,550 to expand the existing car Cotgrave Country Park parking facility is requested.	The applicant does not accept the request.	Officers agree that residents of this development are unlikely to place additional pressure on the car parking facility, which is already insufficient to accommodate the current traffic requirements and therefore the request does not relate to the “harm” generated by this proposal. Request is not justified	N/A
The Bus Stop Improvements Contribution	Improvements to the two bus stops sought by planning condition: RU0891 High Hazles Road RU0892 High Hazles Road New Eastbound Bus Stop – Real time bus stop pole &		Officers note a degree of overlap with the works being sought by condition on this permission but by S106 for the application for up to 210 dwellings on the north side of Hollygate Lane.	TBC

	<p>displays including associated electrical connections, polycarbonate bus shelter including lighting, raised boarding kerbs and a suitable lowered crossing point. New Westbound Bus Stop – Real time bus stop pole & displays including associated electrical connections, polycarbonate bus shelter including lighting, raised boarding kerbs and a suitable lowered crossing point. Appropriate pedestrian access (footway) is required from the site entrance without the requirement to cross Hollygate Lane.</p>			
<p>Waste Collection</p>	<p>No request made, but officers note that for the site on the north of Hollygate Lane as contribution of 68.13 per dwelling was sought.</p>		<p>Clarification should be sought from NCC re the need for a waste contribution.</p>	

<p>Sustainable Travel Contribution</p>	<p>None sought as part of this application; however, a travel plan is requested to be conditional on the grant of ant permission. however the application on the North side of Hollygate Lane attracted a contribution request of £36,000 towards sustainable travel which may include, but not exclusively, the use of taster tickets for travel on public transport.</p>		<p>Clarification should be sought from NCC re the need for a sustainable travel contribution.</p>	
<p>Affordable Housing</p>	<p>Core Strategy Policy 8 requires 10% affordable housing:</p> <p>42% should be intermediate housing, 39% should be affordable rent and 19% should be social rent. Table of the breakdown on house types also provided in the comments from the affordable housing officer.</p> <p>Since applications are being determined post</p>		<p>The applicant has agreed in principle of providing 10% of affordable housing in accordance with Core Strategy Policy 8. As part of the S106A.</p> <p>The details of securing the affordable housing scheme would be included as part of the S106A. It is agreed that an affordable housing scheme could provide the necessary details of tenure</p>	<p>Provide details of affordable housing in an affordable housing scheme as part of the S106A which would include details of tenure mix, dwelling (size mix) details of the location, and the affordable housing provider.</p>

	the 28 March 2022 transition agreement then First Homes will also need to be applied.		mix, dwelling (size mix) details of the location, and the affordable housing provider. However, the timing of this agreed to be agreed but it would be expected prior to the commencement of development on the site or as part of the reserved matters application once the layout and design is considered.	
Health	CCG standard formula require contribution of £920 for each 2xbed dwelling and £600 for each 1x bedroom dwelling.		Agreed that this request is covered by the Authority's Community Infrastructure Levy Policy (CIL).	
NHS Hospitals Trust	<p>A contribution of £86,169.00 was requested to cover the cost to the NHS of emergency admissions generated by this level of housing.</p> <p>A development of 100 dwellings equates to 242 new residents (based on the current assumption of</p>		The site is allocated in the Local Plan Part 2 and as such the population growth and impacts on the NHS have long been known. The NHS therefore should have planned for this level of population growth in the local area. Therefore, the request is not considered to be justified in this instance.	N/A

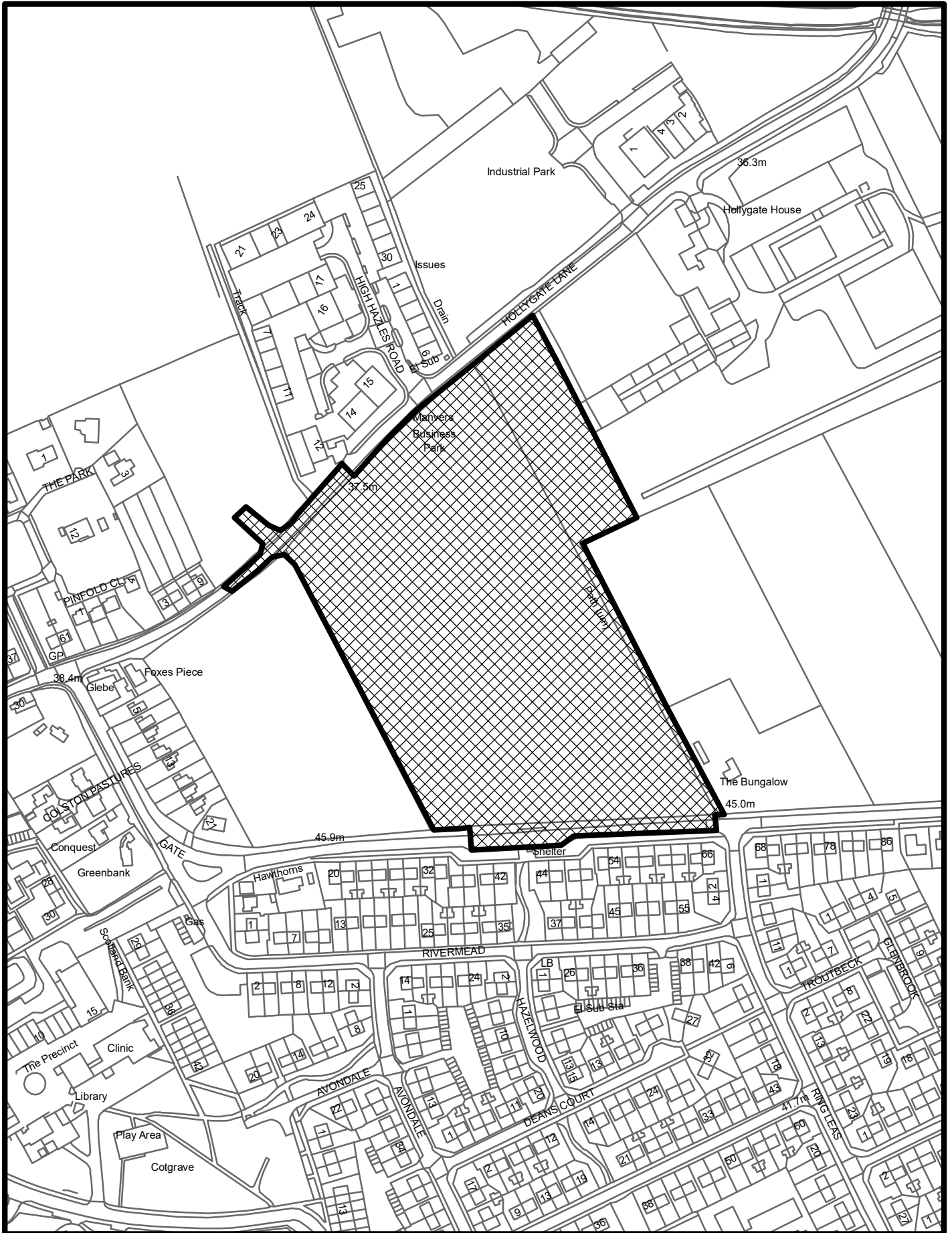
	<p>2.42 people per dwelling as adopted by relevant council Council's Education team). Using existing 2016 demographic data as detailed in the calculations in Appendix 2 will generate 323 acute interventions over the period of 12 months.</p> <p>Emergency admissions: 33 For the 24 emergency admissions, representing 10% of the residents, the Trust will have no method of recovering the 80% of tariff needed to invest in the stepped change needed for services. Formula: Emergency admissions - Development Population x Average Emergency Admission Activity Rate per Head of Population x Average Emergency Tariff x 80% Cost per Emergency Admission Activity = Developer Contribution.</p>			
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	<p>Premium Costs:</p> <p>For all the 323 anticipated hospital-based interventions, the Trust will have no method of recovering the additional Premium Costs needed to ensure the level of service required. Formula: Development Population x Average Admission Activity Rate per Head of Population x Average Tariff x proportion of Trust staff cost of total cost (58%) x NHSI Agency Premium Cap (55%) = Developer Contribution.</p>			
Open Space	<p>The Rushcliffe Playing Pitch Strategy 2017 identifies a current shortfall of pitch provision that this development would worsen. Based on 100 dwellings and an average of 2.3 residents per dwelling this equates to 230 new residents which will create additional</p>	<p>Agrees to the principle of the requested provision being provided as indicated in the indicative masterplan.</p>	<p>As we are only considering the principle of development (and access) at this stage; the location, size and management of open space within the site cannot be considered in detail. The applicant has agreed to the provision of open space within the site and for details to be provided as part of an Open Space Scheme. The details of it can be secured by</p>	TBC

	<p>demand which can't be met by existing provision. <u>Children's play</u></p> <p>For Children's play on site provision of equipped play space Local equipped area for Play (LEAP) equivalent of 0.25 hectares per 1,000 = 0.0575 hectares is required onsite within the allocation area covered by the three applications. With regards the siting and location of the play area proposed I would draw attention to The Fields in Trust National Playing Fields Association General Design Principles Guidance (attached). 6.1.9 states that play areas should be sited in open, welcoming locations and visible from nearby dwelling or well used pedestrian routes.</p> <p><u>Unequipped play/ amenity public open</u></p>		<p>the S106A and considered in detail at the reserved matters stage.</p> <p>Also, with the allocation comprising three separate planning applications (and legal agreements) a mechanism to ensure that one site is provided on the allocation will be required.</p>	
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	<p>Unequipped play/ amenity public open space equivalent for unequipped children's play/ amenity open space provision as a new site we would expect on site provision of unequipped play space of at least 0.55= 0.1265 hectares is required (onsite).</p> <p><u>Sports and Leisure provision</u></p> <p>This development will be liable for a Community Infrastructure Levy (CIL) for sports and leisure provision <u>Allotments</u></p> <p>The Rushcliffe Borough Council Leisure Facilities Strategy 2017-2027 requires 0.4 hectares of provision for allotments per 1,000 population on-site (i.e., within the allocation covered by the three applications). Cotgrave town Council are</p>			
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	98% occupied but and operating a waiting list so 0.092 hectares is required.			
Monitoring Fee	S106 monitoring costs of £273 per principal obligation X by the number of years over which monitoring will be required.	Agrees to the principle of proving a monitoring fee but the actual amount is TBA	The approach is accepted but the actual overall monitoring fee shall be agreed with the applicant prior to the conclusion of the S106A.	Prior to Commencement of Development to pay to the Borough Council the Monitoring Fee Not to Commence Development until the Monitoring Fee has been paid to the Borough Council.
Indexation	All financial contributions subject to indexation using Retail Price Index or the BCIS All-in Tender Price Index as appropriate	TBA	TBA	TBA
Legal Costs	With all Sect 106 agreements, the applicant is required to pay the Council's legal fees. In this instance these would be £2,000.	TBC	Required to complete agreement.	To be paid on completion of agreement.



Application Number: 21/01203/OUT
Land south Hollygate Lane & north of Colston Gate
Cotgrave



scale 1:3000

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21/01203/OUT

Applicant Ellie Gale

Location Land South of Hollygate Lane And North of Colston Gate, Cotgrave, Nottinghamshire

Proposal Outline planning application for up to 90 dwellings with all matters reserved except for means of access.

Ward Cotgrave

Full details of the application can be found [here](#).

THE SITE AND SURROUNDINGS

1. Cotgrave is a large settlement to the east of Nottingham City and within the Borough of Rushcliffe. It is identified within Policy 3 of the Rushcliffe Publication Core Strategy as a key settlement for growth.
2. The application site comprises an open agricultural arable field of approximately 4.76 hectares and is located on the southern side of Hollygate Lane on the north eastern edge of town. The site comprises existing landscape features along its boundaries including hedgerows and some trees. The application site forms part of a wider allocation under Policy 2.2. It should be noted that the allocated site has been master planned as a whole. The site elevation varies by approximately 36.36AOD to 45.98AOD rising to Colston Gate from Hollygate Lane.
3. Land to the west of the site and part of the land to the east of the site also form part of the residential allocation under Policy 2.2. Land to the west is being progressed by Manor Oak Homes, under planning application reference: 21/00231/OUT. The existing use of that land is agricultural. Beyond that land, to the west, are residential dwellings fronting Colston Gate.
4. The parcel of land to the east that forms part of the allocated site and is the subject of an outline planning application under application reference: 20/02508/OUT submitted by Barratt David Wilson Homes. That site currently comprises a residential property, two sets of buildings, groups of trees, grazing land and greyhound racing and equestrian facilities.
5. To the south of the Application Site is Colston Gate, with residential dwellings opposite fronting Colston Gate. The T-junction of Colston Gate with Ringleas is located opposite the south-eastern corner of the site.
6. To the north is Hollygate Lane, with a Business Park (Manvers Business Park) located on the opposite side of the road. High Hazels Road provides the access to the Business Park and its junction with Hollygate Lane is located adjacent to the northern boundary of the application site.

7. To the north-west, on the opposite side of Hollygate Lane is land that is also identified as a residential allocation in the Local Plan Part 2 under Policy 2.1 'Housing Allocation – Land rear of Mill Lane/The Old Park, Cotgrave' for around 180 homes.
8. To the north of the site and east of Manvers Business Park is land identified as an employment allocation (Use Classes B1, B2 or B8) under Policy 15 'Employment Development' of the Local Plan Part 2. The existing use of that land is as Hollygate Industrial Park which comprises existing employment development, storage area and some undeveloped paddock land.
9. To the south east of the Application Site is undeveloped land which remains in the Green Belt. This includes a single residential dwelling opposite the Colston Gate/Ringleas junction.
10. There is a Public Bridleway running through the Application Site within the eastern boundary of the site connecting Hollygate Lane to Colston Gate. This is Bridleway no. 5.

DETAILS OF THE PROPOSAL

11. The application seeks outline planning permission for up to 90 dwellings on the site with associated infrastructure, surface water attenuation and balancing ponds, and open space.
12. All matters reserved for future consideration except for two access points, one off Colston Gate, the other, a 4-arm roundabout on Hollygate Lane. The site would have a new road running through this middle "third" of the allocation that would link the two new access points. This means consideration of this application is therefore limited to the principle of development, and whether the proposed means of access, the road connecting the two access points and water attenuation proposals are acceptable.
13. The site is allocated for residential development in the Adopted Rushcliffe Local Plan Part 2, Policy 2.2 – Land South of Hollygate Lane, and identifies the site for around 190 homes.
14. The submitted Composite Development Framework Plan provides a design framework for the Policy 2.2 allocation. Specifically, it shows a new children's play area, which is broadly centrally located to be accessible for all the new homes within the allocation. In addition, the existing public bridleway running through the Application Site would be maintained along its current alignment and accommodated within a corridor of open space.
15. The application site comprises one (unequal) third of the strategic allocation for residential development under Policy 2.2 in the Local Plan, Part 2. This application is for the central most "third" of the allocation site.
16. A balancing pond (attenuation facility) is shown on the indicative plans that would be provided on land to the east of the site allocation and this forms an integral component of the overall drainage scheme.

17. The application is accompanied by an Illustrative Masterplan which demonstrates how up to 90 homes on this centralised “third” could be delivered. The submission states that the scheme would incorporate a mix of house types, vehicular access off Hollygate Lane and Colston Gate with internal estate roads and car parking, publicly accessible open space on-site, maintain the route of Bridleway No.5 through the site, Sustainable Urban Drainage System (SUDs) to manage and control surface water run-off, and provide foul water drainage. For the avoidance of doubt, the document does not confirm the proposed layout at this stage as it would be considered as part of a future reserved matters application should this application be approved.
18. The application does propose that affordable housing would be provided consistent with Policy 8: Housing Size, Mix and Choice of the Rushcliffe Local Plan Part 1: Rushcliffe Core Strategy (Dec 2014) at 10%. The overall net density of development proposed is approximately 30.5 dwellings per hectare.
19. The application is supported by several specialist reports including, but not limited to, a Design and Access Statement, Transport Assessment, Flood Risk Assessment and Drainage Strategy.
20. The applicant has provided a Heads of Terms document and separate confirmation that they are agreeable with all requested developer conditions and are agreeable to entering a S106 Agreement to secure them.
21. The remaining two “thirds” of the allocation are subject to separate planning applications that are also on this agenda for consideration.

SITE HISTORY

22. The site has no recent planning history.

REPRESENTATIONS

Ward Councillor(s)

23. One Ward Councillor (Cllr Butler) does not object to the proposal.
24. One Ward Councillor (Cllr Healy) does not object to the proposal.

Town/Parish Council

25. Cotgrave Town Council does not object but comment that they would like to note that consideration is given for Health, education/school place, and road infrastructure provisions

Statutory and Other Consultees

26. National Highways do not object to the proposal subject to conditions being attached to the grant of permission requiring contributions towards the A52 improvements are per the Memorandum of Understanding (MoU).

27. The Environment Agency do not object stating the site lies fully within flood zone 1 and therefore they have no fluvial flood risk concerns associated with the site.
28. The NHS makes requests for s106 contributions towards the delivery of healthcare services in hospitals.
29. Pedals object to the proposal due to the lack of consideration towards alternative modes of transport, namely cycles.

Nottinghamshire County Council comments

30. Highway Authority initially raised objections to the proposed mitigation measures proposed. Following the submission of revised information, they do not object to the proposal subject to conditions being attached to any grant of permission.
31. Lead Local Flood Authority (LLFA) do not object to the proposal subject to conditions being attached to any grant of permission.
32. Strategic Planning make comments regarding public rights of way (requesting a condition be attached to any grant of permission), and make obligation requests towards bus service support, education, bus stops and sustainable travel.
33. Community Liaison Officer for Heritage requested a programme of trial trenching prior to the determination of the application.

The Borough Council comments:

34. Planning Contributions Officer advised on the CIL liability for the development can only be calculated once Reserved Matters approval (confirming the quantum of development) has been submitted.
35. Waste and Recycling Officer has offered advice on the layout and design of developments in relation to bin provision and collection requirements.
36. Environmental Sustainability Officer (ESO) does not object to the proposal subject to conditions being attached to any grant of permission.
37. Strategic Housing Officer (affordable housing) does not object to the proposal.
38. Community Development Manager has commented that the proposal would generate a need for on-site children's play provision, unequipped play/amenity public open space and allotments that should be secured through Section 106 contributions.
39. Design and Landscape Officer does not object to the proposal subject to conditions being attached to any grant of permission.
40. Environmental Health Officer does not object to the proposal subject to conditions being attached to any grant of permission.

Local Residents and the General Public

41. A total of one (1) representation have been received, none (0) objecting to the proposal.
42. One (1) neutral response were received making the following comments:
 - a) Pedestrian safety should be considered as it is a difficult area to cross the road in.
 - b) Highway safety concerns with the increase in traffic.
 - c) Suggests vehicular access to the site should only be via Colston Gate.
 - d) Pedestrian access to the Country Park could be improved.

PLANNING POLICY

43. The Development Plan for Rushcliffe consists of the adopted Rushcliffe Local Plan Part 1: Core Strategy (December 2014) (LPP1) and the Rushcliffe Local Plan Part 2: Land and Planning Policies - adopted October 2019 (LPP2). . Other material considerations include the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG) and the Rushcliffe Residential Design Guide 2009.
44. The full text of the policies is available on the Council's website at: <https://www.rushcliffe.gov.uk/planningpolicy/>

Relevant National Planning Policies and Guidance

45. The National Planning Policy Framework (NPPF) includes a presumption in favour of sustainable development. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area. In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development. There are three dimensions to sustainable development, economic, social, and environmental.
46. The relevant paragraphs of the NPPF are:
 - Paragraph 11
 - Paragraph 68
 - Paragraph 92
 - Paragraph 93
 - Paragraph 100
 - Paragraph 110
 - Paragraph 126
 - Paragraph 130 and
 - Paragraph 167.
47. Full details of the NPPF can be found [here](#).

Relevant Local Planning Policies and Guidance

48. The Rushcliffe Local Plan Part 1: Core Strategy was formally adopted in December 2014. It sets out the overarching spatial vision for the development of the Borough to 2028.
49. The following policies in the Rushcliffe Local Plan Part 1: Core Strategy are also relevant:
- Policy 1 - Presumption in Favour of Sustainable Development
 - Policy 2 - Climate Change
 - Policy 3 - Spatial Strategy
 - Policy 8 - Housing Size, Mix and Choice
 - Policy 10 - Design and Enhancing Local Identity
 - Policy 11 - Heritage Environment
 - Policy 14 – Managing Travel Demand
 - Policy 15 – Transport Infrastructure Priorities
 - Policy 16 - Green Infrastructure, Landscape, Parks and Open Spaces
 - Policy 17 - Biodiversity
 - Policy 18 - Infrastructure
 - Policy 19 - Developer Contributions
50. Full text of the above Policies can be found [here](#).
51. The Local Plan Part 2: Land and Planning Policies (LLP2) was adopted in October 2019 and the following policies in LPP2 are also considered material to the consideration of this application:
- Policy 1 -Development Requirement
 - Policy 2.2 - Housing Allocation – Land south of Hollygate Lane, Cotgrave
 - Policy 12 - Housing Standards
 - Policy 17 - Managing Flood Risk
 - Policy 18 - Surface Water Management
 - Policy 28 - Considering and Enhancing Heritage Assets
 - Policy 29 - Development Affecting Archaeological Sites
 - Policy 32 - Recreational Open Space
 - Policy 35 – Green Infrastructure Network and Urban Fringe
 - Policy 37 - Trees and Woodland
 - Policy 38 - Non-Designated Biodiversity Assets and the Wider Ecological Network
 - Policy 39 - Health Impacts of Development
 - Policy 40 - Pollution and Land Contamination
 - Policy 41 - Air Quality
 - Policy 43 - Planning Obligations Threshold
52. Full text of the above Policies can be found [here](#).
53. Consideration should also be given to other Borough Council Strategies including the Sustainable Community Strategy, Leisure Strategy, Nature Conservation Strategy, and the Borough Council's Corporate Priorities.
54. Conservation of Habitat and Species Regulations 2017, and the Wildlife and Countryside Act (as amended) 1981 - These regulations/legislations contain

certain prohibitions against activities affecting European Protected Species, such as bats. These include prohibitions against the deliberate capturing, killing or disturbance and against the damage or destruction of a breeding site or resting place of such an animal. The Habitats Directive and Regulations provide for the derogation from these prohibitions in certain circumstances. Natural England is the body primarily responsible for enforcing these prohibitions and is responsible for a separate licensing regime that allows what would otherwise be an unlawful act to be carried out lawfully.

55. The Council as Local Planning Authority is obliged in considering whether to grant planning permission to have regard to the requirements of the Habitats Directive and Habitats Regulations in so far as they may be affected by the grant of permission. Where the prohibitions in the Regulations will be offended (for example where European Protected Species will be disturbed by the development) then the Council is obliged to consider the likelihood of a licence being subsequently issued by Natural England and the "three tests" under the Regulations being satisfied. Natural England will grant a licence where the following three tests are met:
 - a. There are "imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment"
 - b. There is no satisfactory alternative; and
 - c. The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.
56. The Supreme Court has clarified that it could not see why planning permission should not ordinarily be granted unless it is concluded that the proposed development is unlikely to be issued a license by Natural England.
57. Natural Environment and Rural Communities Act 2006 at Section 40 states that *"every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity."* Section 40(3) of the same Act also states that *"conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat."*
58. Planning for Growth (Ministerial Statement 2011) emphasises the priority for planning to support sustainable economic growth except where this compromises key sustainable development principles. The range of benefits of proposals to provide more robust and viable communities should be considered and appropriate weight should be given to economic recovery.
59. The Community Infrastructure Levy Regulations 2010 (As amended) places the Government's policy tests on the use of planning obligations into law.
60. Equality Act 2010 - Under S149 of the Act all public bodies are required in exercising their functions to eliminate discrimination, advance equality of opportunity and foster good relation.

61. Design Council Building for Life 12 - This assessment sets 12 criteria to measure the suitability of schemes and their locations in relation to design, layout, sustainability criteria, adaptability and effect of existing local character and reduction of crime, amongst other things.
62. Environmental Impact Assessment Regulations – This is an outline planning application for the development of up to 210 dwellings and supporting infrastructure. As such it was screened under the Environmental Impact Assessment Regulations 2018. The screening opinion concluded that the proposal is not considered to constitute EIA development and that matters could be adequately considered by way of general development management considerations as part of the determination of the application(s). It should be noted that the screening opinion only relates to the EIA regulations and does not imply any likely outcome of the planning application.

APPRAISAL

63. The planning process in England is underpinned by planning law requiring all applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. The Framework (NPPF) does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise.
64. Paragraph 7 of The Framework confirms that the purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives which are economic, social, and environmental and Paragraph 8 says that the roles performed by the planning system in this regard should not be undertaken in isolation, because they are mutually dependent. It goes on to say that, to achieve sustainable development, economic, social, and environmental gains should be sought jointly and simultaneously through the planning system, which should play an active role in guiding development to sustainable solutions.
65. Consideration of this outline application is limited to whether the principle of developing up to 90 dwellings (of the around 190 indicated by Policy 2.2 of LPP2) on the site together with whether the proposed means of access and drainage strategy are appropriate.
66. Objections to the proposals on the basis that it forms part of the Green Belt is unfounded given that the site has been allocated for housing in the Development Plan for Rushcliffe. The release of green belt land was considered in detail as part of the plan-making process for the Local Plan Part 2: Land and Planning Policies. There is no requirement to demonstrate any “very special circumstances” exist to justify development of housing or employment uses on the site.

Principle of Development

67. Policy 2.2 states that the area shown on the policies map is identified as an allocation for “around” 190 homes subject to a number of requirements set

out in the policy document. Part of the assessment of the application is to determine whether that quantum of development proposed is acceptable on this site or not. Nevertheless, officers note that Policy 2.2 does not seek to place an upper limit on the number of dwellings on this site as it does not state a maximum of 190 dwellings.

68. Members will also note that two other, separate planning applications, also seeking outline permission for the remaining two-thirds of the allocation site are on the agenda papers for consideration. The total quantum of development proposed across the whole site would be up to 235 dwellings. Whilst there are three separate planning “applications”, as this is one “allocation” site, in this instance Members must be mindful of the whole allocation, rather than considering each application purely in isolation
69. The Planning Inspector, as part of the Local Plan Inquiry and ultimately the adoption of the Plan that allocates this site for development accepted the site's relationship to the town. Nevertheless, it is the determination of this application that assesses matters such as the walking distances to the village, the impacts on wildlife, ecology, as well as on the village's character and appearance, albeit in principle, for a quantum of up to 90 dwellings on the middle part of the allocation.
70. Officers are satisfied that the principle of dwellings on this site has already been established. Furthermore, officers are also satisfied that although up to 235 is greater than 190 homes, it is broadly “around” that figure. Whilst the application is for outline permission, with only matters of access to be considered, Members of the Committee need to be satisfied that the site could accommodate up to 235 dwellings without having unacceptable impacts on matters such as ecology, the landscape, public and neighbour's amenity and any other material consideration, not just the impacts of the new access to serve the eastern most part of the allocation on highway safety. If these 90 dwellings have any significant impact on the amenities/services in the settlement and the highway network, it must be considered whether those impacts can be adequately mitigated through either planning conditions or S106/CIL contributions if appropriate
71. In summary, this is an allocated site contained within the Borough Council's Local Plan, therefore the development of the site in principle has been established in policy terms by the Borough Council. There have been no changes to national policy since the allocation of the site in relation to flood risk policy or access. As such, the principle of development of this site for housing use (as proposed) would accord with the development plan when read as a whole.

Flooding and Drainage

72. Criterion c) of Policy 2 of the Core Strategy and policy 17 of Local Plan Part 2; together with paragraph 167 of the NPPF are of relevance. These policies broadly echo paragraph 167 of the NPPF which states “*when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that: a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to*

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

73. The application site is shown on the Environment Agency’s online Flood Map as being largely within Flood Zone 1, that is land with a low probability of flooding. Officers note that “layout” is a reserved matter, nevertheless, the indicative layout shows that the built development could be contained entirely within Floodzone 1.
74. The site has already been allocated in the Local Plan and therefore is not subject to the Sequential or Exception (flood) test in terms of assessing other locations that may be more suitable for housing. A Flood Risk Assessment (FRA) formed part of the submission.
75. The FRA concludes that the risk for Flooding on this part of the site, from Fluvial, Tidal, Surface Water, Reservoir Failure, Grounds Water and Artificial Sources (such as man-made drainage or the water supply network) are all classified as “low”. Based on the assessments undertaken, the reports state that it is established that the proposed development is in an area that is generally at a low risk of flooding. Nevertheless, given the size of the development additional surface water runoff will need to be considered as part of the proposal. The report suggests that a detailed drainage strategy should be provided to assess the feasibility of incorporating SUDs in the development design, prior to submitting any applications for reserved matters.
76. The principle element of the flood risk management strategy at the site is avoidance of flood risk. To enable this, the development is arranged so that the built development is outside of Flood Zones 2 and 3, i.e., located within Flood Zone 1.
77. It should be noted that the Environment Agency do not object to the proposal stating *“The site lies fully within flood zone 1 and therefore we have no fluvial flood risk concerns associated with the site. There are no other environmental constraints associated with the site and therefore we have no further comment to make.”*
78. Nottinghamshire County Council as the Lead Local Flood Authority (LLFA) has also reviewed the application and have no objection to the proposals subject to a condition requiring 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 and needs to include evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development.
79. Similarly, whilst Severn Trent Water have responded to proposals on to her parts of the site, they have not commented on the current proposal.

Nevertheless, as this application forms part of a wider allocation it is considered that the conditions requested by Severn Trent Water, relating to the submission of a drainage strategy that should be submitted to and approved in writing by the Local Planning Authority in consultation with them, should also be applied to any grant of permission for this middle third of the site.

80. In conclusion, based on the information provided, and the specialist advice given from statutory consultees, it is considered that the proposals to construct up to 100 dwellings on the site would not increase flood risk elsewhere and would include mitigation measures (as far as possibly can be considered in this outline application) which protect the site and manage any residual flood risk. As such the development therefore complies Criterion c) of Policy 2 of the Core Strategy, Policy 17 of Local Plan Part 2, together with paragraph 167 of the NPPF.

Access and Highway Safety

81. Access is a reserved matter being considered as part of the determination of this application. The site would be served by two new points of access, one off Hollygate Lane, the other off Colston Gate with a new road connecting the two access points.
82. The application has been accompanied by several technical reports that have been reviewed by the Highway Authority. Initially concerns about the delivery of the main access onto/off Hollygate Lane, via a four-arm roundabout, through this middle third of the allocation potentially constrained by one of the landowners/site promoters on the southern side of Hollygate Lane were addressed by relocating the proposed roundabout access further to the north-east.
83. The relocation of the access roundabout required land to the frontage of the neighbouring business park (on the northern side of Hollygate Lane). That land is currently owned by the Borough Council. The application is therefore before Members for your consideration to be open and transparent in the determination of the planning applications on or requiring Council owned land.
84. The Highway Authority have reviewed the revised access arrangements and advised that the revised Transport Assessment (TA) included the proposed relocation of the roundabout arrangement onto Hollygate Lane. There were also amendments proposed for the Hollygate Lane/Colston Gate junction, the Main Road/Bingham Road/Plumtree Road priority-controlled simple T-junction which is proposed to be altered to a mini-roundabout.

A606 / Cotgrave Road Traffic Signals

85. The modelling contained within the TA suggests that this junction would be significantly over capacity in the 2024 with development scenario. However, the TA suggested that the impact of the development is not severe as the average queue length is only lengthened by 14 passenger car units (PCU's). The Highway Authority disagreed with the conclusions and advised that this is not considered insignificant.

86. The Highway Authority also advised of concerns with some of the data in the traffic modelling requesting this be corrected/updated to fully understand the impact of the proposal on this junction.
87. It was also highlighted that there currently is scheme being proposed by National Highways to improve this junction this seeks to widen the A606 north and south that is affected by the proposed housing development

Roundabout on Hollygate Lane

88. The Highway Authority advised that they are now broadly satisfied with the provision and design of the roundabout to serve the development. Any minor amendments required, could be agreed as part of a section 278 agreement of the Highways Act. In view of this, the Highway Authority has no objections in principle to the proposed roundabout arrangements.

Change of priority at Bingham Road/Hollygate Lane/Colston Gate

89. The Highway Authority has no objections in principle to the amending the junction arrangements, however they did initially raise some concerns.

Main Road/Bingham Road/Plumtree Road mini roundabout

90. The County Council's Road Safety Department initially raised some concerns regarding the design of the mini roundabout and the:
91. Highway Authority requested that the developers review the design accordingly.

Stragglethorpe Road / Hollygate Lane

The Highway Authority advised that this junction is consistently problematic for accidents, and none of the recent/proposed developments have seemingly taken any steps to address this.

92. As a result, the Highway Authority questioned whether the impact of the development on this junction had been underestimated in terms of traffic numbers.
93. The above concerns were shared with the agents/applicants for all four planning applications across the two allocations due to the interconnectivity, combined impact and proposed mitigation ensuring acceptability, in planning terms, reflecting the NPPF and Rushcliffe Local Plan Parts 1 and 2. Subsequently further additional information was submitted seeking to address the above issues and the Highway Authority were again asked to review this.
94. The Highway Authority have reviewed the revised access arrangements and advised that they are now broadly satisfied with the amendments that have been made to the junctions at Colston Gate and Plumtree Road. Whilst the Highway Authority may require a couple of tweaks to the details of the works, they could be agreed upon during the technical approval process as part of a section 278 agreements of the Highways Act, i.e., outside of the planning process.

95. The Highway Authority advise that they are satisfied with the applicant's response in relation to the impacts of the development on the Stragglethorpe Road junction and the justification for the suggested traffic distribution.

A606 Melton Road/ Cotgrave Road junction

96. Following consultation and discussions with the Traffic Signals Department, they have confirmed that the amended LINSIG (modelling) results do now include the correct values for the A606 Melton Road/ Cotgrave Road junction.

However, the Traffic Signals Department state that in most peak scenarios the junction is already over saturated and the forecast scenarios show that capacity would be further negatively affected going forward with the predicted uplifted flows and new development.

97. Looking at the impacts of the junction, the Highway Authority advise that the developments in the Cotgrave Land Allocations is adding to queues by approximately 30%. In view of this, they requested that all developers in the land allocations contribute 30% between them to the overall cost of the scheme of mitigation measures that would need to take place at this junction. This figure should then be apportioned to each developer based on the number of dwellings each is constructing as part of the s106 agreements.
98. There has been a scheme that has been looked by the County Council to improve flows and capacity at this junction as well as other junctions in the vicinity on the A606. Costings on this scheme have been requested to determine a provisional cost for the works at the A606 Melton Road/ Cotgrave Road junction and will be shared with the applicants.
99. Taking into account the above, the Highway Authority now has no objections to the proposal subject to the above s106 request and a number of conditions being attached to any grant of permission.
100. Officers are therefore satisfied that the proposal accords with the requirements of Policy 1 (Development Requirements) of the LPP2 which seeks to secure, amongst other things, a suitable means of access for all new developments without detriment to the amenity of adjacent properties or highway safety and the parking provision in accordance with the advice provided by the Highway Authority.

Landscape / Visual Amenity

101. As previously described, the site comprises open agricultural land with a bridleway running through the middle of it. a residential property, two groups of outbuildings and surrounding open land all enclosed by field boundaries and trees. The site is predominantly grassland including a mixture of trees and hedgerows on the edges of the proposal site.
102. Consideration has been given to the impact of the access arrangements, and the principle of developing the site for up to 90 dwellings on the visual amenity of the area. The application included an arboricultural Impact Assessment, a Strategic Level Health Impact Assessment, Indicative Section, topographical surveys, a Landscape Visual Impact Assessment (LVIA) and

summary of Landscape and Visual Effects Report along with a composite development framework for the whole site.

103. The Borough Council's Design and Landscape Officer has been consulted and advised that they don't disagree with the findings of the LVIA noting that whilst the users of the right of way are most likely to be sensitive to the change the proposed (indicative) landscape belt would mitigate the impact. Officers also noted that the occupiers of the properties to the south of the site would also be sensitive to change and there are indicative proposals to supplement the southern boundary with new tree planting. The Design and Landscape Officer comments that they "...would be interested to see if new tree planting could be incorporated within the changes to the highway verge on Colston Gate, the opportunities for trees may be low, but even a single tree in this location could create a focal point in a prominent location".
104. The Design and Landscape Officer also comments that the *"...remainder of the landscape strategy looks appropriate, but I don't see any mention of street trees. Whilst some provision of street trees will be important through the site, it will be especially important on the main road through the site. The loss of the trees and section of hedge to allow the northern access is not ideal but given the need for the roundabout to also provide access to the site to the north of Hollygate Lane I wouldn't object to their removal."* Finally, the Design and Landscape Officer notes that the proposal seems to indicate that all other boundary hedges and trees can be retained and in due course appropriate tree protection measures would need to be supplied, but that they are happy for this to be dealt with on a later application or conditioned as part of any grant of permission (as appropriate).
105. Whilst the Design and Landscape officers' comments about the landscaping features on the site are helpful with the exception of the landscaping in relation to the access, such matters are reserved for future consideration. The only matter for consideration at this time is the principle of development and the access arrangements, neither of which the Design and Landscape Officer objects to.
106. Nevertheless, the Design and Landscape Officers conclusions that the LVIA is accurate and the ability to deliver a scheme of up to 90 dwellings having an acceptable impact on the landscape, which can be mitigated by the use of appropriately worded conditions, is welcomed.
107. The application is therefore considered to accord with the requirements of Policy 16 of the Rushcliffe Local Plan Part 1: Core Strategy and with Policies 1 (Development Requirements) and 37 (Trees and Woodland) of the Rushcliffe Local Plan Part 2: Land and Planning Policies which seeks to secure a suitable means of access for all new developments without detriment to the amenity of adjacent properties or highway safety and also avoid adverse impacts through the loss of trees on site.

Public Right of Way

108. A public right of way, Cotgrave – Bridleway no 5, is situated within the boundary of this application site and could be affected by the proposed development. Based on available information, the County Council placed a holding objection against the development requesting that a planning

condition is considered, to make the development acceptable in rights of way terms.

109. At Bridleway status, this route already forms an important and well-used link between Colston Gate and Hollygate Lane. The application plans show it to be retained upon its recorded line and incorporated within the internal design of the landscape plan. The Public Rights of Way (PROW) team note that it would become integral green infrastructure to enable movement between residential areas within and adjacent to the site boundary. The Bridleway is referred to in the supporting document – Strategic Level Health Impact Assessment, as an asset that would improve access to existing open and natural space in the area, and in the Transport Assessment and Framework Travel Plan, as an active travel corridor for increasing walking and cycling opportunity within and around the development site.
110. Bridleway no 5 is currently of a natural unmade surface, part headland and part cross field. 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’, the County Council request that it is conditioned that the applicant is responsible for upgrading the bridleway to 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. The PROW officer also states that a gap of 1.5m width can be considered at each end of the bridleway to prevent motor vehicle access.
111. The PROW Officer also provided further information about the requirements for the bridleway. Access is a consideration as part of this application; however, the bridleway exists, and it is noted that the indicative layout does not alter the current alignment of the bridleway. The internal configuration of the site (i.e., the layout is not a matter for consideration. Furthermore, Members are advised that should the applicants wish to relocate the route of the footpath there is a formal process they would need to undertake (outside of the planning system) to lawfully do so. Nevertheless, the requests for the improvements to the right of way are noted, and it is considered that they can be secured by means of condition attached to any grant of planning permission.

Design and neighbouring amenity

112. It should be acknowledged that this application is for outline planning permission with appearance, landscaping, layout, and scale reserved for subsequent approval. It is considered the application has demonstrated that the proposed development can be accommodated on the site and achieve high quality design and, therefore, is in accordance with the Framework. Careful consideration of layout and design will be given at the reserved matters application stage. It is considered that the proposed development can be designed to ensure that it would not result in any material overbearing, overlooking or overshadowing impact on neighbouring residential amenity due to the scale of the properties and their relationship with neighbouring dwellings. It is, therefore, considered that the indicative details and the information within the Planning Statement and Illustrative Masterplan would ensure that the amenity of neighbouring properties is not unduly and unacceptably affected.

113. Information has been submitted by the applicant to demonstrate that a development of up to 90 dwellings could be accommodated on the site and provide the gardens, car parking provision and general amenity space. Thus, it is considered that the application accords with Policy 10 of the Core Strategy, and the updated NPPF, which acknowledges at Section 12 (Achieving well designed places) that good design is a key aspect of sustainable development, and that acceptable standards of amenity will be maintained and achieved.
114. In respect of noise and disturbance, a noise assessment has been submitted to consider the potential impact of road traffic using Hollygate Lane adjacent to the northwest boundary, Colston Gate adjacent to the southeast boundary and the more distant A46, together with the neighbouring commercial area located on the northern side of Hollygate Lane. The assessment also notes that as part of the on-going development proposals for the area, the kennels at Hollygate Farm (the eastern most “third” of the allocation site) will eventually cease to be operational and therefore, should not pose a noise constraint to the development. Nevertheless, the potential impact of noise from the kennels is considered within the noise assessment.
115. Ambient noise levels at the proposed site during the day and night-time were monitored from Tuesday 2nd to Wednesday 3rd July 2019, i.e., pre-pandemic and therefore not affected by lockdown or business being forced to close/workers being forced to work from home. Noise levels were monitoring continuously over a 24-hour period along the eastern site boundary, with a direct line of site to the dog kennels and at 7m from the carriageway edges of Hollygate Lane and Colston Gate.
116. The Noise Assessment concludes that the predominant noise source affecting the site was at all times was road traffic using the surrounding roads. There were no audible noises from the industrial area located on the opposite side of Hollygate Lane, which are small distribution type units, and certainly no dominant noise that would warrant further assessment. The report also notes that whilst on site, occasional dog barks from the kennel were noted and audible.
117. The Initial Site Noise Risk Assessment showed that new dwellings overlooking the kennels fall within the category of “Negligible risk” during the day, for which the guidance indicates that “These noise levels indicate that the development site is likely to be acceptable from a noise perspective, and the application need not normally be delayed on noise grounds.” The area of the site adjacent to the kennels during the night-time, and Colston Gate during both the day and night falls within the category of “Low risk”, for which the guidance indicates that “At low noise levels, the site is likely to be acceptable from a noise perspective provided that a good acoustic design process is followed and is demonstrated in an Acoustic Design Statement (ADS) which confirms how the adverse impacts of noise will be mitigated and minimised in the finished development.”
118. The site increases to a “Medium risk” adjacent to Hollygate Lane, for which the guidance is “The site is likely to be less suitable from a noise perspective and any subsequent application may be refused unless a good acoustic design process is followed and is demonstrated in an ADS which confirms

how the adverse impacts of noise will be mitigated and minimised, and which clearly demonstrates that a significant adverse noise impact will be avoided in the finished development.”

119. The assessment confirms that a good standard of acoustic design, in accordance with the latest guidance, can be achieved, using reasonable and practicable design measures. It is therefore considered that with the implementation of the specified mitigation strategy, sound levels across the proposed development can be readily attenuated to achieve acceptable external and internal sound levels.
120. Nevertheless, officers are mindful that the layout of the site, orientation of any properties and separation distances are not yet known nor matters for consideration. Therefore, appropriate mitigation measures, such as sound insulation and enhanced glazing, would need to be confirmed at the detailed design stage.
121. The Borough Council’s Environmental Health Officer agrees with the findings of the noise assessment but request that conditions requiring a sound insulation scheme to reduce the transmission of noise from external sources and a noise attenuation scheme be attached to any grant of permission.
122. The Environmental Health Officer also requested that to control and manage noise, dust emissions and vibration during the construction phase of the development the works shall be conditioned as part of a Construction Method Statement.
123. It is considered that these suggested conditions are justified would provide measures to protect neighbouring amenity to accord with the broad policy requirement to ensure that there is no significant adverse effect upon the amenity, particularly residential amenity of adjoining properties or the surrounding area as detailed in Policy 1 – Development Requirements of the adopted Rushcliffe Local Plan Part 2: Land and Planning Policies.

Contamination

124. The NPPF (Section 15) requires that decisions should ensure that a site is suitable for its proposed use considering ground conditions and any risks arising from natural hazards or former activities.
125. A Phase One Planning Preliminary Environmental Risk Assessment; which covers the subject site and a wider area; and a ‘Geo-Environmental Ltd Geo-Environmental Assessment Report Hollygate Lane Cotgrave have been submitted in support of the application.
126. The Borough Councils Environmental Health Officer (EHO) has thoroughly assessed the report(s) and comments that reports were prepared in 2018 and the EHO has assumed there have been no significant changes on or in the vicinity of the site that could impact the findings. Nevertheless, they recommend the developer ensures this is the case before commencement of any development. Based on the findings of a desk study and site walkover the Phase One Planning Preliminary Environmental Risk Assessment identifies several potential contaminant linkages relevant to the subject site and its potential redevelopment for housing. The site investigation works

undertaken for the Geo-Environmental Ltd Geo-Environmental Assessment Report, included soil sampling and ground gas & groundwater monitoring, investigated the potential linkages and uncertainties in the initial conceptual site model. That report concludes the topsoil and natural soils present across the site are suitable for reuse within gardens and areas of soft landscaping on the development site. Although the ground gas monitoring regime comprised a limited number of monitoring visits (4No) in a relatively short time period the ground gas evaluation concludes on the basis of the monitoring results and lack of significant gas sources on or within close proximity to the site there is no requirement for ground gas protection measures in dwellings.

127. The Environmental Health Officer advises that based on the available evidence they are in general agreement with the findings. Although the Geo-Environmental Ltd Geo-Environmental Assessment Report considers geotechnical, and contamination issues the EHOs comments are limited to the consideration of potential land contamination issues only.
128. Nevertheless, the EHO advises that they do not object to the proposal, subject to, conditions being attached to any grant of permission requiring any unexpected contamination discovered during any development to be reported to the Borough Council and for all works to stop on site. The Proposed condition sets out the other measures required in such a scenario.
129. It is therefore considered that the site can be developed subject to any potential remediation and conditions are proposed in respect of this. This is not unusual, and it is not considered that this prevents residential development on the site and will ensure compliance with the requirements of Policy 14 (Environmental Protection) of the Local Plan Part 2 Land and Planning Policies and with Section 15 of the NPPF.

Appearance

130. The proposed housing development would be relatively low density of around 30.5 dwellings per hectare. As previously stated, the site is largely screened from Hollygate Lane and Colston Gate by existing landscaping along the site's road frontages. Officers are also mindful, that the other two applications for the remaining two-thirds of the site would form a backdrop/foreground to the site against which it would be read. As such it would be read, as an entire development, alongside the existing residential developments that flanks the site on Hollygate Lane and Colston Gate respectively.
131. The submission includes an indicative layout, which shows that the maximum of 90 dwellings could be accommodated within this part of the site whilst providing suitable separation distances, plot and garden sizes, sufficient amenity spaces and locations for infrastructure. Whilst there can be no reliance that the indicative layout will form the final layout for any development on this site, it does serve to demonstrate that the site can accommodate this level of housing development.
132. It should also be stated, that looking at all three applications, officers are also satisfied that a total of up to 235 dwellings across the allocation are accepted in principle and would be capable of integrating with the surrounding built form and open countryside.

133. The application is therefore considered to accord with the requirements of Policy 1 (Development Requirements) of the LPP2 which seeks to secure that proposals would not impact on the amenity of any adjoining properties, provides a suitable means of access, provides sufficient space for ancillary amenity and circulation space, is of a scale, density, height, massing, design, layout and is constructed from suitable materials that are sympathetic to the area, as well as addressing other matters including but not limited to noise, impacts on wildlife, landscape character, heritage assets and energy efficiency requirements.

Archaeology and non-designated heritage assets

134. The County Council's heritage advisor has commented that the results of the geophysical survey show a strong presence of ridge and furrow along with other modern features. These features may be obscuring earlier features of archaeological nature. Given the archaeological potential of the surrounding area the heritage advisor recommends evaluation by a programme of trial trenching to refine their understanding of the potential of the site and mitigate risks to the developer. They go on to state that as per section 4 of the NPPF they recommend that this is done prior to determination so that the developer can have a proper understanding of any archaeological risk at the outset.
135. However, officers note that as part of the planning application to the immediate east, which forms part of the same allocation site the same heritage advisor noted that "*Medieval ridge and furrow cultivation is evident over the eastern half of the site...*" and that "*...the geophysical report notes that there are significant areas of disturbance that may mask earlier features, and the survival of ridge and furrow over some of the site offers the potential that any earlier features would likely be well-preserved below the Medieval landscape*". The Heritage Advisor concludes that "*Given the scale of the development, the disturbance affecting the geophysical results, and the proximity of the site to significant archaeological remains I would recommend that the development be subject to a condition for archaeological trenching, followed up by a scheme of archaeological mitigation if the trenching demonstrates there is a need.*"
136. Officers note that these are adjoining sites, and that they form a part of the same allocation. Officers are also mindful for the need of a consistent approach. In this instance the heritage advisor is identifying the same features (ridge and furrow) and identifies that there may be other buried archaeology that should be explored further by trial trenching. However, on one part of the site the advice that this can be conditional to the grant of any permission and on the other, that the works need to be undertaken pre-determination.
137. Officers are mindful that the applications are in outline form with only the access being considered. Therefore, there does not seem to be a justifiable reason for the differing approach. The Heritage Advisor is not objecting to the proposal, however in the circumstances officers advise that the same recommended measures should be applied to this site.
138. Therefore, officers recommend that a condition be attached to any grant of permission requiring the implementation of a programme for a programme of

archaeological mitigation to be carried out during construction or excavation work on the site, by suitably experienced archaeologists from a professionally accredited archaeological organisation and that the findings be submitted to the Local Planning Authority for consideration prior to development taking place on site.

139. As such, Members are advised that the County Council Heritage Advisor does not object to the proposal, and subject to the above measures being secured through either planning condition(s) and/or in the legal agreement as appropriate officers are satisfied that any potential buried archaeology can be recorded.
140. Officers note that the proposal site is not located in a Conservation Area. There are no designated heritage assets either within the site or within the immediate vicinity which might have their settings impacted upon by the proposed development. Officers therefore consider that the proposals therefore would not harm the significance of any heritage assets or their settings within the wider area.
141. The proposal would serve to preserve the nearest Conservation Area and continue to preserve the setting of the nearest Listed Buildings, a goal considered to be desirable within section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and the proposal is therefore considered positively in relation to the duty under those section(s) of The 1990 Act.
142. Therefore, subject to the measures to mitigate the issues identified by the County Council Heritage Advisor the proposal is considered to accord with the requirements of Policy 11 of the Local Plan Part 1, and Policy 28 of the Local Plan, Part 2.

Ecology and Biodiversity Net Gain

143. The NPPF (Section 15) advises that the planning system should contribute to and enhance the natural and local environment by: minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. Under Section 40 of the Natural Environment and Rural Communities Act (2006), every local authority has a statutory duty, in exercising its functions, to have regard, so far as it is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity. Paragraph 179 of the NPPF states that to "...*protect and enhance biodiversity and geodiversity, plans should:*
 - a) *Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity; wildlife corridors and steppingstones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation; and*
 - b) *promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of*

priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.”

144. Policy 17 of the Local Plan Part 1: Core Strategy requires biodiversity to be increased over the plan period, for designated national and local sites of biological or geological importance for nature conservation to be protected, and that development on or affecting other, non-designated sites or wildlife corridors with biodiversity value only to be permitted where it can be demonstrated that there is an overriding need for the development and that adequate mitigation measures are put in place.
145. To consider the potential impact the proposed development may have on species and habitats present at the site, the applicant has submitted an ecological impact assessment, indicative pond cross section, landscape strategy, and an arboricultural impact assessment.
146. The Council's Environmental Sustainability Officer (ESO) reviewed the submission and noted that the surveys and reports have been carried out according to good practice and are in date.
147. The site consists of an arable field, with hedgerows on its boundaries.
148. The ESO also comments that *“it is not expected statutory or non-statutory designated nature conservation sites will be impacted.”* Habitats include arable field, hedgerows, unmanaged and amenity grassland, and scrub foraging bats (a roost was found on adjacent properties) and there is high potential for wild birds, and a potential for hedgehog and badgers. Hedgerow priority habitats were identified in the report(s). The ESO notes that the development provides opportunities for ecological enhancement and that the favourable conservation status of Protected Species is unlikely to be impacted by this development.”.
149. The ESO recommends that biodiversity net gain should be demonstrated, incorporating the recommendations of the consultant ecologist in the ecological impact assessment and other suggested good practice measures. This can be secured by means of a suitably worded planning condition. The ESO also recommends that a Landscape and Ecological Management Plan (LEMP) and an ecological construction method statement incorporating reasonable avoidance measures (RAMs) should be secured by planning conditions. The development site provides opportunities for ecological enhancement.
150. As stated, the ESO has requested several conditions and notes to applicants referring to the mitigation measures set out in the appraisal surveys. Therefore, subject to these forming part of the recommendation the proposal is considered to accord with the requirements of Policy 16 of the LPP1 and to accord with Policy 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the LPP2 which seek to ensure net gain in biodiversity and improvements to the ecological network through the creation, protection and enhancement of habitats and through the incorporation of features that benefit biodiversity.

Health and Wellbeing

151. The NPPF, Policy 12 of the Core Strategy (Local Services and Healthy Lifestyles), Rushcliffe's Sustainable Community Strategy and Nottinghamshire Health and Wellbeing Strategy support the promotion of healthy communities through the creation of safe and accessible environments; high quality public spaces, recreational space/sports facilities, community facilities and public rights of way. Consideration also needs to be given to access to community facilities and services, as a lack of these can lead to people being isolated and suffering from mental health conditions, therefore adversely affecting their health and wellbeing.
152. The provision of open and green space is proposed as part of the development, which would support these policy ambitions. Improvements to existing bus facilities will also support the ability of less mobile members of the population to visit community facilities as required and to access the facilities Cotgrave.

Planning Obligations

153. Planning obligations assist in mitigating the impact of otherwise unacceptable development to make it acceptable in planning terms. Planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind. These tests are set out as statutory tests in the Community Infrastructure Levy Regulations 2010 and as policy tests in the National Planning Policy Framework. This report has a table attached which sets out the contributions being sought by infrastructure providers or equivalent and the Borough Council's considered position on this, as local planning authority.
154. The contributions requested have been challenged with the infrastructure providers and additional information provided where necessary to justify the level or type of contribution being sought. Legislation and guidance state that planning obligations should not be sought where they are clearly not necessary to make the development acceptable in planning terms and this has been considered in the preparation of the S106 Table. The financial contributions relate to contributions required as a direct result of the development for education, open space, play, allotments, health, bus route and bus stop improvements, highway improvements, waste, and library improvements, together with the provision of 10% affordable housing on site.

Planning Balance and Conclusion

155. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. For these reasons, not only would the scheme accord with the development plan as a whole, but the balance of material considerations also weighs in its favour. Consequently, it is recommended that the Planning Committee support the resolution to grant planning permission, subject to conditions.

156. The principle of the development of this allocated site is acceptable subject to conditions. Notwithstanding the submitted illustrative layout and planning statement, matters of internal layout and details, together with the impact of adjacent residential amenity, will be considered fully at the reserved matters stage.
157. Discussions have taken place in an attempt to resolve issues raised by interested parties, which has resulted in the submission of additional information. Negotiations have been undertaken in relation to securing appropriate levels of planning obligation to mitigate impacts of the proposal. This has ultimately resulted in a favourable recommendation to the Planning Committee.

RECOMMENDATION

It is RECOMMENDED that the Director of Development and Economic Growth is authorised to grant planning permission subject to the prior signing of a Section 106 agreement and the following condition(s), which the Director of Development and Economic Growth is also authorised to amend to correct any matters that do go to the heart of the condition.

- 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 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 pilling 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/treeshedgesandlandscaping/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 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 bridleway 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 bridleway 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 bridleway 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 occupied until the vehicle access onto Colston Gate has been provided as shown on the drawing entitled 'Illustrative Masterplan', drawing no. 122 rev. C' has been provided 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.

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

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WORK IN PROGRESS DOCUMENT – may be subject to change.

Item/Policy	Detail/requirement	Developer proposes	RBC comment	Trigger sought by consultees
Primary School Contribution	A development of up to 210 dwellings on this site and the neighbouring allocation of up to 235 dwellings would generate a requirement for an additional 77 places at £17,613 per place towards the current deficiency in primary places available in the planning area. However, this site would only generate a need for 19 additional spaces based on 90 dwellings. This site, along with other sites which are proposed for allocation in the Local Plan, mean that	Accept the principle and the proposed pro-rate breakdown suggested by the County Council	Pro-rata approach seems fairest allocation of the existing capacity in the system and therefore officers agree with the approach adopted by the County Council.	TBC

	<p>additional education provision will be required, either through extensions to existing provision. No feasibility study has been undertaken to understand the scope to expand provision at Candleby Lane School and it is not expected that additional provision can be delivered at Cotgrave CofE School. It is therefore requested that the Section 106 Agreements provide sufficient flexibility to enable the County Council to expend the contributions at another local primary school outside of the Cotgrave Planning Area if subsequent feasibility studies demonstrate that expansion of the Cotgrave Schools is unviable.</p>			
<p>Secondary School Provision</p>	<p>In relation to Secondary Education, they advise that the two allocated sites would generate a need for an additional 70 new</p>		<p>Agreed that this request is covered by the Authority's Community Infrastructure Policy (CIL).</p>	

	secondary places and there is a deficiency in places available. As a result, the County Council would be seeking a total contribution across the two allocations of £1,697,570 (70 x £24,251 per place).			
A52 Improvements Contribution	Highways England state that they take responsibility for delivering infrastructure improvements required to support growth on the A52, whilst seeking appropriate local contributions proportional to the scale of impact through a developer contribution strategy. This approach is supported in Rushcliffe Core Strategy Policy 18. As part of the contribution strategy for this proposed development a sum of £955.82 per-dwelling basis has been identified by Highways England in consultation with Rushcliffe Borough Council. This will be required by way of developer contributions.	Agrees to the principle of the request	The requested contributions from Highways England accord with the A52/A606 Improvement Package Developer Contributions Strategy Memorandum of Understanding and Policy 18 Rushcliffe Core Strategy. The applicant has agreed to provide them on a pro rata basis and the timing of the payment need to be considered and confirmed as part of the S106A discussions.	<ul style="list-style-type: none"> • 20% of the A52 Improvements Contribution on first occupation • 80% of the A52 Improvements Contribution prior to Occupation of 75% of the Dwellings and not to allow Occupation of more than 75% of the Dwellings

Highway Improvements	A contribution (TBC) towards 30% of the cost of improving the A606 Melton Road/Cotgrave Road junction	Matter is being considered	Officers note the impact is arising in part from this, and the other developments proposed on the allocations within Cotgrave and that any improvement works to this junction do not appear to be covered by the MoU.	TBC
Bus Service Support	NCC Transport & Travel Services request that a bus service contribution of £300,000 is paid to provide improvements to the local bus services to serve the combined sites. The contribution should be shared pro-rata between all applications that form part of the Cotgrave Local Plan Policy 2.1 and 2.2 sites, which together comprise 445 dwellings. The pro-rata contribution requested for this site is therefore approximately £60,674		Officers note that the pro-rata break down is not provided and that none of the other sites on the south of Hollygate Lane (or the site to the north) have had a Bus Service Support request made against them. NCC to clarify the position.	
School Bus Service Support	The County Council request that a school transport contribution of £140,000 is		Officers note that the pro-rata break down is not provided and that none of the other	

	<p>paid to provide statutory school transport to serve the development. The contribution should be shared pro-rata between all applications that form part of the Cotgrave Local Plan Policy 2.1 and 2.2 sites, which together comprise 445 dwellings. The pro-rata contribution requested for this site is therefore approximately £28,315.</p>		<p>sites on the south of Hollygate Lane (or the site to the north) have had a Bus Service Support request made against them. NCC to clarify the position.</p>	
<p>The Bus Stop Improvements Contribution</p>	<p>If current bus routes are to be maintained i.e. no spine road through the site: The County Council will request that a Planning Obligation be added to state the below: A Bus Stop Infrastructure contribution of £38,800 is paid to provide improvements to the two bus stops RU0417 and RU0418 on Colston Gate, and shall include: RU0417 Colston Gate – Install additional hardstand, real time bus stop pole &</p>		<p>This is a duplicate of the request made for application ref 20/02508/OUT and 21/00231/OUT for the improvements to RU0417 and RU0148 – therefore clarification should be sought as the contribution cannot be made against three separate applications unless it is to be split across the site?</p>	<p>TBC</p>

	<p>displays including associated electrical connections, polycarbonate bus shelter including lighting and bus stop clearway markings. RU0418 Colston Gate – Install real time bus stop pole & displays including associated electrical connections, replacement polycarbonate bus shelter including lighting and bus stop clearway markings. Note: Some of the improvements included as part of the requested Bus Stop Infrastructure Planning Obligation have also been requested as part of the planning response for planning site ref. 21/00231/OUT. If both sites are approved, it will be necessary to include provisions for the requirements to be shared. Or, if bus routes are to be diverted through the site View our privacy notice at</p>			
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	<p>www.nottinghamshire.gov.uk/privacy Nottinghamshire County Council, County Hall, West Bridgford, Nottingham NG2 7QP Any planning permission be subject to the following Planning Condition: No part of the development hereby permitted shall be brought into use unless or until bus stops have been installed on the spine road to the satisfaction of the Local Planning Authority, and shall include at each stop: Real time bus stop pole & displays including associated electrical connections, polycarbonate bus shelter including lighting, raised boarding kerbs and bus stop clearway markings. Should all bus services operate through the site then this condition should also include the removal of bus stops RU0417 and RU0418. This will need to</p>			
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	be decided at the earliest opportunity and with agreement from bus operators			
Waste Collection	No request made, but officers note that for the site on the north of Hollygate Lane as contribution of 68.13 per dwelling was sought.		Clarification should be sought from NCC re the need for a waste contribution.	
Sustainable Travel Contribution	None sought as part of this application; however, a travel plan is requested to be conditional on the grant of ant permission. However, the application on the North side of Hollygate Lane attracted a contribution request of £36,000 towards sustainable travel which may include, but not exclusively, the use of taster tickets for travel on public transport.		Clarification should be sought from NCC re the need for a sustainable travel contribution.	
Affordable Housing	Core Strategy Policy 8 requires 10% affordable housing:		The applicant has agreed in principle of providing 11% of affordable housing which is a 1% over provision when	Provide details of affordable housing in an affordable housing scheme as part of the S106A which would

	<p>42% should be intermediate housing, 39% should be affordable rent and 19% should be social rent. Table of the breakdown on house types also provided in the comments from the affordable housing officer.</p> <p>Since applications are being determined post the March transition agreement then First Homes will also need to be applied.</p>		<p>assessed against Core Strategy Policy 8. As part of the S106A.</p> <p>The details of securing the affordable housing scheme would be included as part of the S106A. It is agreed that an affordable housing scheme could provide the necessary details of tenure mix, dwelling (size mix) details of the location, and the affordable housing provider. However, the timing of this agreed to be agreed but it would be expected prior to the commencement of development on the site or as part of the reserved matters application once the layout and design is considered.</p>	<p>include details of tenure mix, dwelling (size mix) details of the location, and the affordable housing provider.</p>
<p>NHS Hospitals Trust</p>	<p>A contribution of £77,552.00 was requested to cover the cost to the NHS of emergency admissions</p>		<p>The site is allocated in the Local Plan Part 2 and as such the population growth and impacts on the NHS have long been known. The NHS therefore should have</p>	<p>N/A</p>

	<p>generated by this level of housing.</p> <p>A development of 90 dwellings equates to 217.8 new residents (based on the current assumption of 2.42 people per dwelling as adopted by relevant council Council's Education team). Using existing 2016 demographic data as detailed in the calculations in Appendix 2 will generate 291 acute interventions over the period of 12 months.</p> <p>Emergency admissions: For the 22 emergency admissions, representing 10% of the residents, the Trust will have no method of recovering the 80% of tariff needed to invest in the stepped change needed for services. Formula: Emergency admissions - Development Population x Average Emergency Admission Activity Rate</p>		<p>planned for this level of population growth in the local area. Therefore, the request is not considered to be justified in this instance.</p>	
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	<p>per Head of Population x Average Emergency Tariff x 80% Cost per Emergency Admission Activity = Developer Contribution.</p> <p>Premium Costs:</p> <p>For all the 291 anticipated hospital-based interventions, the Trust will have no method of recovering the additional Premium Costs needed to ensure the level of service required. Formula: Development Population x Average Admission Activity Rate per Head of Population x Average Tariff x proportion of Trust staff cost of total cost (58%) x NHSI Agency Premium Cap (55%) = Developer Contribution.</p>			
<p>Open Space</p>	<p>The Rushcliffe Playing Pitch Strategy 2017 identifies a current shortfall of pitch provision that this</p>	<p>Agrees to the principle of the requested provision being provided as indicated in the indicative masterplan.</p>	<p>As we are only considering the principle of development (and access) at this stage; the location, size and management of open space</p>	<p>TBC</p>

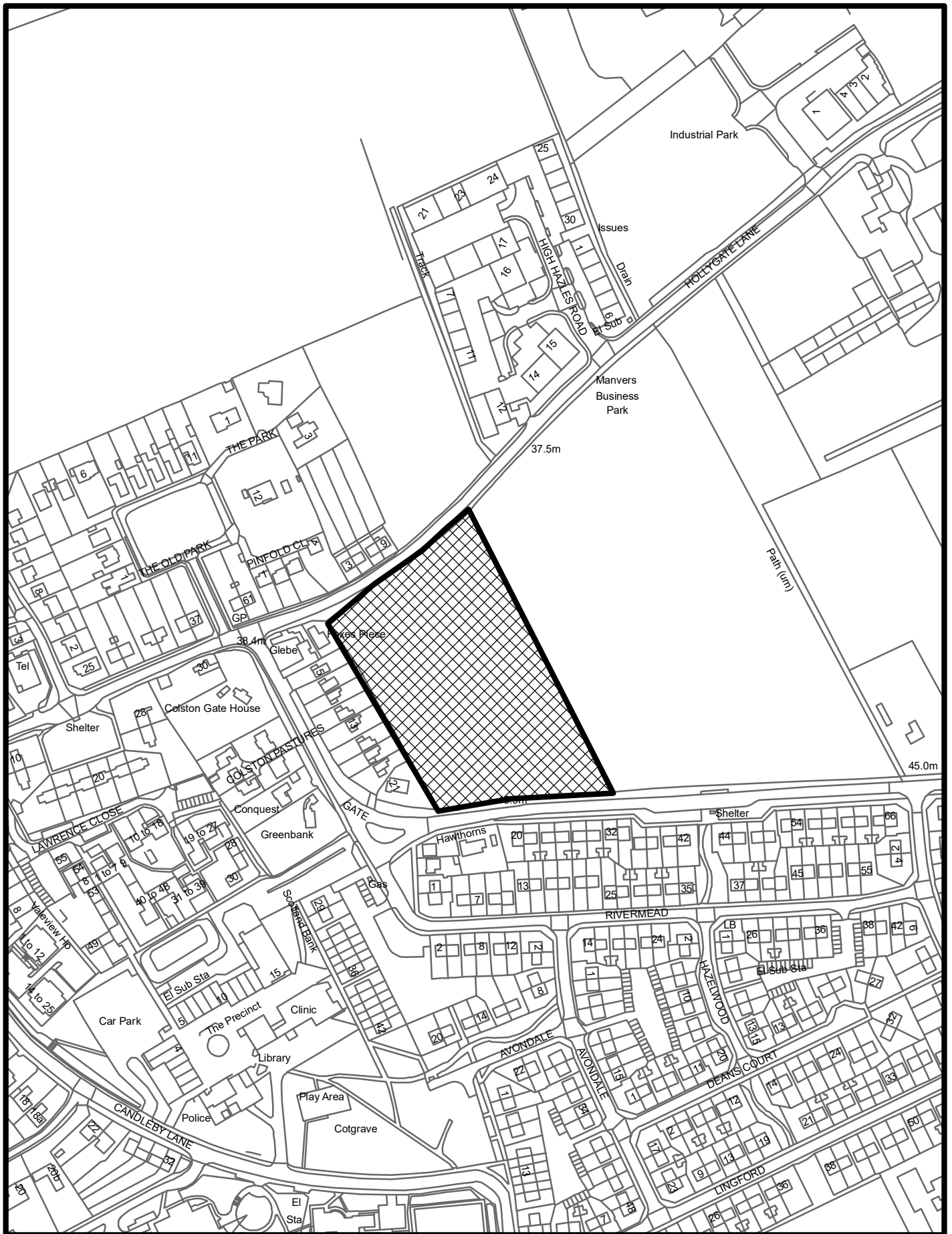
	<p>development would worsen. Based on 90 dwellings and an average of 2.3 residents per dwelling this equates to 207 new residents which will create additional demand which can't be met by existing provision. <u>Children's play</u></p> <p>For Children's play on site provision of equipped play space Local equipped area for Play (LEAP) equivalent of 0.25 hectares per 1,000 = 0.0517 hectares is required onsite (within the allocation area covered by the three applications). With regards the siting and location of the play area proposed I would draw attention to The Fields in Trust National Playing Fields Association General Design Principles Guidance (attached). 6.1.9 states that play areas should be sited in open, welcoming</p>		<p>within the site cannot be considered in detail. The applicant has agreed to the provision of open space within the site and for details to be provided as part of an Open Space Scheme. The details of it can be secured by the S106A and considered in detail at the reserved matters stage.</p> <p>Also, with the allocation comprising three separate planning applications (and legal agreements) a mechanism to ensure that one site is provided on the allocation will be required.</p>	
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	<p>locations and visible from nearby dwelling or well used pedestrian routes.</p> <p><u>Unequipped play/ amenity public open</u></p> <p>Unequipped play/ amenity public open space equivalent for unequipped children's play/ amenity open space provision as a new site we would expect on site provision of unequipped play space of at least 0.55= 0.1138 hectares is required (onsite).</p> <p><u>Sports and Leisure provision</u></p> <p>This development will be liable for a Community Infrastructure Levy (CIL) for sports and leisure provision <u>Allotments</u></p> <p>The Rushcliffe Borough Council Leisure Facilities Strategy 2017-2027 requires 0.4 hectares of</p>			
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	provision for allotments per 1,000 population on-site (i.e., within the allocation covered by the three applications). Cotgrave town Council are 98% occupied but and operating a waiting list so 0.0828 hectares is required (onsite).			
Monitoring Fee	S106 monitoring costs of £273 per principal obligation X by the number of years over which monitoring will be required.	Agrees to the principle of proving a monitoring fee but the actual amount is TBA	The approach is accepted but the actual overall monitoring fee shall be agreed with the applicant prior to the conclusion of the S106A.	Prior to Commencement of Development to pay to the Borough Council the Monitoring Fee Not to Commence Development until the Monitoring Fee has been paid to the Borough Council.
Indexation	All financial contributions subject to indexation using Retail Price Index or the BCIS All-in Tender Price Index as appropriate	TBA	TBA	TBA
Legal Costs	With all Sect 106 agreements, the applicant is required to pay the Council's legal fees. In this	TBC	Required to complete agreement.	To be paid on completion of agreement.

	instance these would be £2,000.			
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Application Number: 20/00231/OUT
Land south & east of Hollygate Lane Cotgrave



scale 1:3000

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21/00231/OUT

Applicant Mr Oscar Briggs

Location Land South and East of Hollygate Lane, Cotgrave, Nottinghamshire

Proposal Outline planning application for up to 45 dwellings with all matters reserved other than access / means of access.

Ward Cotgrave

Full details of the proposal can be found [here](#).

THE SITE AND SURROUNDINGS

1. Cotgrave is a large settlement to the east of Nottingham City and within the Borough of Rushcliffe. It is identified within Policy 3 of the Rushcliffe Publication Core Strategy as a key settlement for growth.
2. The application site comprises an open agricultural arable field of approximately 1.57 hectares and is located on the southern side of Hollygate Lane on the north eastern edge of town. The site comprises existing landscape features along its boundaries including hedgerows and some trees. The application site forms part of a wider allocation under Policy 2.2. It should be noted that the allocated site has been master planned as a whole. The site gradually rises up to Colston Gate south) from Hollygate Lane (north) with its lowest point at its north-eastern corner, where it meets Hollygate Lane.
3. Land to the east of the site also forms part of the residential allocation under Policy 2.2. Land to the west currently comprises existing residential development fronting onto Colston Gate.
4. The parcel of land to the east that forms part of the allocated site and is the subject of an outline planning application under application reference: 21/01203/OUT submitted by Taylor Wimpey for up to 90 dwellings. That site currently comprises agricultural grassland. Beyond the Taylor Wimpey application site is the final part of the allocation site subject of an application (ref 20/02508/OUT) submitted by Barratt David Wilson for up to 100 dwellings. That site currently comprises a residential property, two sets of buildings, groups of trees, grazing land and greyhound racing and equestrian facilities.
5. To the south of the Application Site is Colston Gate, with residential dwellings opposite fronting Colston Gate. The junction of Colston Gate with Rivermead is located opposite the south-western corner of the site.
6. To the north is Hollygate Lane, with residential properties facing the site. Next to the existing dwellings is the agricultural field that forms the proposed entrance to the land that is also identified as a residential allocation in the

Local Plan Part 2 under Policy 2.1 'Housing Allocation – Land rear of Mill Lane/The Old Park, Cotgrave' for around 180 homes.

DETAILS OF THE PROPOSAL

7. The application seeks outline planning permission for up to 45 dwellings on the site with associated infrastructure, and surface water attenuation / balancing ponds.
8. All matters reserved for future consideration except for the single access point, off Colston Gate. This means consideration of this application is therefore limited to the principle of development, and whether or not the proposed means of access and water attenuation proposals are acceptable.
9. The site is allocated for residential development in the Adopted Rushcliffe Local Plan Part 2, Policy 2.2 – Land South of Hollygate Lane, and identifies the site for around 190 homes.
10. The submitted Composite Development Framework Plan provides a design framework for the Policy 2.2 allocation as a whole. A site-specific indicative layout has also been submitted showing how the 45 dwellings could be laid out with the balancing pond (attenuation facility) located at the northern edge of the site alongside Hollygate Lane and this forms an integral component of the overall drainage scheme.
11. The application site comprises one (unequal) third of the strategic allocation for residential development under Policy 2.2 in the Local Plan, Part 2. This application is for the western most “third” of the allocation site.
12. The submission states that the scheme would incorporate a mix of house types and sizes ranging from 2 to 4 bed houses incorporating semi-detached and detached dwellings. For the avoidance of doubt, the document does not confirm the proposed layout at this stage as it would be considered as part of a future reserved matters application should this application be approved.
13. The application does propose that affordable housing would be provided consistent with Policy 8: Housing Size, Mix and Choice of the Rushcliffe Local Plan Part 1: Rushcliffe Core Strategy (Dec 2014) at 11%. The overall net density of development proposed is approximately 29 dwellings per hectare.
14. The application is supported by a number of specialist reports including, but not limited to, a Design and Access Statement, Health Impact Assessment, Phase 1 Ground Investigation, Archaeological Assessment, Reptile Survey, Ecology Update, Travel Plan, Flood Risk Assessment and a Noise Assessment.
15. The applicant has provided a Heads of Terms document and separate confirmation that they are agreeable with all requested developer conditions and are agreeable to entering into a S106 Agreement to secure them.
16. The remaining two “thirds” of the allocation are subject to separate planning applications that are also on this agenda for consideration.

SITE HISTORY

17. The site has no recent planning history.

REPRESENTATIONS

Ward Councillor(s)

18. One Ward Councillor (Cllr Butler) does not object to the proposal but makes comments about the proposed mitigation measures for the entire allocation needing to be implemented prior to the proposed housing being built and occupied.
19. One Ward Councillor (Cllr Healy) does not object to the proposal and echoes Cllr Butlers comments.

Town/Parish Council

20. Cotgrave Town Council does not object but comment that they would consider of S106 leisure contributions to be spent on the play park at Grassmere to be considered to extend and improve that facility.

Statutory and Other Consultees

21. National Highways do not object to the proposal subject to conditions being attached to the grant of permission requiring contributions towards the A52 improvements are per the Memorandum of Understanding (MoU).
22. The NHS Clinical Commissioning Group (CCG) request Section 106 (S106) contributions for Primary Health Care from this development. Officers however note that Primary Health Contributions are covered by the Community Infrastructure Levy (CIL) and therefore not through the S106 process.
23. The Canal and Rivers Trust have no comment to make on the proposal.
24. The Trent Valley Internal Drainage Board (TVIDB) does not object to the proposal.
25. Severn Trent Water do not object to the proposal subject to conditions being attached to any grant of permission.
26. The NHS makes requests for s106 contributions towards the delivery of healthcare services in hospitals.
27. Pedals object to the proposal due to the lack of consideration towards alternative modes of transport, namely cycles.

Nottinghamshire County Council comments:

28. Highway Authority initially raised objections to the proposed mitigation measures proposed. Following the submission of revised information, they

do not object to the proposal subject to conditions being attached to any grant of permission.

29. Lead Local Flood Authority (LLFA) do not object to the proposal subject to conditions being attached to any grant of permission.
30. Strategic Planning make obligation requests towards transport and travel services, bus service support, education, bus stops and sustainable travel.
31. Community Liaison Officer for Heritage initially requested additional information be provided which was provided and the Heritage Officer now confirms that they have no further comments or advice to offer.

The Borough Council comments:

32. Planning Contributions Officer advised on the CIL liability for the development can only be calculated once Reserved Matters approval (confirming the quantum of development) has been submitted.
33. Environmental Sustainability Officer (ESO) does not object to the proposal subject to conditions being attached to any grant of permission.
34. Strategic Housing Officer (affordable housing) does not object to the proposal.
35. Community Development Manager has commented that the proposal would generate a need for on-site children's play provision, unequipped play/amenity public open space and allotments that should be secured through Section 106 contributions.
36. Design and Landscape Officer does not object to the proposal but comments that consideration will need to be given to trees on the site that form Group 4 (G4).
37. Conservation Officer does not object to the proposal.
38. Environmental Health Officer does not object to the proposal subject to conditions being attached to any grant of permission.

Local Residents and the General Public

39. A total of eight (8) representation have been received, four (4) objecting to the proposal citing the following:
 - a) Highway safety concerns regarding the additional traffic flow
 - b) Concerns re the dangerous Colston Gate junction
 - c) Cotgrave needs more than 10% affordable housing
 - d) Facilities are needed on the site e.g., pub/restaurant
 - e) Traffic speeding in the area
 - f) Flooding
 - g) Concerns about people walking/moving through the site
 - h) Impact on existing services e.g., Doctors, shops, and schools
 - i) Concerns about overflow parking in the area.
40. Four (4) neutral response were received making the following comments:

- a) Possibility of Flooding in the area
- b) Pedestrian safety should be considered as it is a difficult area to cross the road in.
- c) Highway safety concerns with the increase in traffic.
- d) Impact on services in Cotgrave
- e) Privacy concerns
- f) There are no details of the proposed layout/ house types etc
- g) The gardens are too small
- h) Issues with Management Companies
- i) Concerns that the development will cause congestion on roads
- j) Concerns regarding the impacts on services and facilities e.g., Drs, schools, in the town.
- k) The cumulative impacts of the proposals need to be considered.

41. Full details of the representations received can be found [here](#).

PLANNING POLICY

42. The Development Plan for Rushcliffe consists of the adopted Rushcliffe Local Plan Part 1: Core Strategy (December 2014) (LPP1) and the Rushcliffe Local Plan Part 2: Land and Planning Policies - adopted October 2019 (LPP2). Other material considerations include the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG) and the Rushcliffe Residential Design Guide 2009.

43. The full text of the policies is available on the Council's website at: <https://www.rushcliffe.gov.uk/planningpolicy/>

Relevant National Planning Policies and Guidance

44. The National Planning Policy Framework (NPPF) includes a presumption in favour of sustainable development. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area. In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development. There are three dimensions to sustainable development, economic, social and environmental.

45. The relevant paragraphs of the NPPF are:

- Paragraph 11
- Paragraph 68
- Paragraph 92
- Paragraph 93
- Paragraph 100
- Paragraph 110
- Paragraph 126
- Paragraph 130 and
- Paragraph 167.

46. Full details of the NPPF can be found [here](#).

Relevant Local Planning Policies and Guidance

47. The Rushcliffe Local Plan Part 1: Core Strategy was formally adopted in December 2014. It sets out the overarching spatial vision for the development of the Borough to 2028.
48. The following policies in the Rushcliffe Local Plan Part 1: Core Strategy are also relevant:
- Policy 1 - Presumption in Favour of Sustainable Development
 - Policy 2 - Climate Change
 - Policy 3 - Spatial Strategy
 - Policy 8 - Housing Size, Mix and Choice
 - Policy 10 - Design and Enhancing Local Identity
 - Policy 11 - Heritage Environment
 - Policy 14 – Managing Travel Demand
 - Policy 15 – Transport Infrastructure Priorities
 - Policy 16 - Green Infrastructure, Landscape, Parks and Open Spaces
 - Policy 17 - Biodiversity
 - Policy 18 - Infrastructure
 - Policy 19 - Developer Contributions
49. Full text of the above Policies can be found [here](#).
50. The Local Plan Part 2: Land and Planning Policies (LLP2) was adopted in October 2019 and the following policies in LPP2 are also considered material to the consideration of this application:
- Policy 1 -Development Requirement
 - Policy 2.2 - Housing Allocation – Land south of Hollygate Lane, Cotgrave
 - Policy 12 - Housing Standards
 - Policy 17 - Managing Flood Risk
 - Policy 18 - Surface Water Management
 - Policy 28 - Considering and Enhancing Heritage Assets
 - Policy 29 - Development Affecting Archaeological Sites
 - Policy 32 - Recreational Open Space
 - Policy 35 – Green Infrastructure Network and Urban Fringe
 - Policy 37 - Trees and Woodland
 - Policy 38 - Non-Designated Biodiversity Assets and the Wider Ecological Network
 - Policy 39 - Health Impacts of Development
 - Policy 40 - Pollution and Land Contamination
 - Policy 41 - Air Quality
 - Policy 43 - Planning Obligations Threshold
51. Full text of the above Policies can be found [here](#).
52. Consideration should also be given to other Borough Council Strategies including the Sustainable Community Strategy, Leisure Strategy, Nature Conservation Strategy and the Borough Council's Corporate Priorities.

53. Conservation of Habitat and Species Regulations 2017, and the Wildlife and Countryside Act (as amended) 1981 - These regulations/legislations contain certain prohibitions against activities affecting European Protected Species, such as bats. These include prohibitions against the deliberate capturing, killing or disturbance and against the damage or destruction of a breeding site or resting place of such an animal. The Habitats Directive and Regulations provide for the derogation from these prohibitions in certain circumstances. Natural England is the body primarily responsible for enforcing these prohibitions and is responsible for a separate licensing regime that allows what would otherwise be an unlawful act to be carried out lawfully.
54. The Council as Local Planning Authority is obliged in considering whether to grant planning permission to have regard to the requirements of the Habitats Directive and Habitats Regulations in so far as they may be affected by the grant of permission. Where the prohibitions in the Regulations will be offended (for example where European Protected Species will be disturbed by the development) then the Council is obliged to consider the likelihood of a licence being subsequently issued by Natural England and the "three tests" under the Regulations being satisfied. Natural England will grant a licence where the following three tests are met:
- a. There are "imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment"
 - b. There is no satisfactory alternative; and
 - c. The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.
55. The Supreme Court has clarified that it could not see why planning permission should not ordinarily be granted unless it is concluded that the proposed development is unlikely to be issued a license by Natural England.
56. Natural Environment and Rural Communities Act 2006 at Section 40 states that *"every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity."* Section 40(3) of the same Act also states that *"conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat."*
57. Planning for Growth (Ministerial Statement 2011) emphasises the priority for planning to support sustainable economic growth except where this compromises key sustainable development principles. The range of benefits of proposals to provide more robust and viable communities should be considered and appropriate weight should be given to economic recovery.
58. The Community Infrastructure Levy Regulations 2010 (As amended) places the Government's policy tests on the use of planning obligations into law.

59. Equality Act 2010 - Under S149 of the Act all public bodies are required in exercising their functions to eliminate discrimination, advance equality of opportunity and foster good relation.
60. Design Council Building for Life 12 - This assessment sets 12 criteria to measure the suitability of schemes and their locations in relation to design, layout, sustainability criteria, adaptability and effect of existing local character and reduction of crime, amongst other things.
61. Environmental Impact Assessment Regulations – This is an outline planning application for the development of up to 45 dwellings and supporting infrastructure. However, the allocation as a whole, if approved would deliver up to 235 dwellings on the site. The allocation as a whole was screened under the Environmental Impact Assessment Regulations 2018. The screening opinion concluded that the proposal is not considered to constitute EIA development and that matters could be adequately considered by way of general development management considerations as part of the determination of the application(s). It should be noted that the screening opinion only relates to the EIA regulations and does not imply any likely outcome of the planning application.

APPRAISAL

62. The planning process in England is underpinned by planning law requiring all applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. The Framework (NPPF) does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise.
63. Paragraph 7 of The Framework confirms that the purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives which are economic, social and environmental and Paragraph 8 says that the roles performed by the planning system in this regard should not be undertaken in isolation, because they are mutually dependent. It goes on to say that, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system, which should play an active role in guiding development to sustainable solutions.
64. Consideration of this outline application is limited to whether or not the principle of developing up to 45 dwellings (of the around 190 indicated by Policy 2.2 of LPP2) on the site together with whether the proposed means of access and drainage strategy are appropriate.
65. Any objections to the proposals on the basis that it forms part of the Green Belt are unfounded given that the site has been allocated for housing in the Development Plan for Rushcliffe. The release of Green Belt land was considered in detail as part of the plan-making process for the Local Plan Part 2: Land and Planning Policies. There is no requirement to demonstrate

any “very special circumstances” exist to justify development of housing or employment uses on the site.

Principle of Development

66. Policy 2.2 states that the area shown on the policies map is identified as an allocation for “around” 190 homes subject to a number of requirements set out in the policy document. Part of the assessment of the application is to determine whether that quantum of development proposed is acceptable on this site or not. Nevertheless, officers note that Policy 2.2 does not seek to place an upper limit on the number of dwellings on this site as it does not state a maximum of 190 dwellings.
67. Members will also note that two other, separate planning applications, also seeking outline permission for the remaining two-thirds of the allocation site are on the agenda papers for consideration. The total quantum of development proposed across the whole site would be up to 235 dwellings. Whilst there are three separate planning “applications”, as this is one “allocation” site, in this instance Members must be mindful of the whole allocation, rather than considering each application purely in isolation.
68. The Planning Inspector, as part of the Local Plan Inquiry and ultimately the adoption of the Plan that allocates this site for development accepted the site's relationship to the town. Nevertheless, it is the determination of this application that assesses matters such as the walking distances to the village, the impacts on wildlife, ecology, as well as on the village's character and appearance, albeit in principle, for a quantum of up to 45 dwellings on the western most part of the allocation.
69. Officers are satisfied that the principle of dwellings on this site has already been established. Furthermore, officers are also satisfied that although up to 235 is greater than 190 homes, it is broadly “around” that figure. Whilst the application is for outline permission, with only matters of access to be considered, Members of the Committee need to be satisfied that the site could accommodate up to 235 dwellings without having unacceptable impacts on matters such as ecology, the landscape, public and neighbour's amenity and any other material consideration, not just the impacts of the new access to serve the eastern most part of the allocation on highway safety. . If these 45 dwellings have any significant impact on the amenities/services in the settlement and the highway network, it must be considered whether those impacts can be adequately mitigated through either planning conditions or S106/CIL contributions if appropriate. As such the above areas will be explored in the report below.
70. In summary, this is an allocated site contained within the Borough Council's Local Plan, therefore the development of the site in principle has been established in policy terms by the Borough Council. There have been no changes to national policy since the allocation of the site in relation to flood risk policy or access. As such, the principle of development of this site for housing use (as proposed) would accord with the development plan when read as a whole.

Flooding and Drainage

71. Criterion c) of Policy 2 of the Core Strategy and policy 17 of Local Plan Part 2; together with paragraph 167 of the NPPF are of relevance. These policies broadly echo paragraph 167 of the NPPF which states “*when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that: a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location; b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment; c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate; d) any residual risk can be safely managed; and e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.*”
72. The application site is shown on the Environment Agency’s online Flood Map as being largely within Flood Zone 1, that is land with a low probability of flooding. Officers note that “layout” is a reserved matter, nevertheless, the indicative layout shows that the built development could be contained entirely within Floodzone 1.
73. The site has already been allocated in the Local Plan and therefore is not subject to the Sequential or Exception (flood) test in terms of assessing other locations that may be more suitable for housing. A Flood Risk and Drainage Assessment (FRA) formed part of the submission.
74. The FRA concludes that “the proposed development site is location within Flood Zone 1 and is at a low risk of flooding from all other sources. The proposed development’s vulnerability classification is compatible with the Flood Zone therefore the development is appropriate.” It also states management measures to address surface water, such as SUDs features, the use of a hydrobrake to control flow, online detention basins and the use of permeable paving for driveways. Foul water management is proposed to be discharged to the adopted sewer located in Hollygate Lane.
75. The principle element of the flood risk management strategy at the site is avoidance of flood risk. To enable this, the development is arranged so that the built development is outside of Flood Zones 2 and 3, i.e., located within Flood Zone 1.
76. Nottinghamshire County Council as the Lead Local Flood Authority (LLFA) has also reviewed the application and have no objection to the proposals subject to a condition requiring 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 and needs to include Evidence of how the on-site surface water

drainage systems shall be maintained and managed after completion and for the lifetime of the development.

77. Similarly, Severn Trent Water do not object to the proposals in principle but recommend conditions relating to the submission of a drainage strategy that should be submitted to and approved in writing by the Local Planning Authority in consultation with them.
78. In conclusion, based on the information provided, and the specialist advice given from statutory consultees, it is considered that the proposals to construct up to 45 dwellings on the site would not increase flood risk elsewhere and would include mitigation measures (as far as possibly can be considered in this outline application) which protect the site and manage any residual flood risk. As such the development therefore complies Criterion c) of Policy 2 of the Core Strategy, Policy 17 of Local Plan Part 2, together with paragraph 167 of the NPPF.

Access and Highway Safety

79. Access is a reserved matter being considered as part of the determination of this application. The site would be served by a single point of access, off Colston Gate.
80. The application has been accompanied by a number of technical reports that have been reviewed by the Highway Authority. Initially concerns about the delivery of the main access onto/off of Hollygate Lane, via a four-arm roundabout, to the neighbouring development through the middle third of the allocation potentially being constrained by the applicants of this site were addressed by relocating the proposed roundabout access further to the north-east. This application is served by its own vehicular access onto Colston Gate.
81. The relocation of the access roundabout required land to the frontage of the neighbouring business park (on the northern side of Hollygate Lane). That land is currently owned by the Borough Council. The application is therefore before Members for your consideration to be open and transparent in the determination of the planning applications on or requiring Council owned land.
82. The Highway Authority have reviewed the revised access arrangements and advised that the revised Transport Assessment (TA) included the proposed relocation of the roundabout arrangement onto Hollygate Lane. There were also amendments proposed for the Hollygate Lane/Colston Gate junction, the Main Road/Bingham Road/Plumtree Road priority-controlled simple T-junction which is proposed to be altered to a mini-roundabout.

A606 / Cotgrave Road Traffic Signals

83. The modelling contained within the TA suggests that this junction would be significantly over capacity in the 2024 with development scenario. However, the TA suggested that the impact of the development is not severe as the average queue length is only lengthened by 14 passenger car units (PCU's). The Highway Authority highlighted that this represents add additional 70m added to the end of the existing queues and the additional traffic results in a

25% increase in delay across the junction. As such the Highway Authority advised that this is not considered insignificant.

84. The Highway Authority also advised of concerns with some of the data in the traffic modelling requesting this be corrected/updated to fully understand the impact of the proposal on this junction.
85. It was also stated that there currently is scheme being proposed by National Highways to improve this junction this seeks to widen the A606 north and south. Depending on the outcome of the requested revised modelling, the Highway Authority advised that it may be that financial contribution towards these works could be sought from this development and others within the allocation in lieu of a physical improvement.

Roundabout on Hollygate Lane

86. The Highway Authority advised that they are now broadly satisfied with the provision and design of the roundabout to serve the development. If there are any minor amendments required, then details could be agreed upon during the technical approval process as part of a section 278 agreement of the Highways Act. In view of this, the Highway Authority has no objections in principle to the proposed roundabout arrangements.

Change of priority at Bingham Road/Hollygate Lane/Colston Gate

87. The Highway Authority has no objections in principle to the amending the junction arrangements, however they did raise a few issues with the design. These related to the width of the footway on the northern side of Hollygate Lane, and the reduction in the width of the carriageway. Alterations were suggested by the Highway authority who also raised concerns regarding the provision of a footway along its site frontage to the southern side of Hollygate Lane within the Manor Oak proposal.

Main Road/Bingham Road/Plumtree Road mini roundabout

88. The following comments were made by the County Council's Road Safety Department on the design of the mini roundabout:
89. *'The proposal results in the loss of a pedestrian route across the mouth of the Plumtree Road; can't a splitter island be fitted there, which would be good to mount signs on and help pedestrians? There's another refuge further into the side road but pedestrians may choose to cross closer to their desire-line effectively within the junction which is hazardous.'*
90. *'There's no deflection on the eastbound, and no splitter island either, so the junction is really likely to lack definition. I think we could accept the lack of deflection if there was a splitter with signs on, which would also be a benefit to pedestrians. That approach could be made "give-way" but really does need the splitter island to give it some weight.'*
91. *'Access into minor side road by the church; this could be kerbed-across with footway to improve the situation for pedestrians.'*

92. The Highway authority therefore requested that the developers amend the design of the mini roundabout accordingly.

Stragglethorpe Road / Hollygate Lane

93. The Highway Authority advised that this junction is consistently problematic for accidents, and none of the recent/proposed developments have seemingly taken any steps to address this. Data contained within the TA shows there have been a total of six accidents, including two serious in the study period.
94. The accident data provided implies that there is an issue with this junction in terms of safety. The two serious accidents which have occurred have been associated vehicles turning right out of the Hollygate Lane across the path of vehicles travelling along Stragglethorpe Road. Three other accidents have also involved vehicles turning right out of the Hollygate Lane.
95. Whilst the TA suggests that traffic from the development routing through this junction would be low, the Highway Authority highlighted that it is not just the traffic impact of this application but also that other developments allocated under policies 2.1 and 2.2 of the local plan that needed to be considered. Once the impact of these developments is added then the impact is greater.
96. As a result, the Highway Authority questioned whether the impact of the development on this junction had been underestimated in terms of traffic numbers.
97. The above concerns were shared with the agents/applicants for all four planning applications across the two allocations due to the interconnectivity, combined impact and proposed mitigation ensuring acceptability, in planning terms, reflecting the NPPF and Rushcliffe Local Plan Parts 1 and 2. Subsequently further additional information was submitted seeking to address the above issues and the Highway Authority were again asked to review this.
98. The Highway Authority have reviewed the revised access arrangements and advised that they are now broadly satisfied with the amendments that have been made to the junctions at Colston Gate and Plumtree Road. Whilst the Highway authority are likely to require a couple of tweaks to the details of the works, they consider that they are minor details that could be agreed upon during the technical approval process as part of a section 278 agreements of the Highways Act, i.e., outside of the planning process.
99. The Highway Authority advise that they are satisfied with the applicant's response in relation to the impacts of the development on the Stragglethorpe Road junction and the justification for the suggested traffic distribution.

A606 Melton Road/ Cotgrave Road junction

100. Following consultation and discussions with the Traffic Signals Department, they have confirmed that the amended LINSIG (modelling) results do now include the correct values for the A606 Melton Road/ Cotgrave Road junction.

101. However, the Traffic Signals Department state that in most peak scenarios the junction is already over saturated and the forecast scenarios show that capacity would be further negatively affected going forward with the predicted uplifted flows and new development. In addition to this, the proposal has a significantly detrimental impact on the A606 Melton Road/Cotgrave Road junction in both the AM and PM peak periods compared to the future 2026 baseline.
102. Looking at the impacts of the junction, the Highway Authority advise that the developments in the Cotgrave Land Allocations is adding to queues by approximately 30%. In view of this, they requested that all developers in the land allocations contribute 30% between them to the overall cost of the scheme of mitigation measures that would need to take place at this junction. This figure should then be apportioned to each developer based on the number of dwellings each is constructing as part of the s106 agreements.
103. There has been a scheme that has been looked by the County Council to improve flows and capacity at this junction as well as other junctions in the vicinity on the A606. Costings on this scheme have been requested to determine a provisional cost for the works at the A606 Melton Road/Cotgrave Road junction and will be shared with the applicants.
104. Taking into account the above, the Highway Authority now has no objections to the proposal subject to the above s106 request and a number of conditions being attached to any grant of permission.
105. Officers are therefore satisfied that the proposal accords with the requirements of Policy 1 (Development Requirements) of the LPP2 which seeks to secure, amongst other things, a suitable means of access for all new developments without detriment to the amenity of adjacent properties or highway safety and the parking provision in accordance with the advice provided by the Highway Authority.

Landscape / Visual Amenity

106. As previously described, the site is currently undeveloped. The site is predominantly arable grassland including trees and hedgerows albeit on the edges of the proposal site.
107. Consideration has been given to the impact of the access arrangements, and the principle of developing the site for up to 45 dwellings on the visual amenity of the area. The application included an Arboricultural Assessment, a topographical survey, a Landscape Visual Impact Assessment (LVIA) along with a composite development framework for the whole site.
108. The Borough Council's Design and Landscape Officer has been consulted and advised that they don't have any comments at this stage. They do however state that consideration will need to be given to the trees in G4 (group 4). The proposed properties are outside of its root protection area so there should be no harm to the trees, but the canopies of the trees could dominate the gardens. The Design and Landscape Officer does also note that "*I suspect this is nothing that some liaising with the adjoining property owners and some sensitive pruning couldn't solve though.*"

109. The Design and Landscape officers' comments about the landscaping features on the site having the potential to overshadow the proposed gardens of any new dwellings are helpful, however with the exception of the landscaping in relation to the access, such matters are reserved for future consideration. The only matter for consideration at this time is the principle of development and the access arrangements, neither of which the Design and Landscape Officer objects to.
110. Nevertheless, the Design and Landscape Officers conclusions that the site would be to deliver a scheme of up to 45 dwellings whilst having an acceptable impact on the landscape, which can be mitigated by the use of appropriately worded conditions/design consideration, is welcomed.
111. The application is therefore considered to accord with the requirements of Policy 16 of the Rushcliffe Local Plan Part 1: Core Strategy and with Policies 1 (Development Requirements) and 37 (Trees and Woodland) of the Rushcliffe Local Plan Part 2: Land and Planning Policies which seeks to secure a suitable means of access for all new developments without detriment to the amenity of adjacent properties or highway safety and also avoid adverse impacts through the loss of trees on site.

Design and neighbouring amenity

112. It should be acknowledged that this application is for outline planning permission with appearance, landscaping, layout and scale reserved for subsequent approval. It is considered the application has demonstrated that the proposed development can be accommodated on the site and achieve high quality design and, therefore, is in accordance with the Framework. Careful consideration of layout and design will be given at the reserved matters application stage. It is considered that the proposed development can be designed to ensure that it would not result in any material overbearing, overlooking or overshadowing impact on neighbouring residential amenity due to the scale of the properties and their relationship with neighbouring dwellings. It is, therefore, considered that the indicative details and the information within the Planning Statement and Illustrative Masterplan would ensure that the amenity of neighbouring properties is not unduly and unacceptably affected.
113. Information has been submitted by the applicant to demonstrate that a development of up to 45 dwellings could be accommodated on the site and provide the gardens, car parking provision and general amenity space. Thus, it is considered that the application accords with Policy 10 of the Core Strategy, and the updated NPPF, which acknowledges at Section 12 (Achieving well designed places) that good design is a key aspect of sustainable development, and that acceptable standards of amenity will be maintained and achieved.
114. In respect of noise and disturbance, a noise assessment has been submitted to consider the potential impact of road traffic using Hollygate Lane adjacent to the northwest boundary and Colston Gate adjacent to the southeast boundary.
115. Ambient noise levels at the proposed site were monitored in September 2019, i.e., pre-pandemic and therefore not affected by lockdown or business

being forced to close/workers being forced to work from home.

116. The Noise Assessment concludes that the predominant noise source affecting the site was at all times was road traffic using the surrounding roads. The noise assessment shows that compliance with the adopted noise criteria can be achieved for garden areas which are on the site boundary with Colston Gate and gardens on the boundary with Hollygate Lane would require an acoustic fence or earth bund in order to control road traffic noise levels.
117. With regards to internal noise levels, the noise assessment shows that standard thermal double glazing would be adequate in controlling external noise levels in living rooms and bedrooms across the majority of the site, however for any bedroom windows located on the site boundary with Hollygate Lane, upgraded thermal double glazing would be required.
118. The noise assessment has also shown that with a partially open window, internal average noise levels in various habitable rooms exceed the adopted criteria and so an acoustic window frame-mounted trickle ventilator should be specified in order to supply background ventilation without the need to open windows in any future dwellings.
119. Subject to the incorporation of the suggested mitigation measures, the noise assessment concludes “...it is considered reasonable to suggest that the future internal amenity space will have noise levels which accord with the ‘No Observed Effect Level’ as detailed in the PPG.” It is therefore considered that with the implementation of the specified mitigation strategy, sound levels across the proposed development can be readily attenuated to achieve acceptable external and internal sound levels.
120. Nevertheless, officers are mindful that the layout of the site, orientation of any properties and separation distances are not yet known nor matters for consideration. Therefore, site appropriate mitigation measures, such as those identified in the noise assessment, would need to be confirmed at the detailed design stage.
121. The Borough Council’s Environmental Health Officer (EHO) agrees with the finding of noise assessment noting it recommends a sound insulation and glazing scheme for the proposed dwellings throughout the development. The required noise mitigation would depend on the design, orientation and layout of the proposed dwellings. As such, the EHO advises that conditions requiring a sound insulation scheme and a noise attenuation scheme be attached to any grant of permission.
122. The Environmental Health Officer also requested that to control and manage noise, dust emissions and vibration during the construction phase of the development the works shall be conditioned as part of a Construction Method Statement. They also request that if pile driven foundations are required that a method statement detailing techniques control to control noise, dust emissions and vibration during the construction phase of the development the works shall be conditioned.
123. It is considered that these suggested conditions are justified would provide measures to protect neighbouring amenity to accord with the broad policy

requirement to ensure that there is no significant adverse effect upon the amenity, particularly residential amenity of adjoining properties or the surrounding area as detailed in Policy 1 – Development Requirements of the adopted Rushcliffe Local Plan Part 2: Land and Planning Policies.

Contamination

124. The NPPF (Section 15) requires that decisions should ensure that a site is suitable for its proposed use taking into account ground conditions and any risks arising from natural hazards or former activities.
125. A Phase One Desktop Study been submitted in support of the application assessing any potential contamination.
126. The Borough Councils Environmental Health Officer (EHO) has thoroughly assessed the reports and advises that they do not object to the proposal, subject to, conditions being attached to any grant of permission requiring a Phase II Investigation Report be submitted to and approved by the Local Planning Authority. The EHO also advises that if the Report confirms that "contamination" exists, a remediation report and validation statement will also be required. In addition, they recommended that if any 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.
127. It is therefore considered that the site can be developed subject to any potential remediation and conditions are proposed in respect of this. This is not unusual, and it is not considered that this prevents residential development on the site and will ensure compliance with the requirements of Policy 14 (Environmental Protection) of the Local Plan Part 2 Land and Planning Policies and with Section 15 of the NPPF.

Appearance

128. The proposed housing development would be relatively low density of around 29 dwellings per hectare. As previously stated, the site is largely screened from Hollygate Lane and Colston Gate by existing landscaping and or existing properties along the site's road frontages. Officers are also mindful, that the other two applications for the remaining two-thirds of the site would form a backdrop/foreground to the site against which it would be read. As such it would be read, as an entire development, alongside the existing residential developments that flank the site on Hollygate Lane and Colston Gate respectively.
129. The submission includes an indicative layout, purely to demonstrate that this part of the allocation could accommodate up to 45 dwellings, whilst the overall quantum of development proposed across the three applications is 235 dwellings. The indicative layout shows that the maximum of 45 dwellings could be accommodated within this part of the site whilst providing suitable separation distances, plot and garden sizes, sufficient amenity spaces and locations for infrastructure. Whilst there can be no reliance that the indicative layout will form the final layout for any development on this site, it does serve to demonstrate that the site can accommodate this level of housing development. The application is for development in principle, i.e., is the location and dimensions of the site such that it could accommodate a

residential use? No details of the layout or designs of the properties or streets have been provided, as they do not form part of the determination of the application. Nevertheless, officers are satisfied that this part of the site can accommodate up to 45 dwellings, and that, in principle, the appearance would be acceptable and be capable of integrating with the surrounding built form and open countryside. However, the final position of the proposed dwellings, their heights, landscaping, number of properties/apartments and their appearance are not known at this time as they do not form part of the current application.

130. It should also be stated, that looking at all three applications, officers are also satisfied that a total of up to 235 dwellings across the allocation are accepted in principle and would be capable of integrating with the surrounding built form and open countryside.
131. The application is therefore considered to accord with the requirements of Policy 1 (Development Requirements) of the LPP2 which seeks to secure that proposals would not impact on the amenity of any adjoining properties, provides a suitable means of access, provides sufficient space for ancillary amenity and circulation space, is of a scale, density, height, massing, design, layout and is constructed from suitable materials that are sympathetic to the area, as well as addressing other matters including but not limited to noise, impacts on wildlife, landscape character, heritage assets and energy efficiency requirements.

Archaeology and non-designated heritage assets

132. The County Council's heritage advisor, having consulted the Nottinghamshire Historic Environment Record (HER) initially requested a geophysical survey, with provision for a scheme of trial trenching dependent upon the results of that survey be provided given the proximity to significant finds a short distance from the site.
133. Subsequently a geophysical survey was submitted, and the Heritage Officer reviewed the report result agreeing with the conclusion of the surveyor, that the strong presence of the ridge and furrow in the results, along with the ferrous anomalies, may be obscuring earlier features. The Heritage Officer subsequently advised that given the archaeological potential of the surrounding area they recommend further archaeological evaluation, by a programme of trial trenching, as a way to refine the understanding of the potential of the site and mitigate risks be submitted by the developer.
134. The applicants again provided the additionally requested reports as a result of the trial trenching across the site. Again, the Heritage Advisor reviewed the submission noting that on the basis of the trial trenching report that they have no further comments or advice to offer.
135. As such, Members are advised that the County Council Heritage Advisor does not object to the proposal, and furthermore, they do not request any conditions or informatives be attached to any grant of permission.
136. The Borough Council's Conservation Officer advises that the proposal site is not located in a Conservation Area. There are no designated heritage assets either within the site or within the immediate vicinity which might have their

settings impacted upon by the proposed development. The Conservation Officer therefore considers that the proposals therefore would not harm the significance of any heritage assets or their settings within the wider area.

137. The proposal would serve to preserve the nearest Conservation Area and continue to preserve the setting of the nearest Listed Buildings, a goal considered to be desirable within section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and the proposal is therefore considered positively in relation to the duty under those section(s) of The 1990 Act.

Therefore, subject to the measures to mitigate the issues identified by the County Council Heritage Advisor the proposal is considered to accord with the requirements of Policy 11 of the Local Plan Part 1, and Policy 28 of the Local Plan, Part 2.

Ecology and Biodiversity Net Gain

138. The NPPF (Section 15) advises that the planning system should contribute to and enhance the natural and local environment by: minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. Under Section 40 of the Natural Environment and Rural Communities Act (2006), every local authority has a statutory duty, in exercising its functions, to have regard, so far as it is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity. Paragraph 179 of the NPPF states that to "...*protect and enhance biodiversity and geodiversity, plans should:*
- a) *Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation; and*
 - b) *promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity."*
139. Policy 17 of the Local Plan Part 1: Core Strategy requires biodiversity to be increased over the plan period, for designated national and local sites of biological or geological importance for nature conservation to be protected, and that development on or affecting other, non-designated sites or wildlife corridors with biodiversity value only to be permitted where it can be demonstrated that there is an overriding need for the development and that adequate mitigation measures are put in place.
140. To consider the potential impact the proposed development may have on species and habitats present at the site, the applicant has submitted an extended Phase 1 Ecological Survey, a Reptile survey, an Ecology update, and an Arboricultural Assessment

141. The Council's Environmental Sustainability Officer (ESO) reviewed the submission and noted that the surveys and reports have been carried out according to good practice and are in date.
142. The site consists of improved grassland / disturbed soil, hedgerow / scrub and trees, with a mixture of hedgerows and man-made features such as walls and fences on its boundaries.
143. The ESO also comments that *"The site provides suitable opportunities for common nesting bird species, foraging wild birds and bats. Bats are known to roost nearby. Previously a potential for reptiles was identified, the addendum however states "it is considered that reptiles are unlikely to represent a constraint on the proposed development", but recommends a precautionary approach be taken to any further vegetation clearance works."*
144. The site is within Cotgrave Forest Biodiversity Opportunity Focal Area and the submission confirms that hedgerow priority habitats were identified. The ESO notes that the development provides opportunities for ecological enhancement and that the favourable conservation status of Protected Species is unlikely to be impacted by this development.
145. The ESO recommends that biodiversity net gain should be demonstrated, incorporating the recommendations of the consultant ecologist in the ecological impact assessment and other suggested good practice measures. This can be secured by means of a suitably worded planning condition. The ESO also recommends that a Landscape and Ecological Management Plan (LEMP) and an ecological construction method statement incorporating reasonable avoidance measures (RAMs) should be secured by planning conditions. The development site provides opportunities for ecological enhancement.
146. The ESO has requested a number of conditions and notes to applicants referring to the mitigation measures set out in the appraisal surveys be attached to any grant of permission. Therefore, subject to these forming part of the recommendation the proposal is considered to accord with the requirements of Policy 16 of the LPP1 and to accord with Policy 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the LPP2 which seek to ensure net gain in biodiversity and improvements to the ecological network through the creation, protection and enhancement of habitats and through the incorporation of features that benefit biodiversity.

Health and Wellbeing

147. The NPPF, Policy 12 of the Core Strategy (Local Services and Healthy Lifestyles), Rushcliffe's Sustainable Community Strategy and Nottinghamshire Health and Wellbeing Strategy support the promotion of healthy communities through the creation of safe and accessible environments; high quality public spaces, recreational space/sports facilities, community facilities and public rights of way. Consideration also needs to be given to access to community facilities and services, as a lack of these can lead to people being isolated and suffering from mental health conditions, therefore adversely affecting their health and wellbeing.

148. The provision of open and green space is proposed as part of the development, which would support these policy ambitions. The Town Council's request for any leisure improvements being made towards an existing facility were discussed with the Borough Council's Communities Manager. The Communities Manager advised that the site identified by the Town Council is some distance from the allocation and would require the crossing of Colston Gate, and that the Council's preference is for on-site provision. A single Locally Equipped Area for Play (LEAP) has been requested on the wider allocation. The composite masterplan shows the provision of a LEAP on the central "third" of the allocation, and therefore S106 requests are sought towards the provision of that facility. Improvements to existing bus facilities will also support the ability of less mobile members of the population to visit community facilities as required and to access the facilities Cotgrave.

Planning Obligations

149. Planning obligations assist in mitigating the impact of otherwise unacceptable development to make it acceptable in planning terms. Planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind. These tests are set out as statutory tests in the Community Infrastructure Levy Regulations 2010 and as policy tests in the National Planning Policy Framework. This report has a table attached which sets out the contributions being sought by infrastructure providers or equivalent and the Borough Council's considered position on this, as local planning authority.
150. The contributions requested have been challenged with the infrastructure providers and additional information provided where necessary to justify the level or type of contribution being sought. Legislation and guidance state that planning obligations should not be sought where they are clearly not necessary to make the development acceptable in planning terms and this has been taken into account in the preparation of the S106 Table. The financial contributions relate to contributions required as a direct result of the development for education, open space, play, allotments, health, bus route and bus stop improvements, highway improvements, waste and library improvements, together with the provision of 10% affordable housing on site.

Planning Balance and Conclusion

151. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. For these reasons, not only would the scheme accord with the development plan as a whole, but the balance of material considerations also weighs in its favour. Consequently, it is recommended that the Planning Committee support the resolution to grant planning permission, subject to conditions.
152. The principle of the development of this allocated site is acceptable subject to conditions. Notwithstanding the submitted illustrative layout and planning statement, matters of internal layout and details, together with the impact of adjacent residential amenity, will be considered fully at the reserved matters

stage.

153. Discussions have taken place in an attempt to resolve issues raised by interested parties, which has resulted in the submission of additional information. Negotiations have been undertaken in relation to securing appropriate levels of planning obligation to mitigate impacts of the proposal. This has ultimately resulted in a favourable recommendation to the Planning Committee.

RECOMMENDATION

It is RECOMMENDED that the Director of Development and Economic Growth is authorised to grant planning permission subject to the prior signing of a Section 106 agreement and the following condition(s), which the Director of Development and Economic Growth is also authorised to amend to correct any matters that do go to the heart of the condition.

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 community].

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 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:

- 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 throughout the lifetime of the development.

[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 entitled 'Illustrative Masterplan',

drawing no. 122 rev. C' 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 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 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.

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

WORK IN PROGRESS DOCUMENT – may be subject to change.

Item/Policy	Detail/requirement	Developer proposes	RBC comment	Trigger sought by consultees
Primary School Contribution	A development of up to 210 dwellings on this site and the neighbouring allocation of up to 235 dwellings would generate a requirement for an additional 77 places at £17,613 per place towards the current deficiency in primary places available in the planning area. However, this site would only generate a need for 9 additional spaces based on 45 dwellings. This site, along with other sites which are proposed for allocation in the Local Plan, mean that	Accept the principle and the proposed pro-rate breakdown suggested by the County Council	Pro-rata approach seems fairest allocation of the existing capacity in the system and therefore officers agree with the approach adopted by the County Council.	TBC

	<p>additional education provision will be required, either through extensions to existing provision. No feasibility study has been undertaken to understand the scope to expand provision at Candleby Lane School and it is not expected that additional provision can be delivered at Cotgrave CofE School. It is therefore requested that the Section 106 Agreements provide sufficient flexibility to enable the County Council to expend the contributions at another local primary school outside of the Cotgrave Planning Area if subsequent feasibility studies demonstrate that expansion of the Cotgrave Schools is unviable.</p>			
<p>Secondary School Provision</p>	<p>In relation to Secondary Education, they advise that the two allocated sites would generate a need for an additional 70 new</p>		<p>Agreed that this request is covered by the Authority's Community Infrastructure Policy (CIL).</p>	

	secondary places and there is a deficiency in places available. As a result, the County Council would be seeking a total contribution across the two allocations of £1,697,570 (70 x £24,251 per place).			
A52 Improvements Contribution	Highways England state that they take responsibility for delivering infrastructure improvements required to support growth on the A52, whilst seeking appropriate local contributions proportional to the scale of impact through a developer contribution strategy. This approach is supported in Rushcliffe Core Strategy Policy 18. As part of the contribution strategy for this proposed development a sum of £955.82 per-dwelling basis has been identified by Highways England in consultation with Rushcliffe Borough Council. This will be required by way of developer contributions.	Agrees to the principle of the request	The requested contributions from Highways England accord with the A52/A606 Improvement Package Developer Contributions Strategy Memorandum of Understanding and Policy 18 Rushcliffe Core Strategy. The applicant has agreed to provide them on a pro rata basis and the timing of the payment need to be considered and confirmed as part of the S106A discussions.	<ul style="list-style-type: none"> • 20% of the A52 Improvements Contribution on first occupation • 80% of the A52 Improvements Contribution prior to Occupation of 75% of the Dwellings and not to allow Occupation of more than 75% of the Dwellings

Highway Improvements	A contribution (TBC) towards 30% of the cost of improving the A606 Melton Road/Cotgrave Road junction	Matter is being considered	Officers note the impact is arising in part from this, and the other developments proposed on the allocations within Cotgrave and that any improvement works to this junction do not appear to be covered by the MoU.	TBC
The Bus Stop Improvements Contribution	A Bus Stop Infrastructure contribution of £17,000 to provide improvements to the two bus stops on Colston Gate denoted as RU0417 and RU0418 which shall include the installation of real time bus stop poles and displays including associated electrical connections.		This is a duplicate of the request made for application ref 20/02508/OUT – therefore clarifications sought as the contribution cannot be made against two separate applications unless it is to be split across the site?	TBC
Waste Collection	No request made, but officers note that for the site on the north of Hollygate Lane as contribution of 68.13 per dwelling was sought.		Clarification should be sought from NCC re the need for a waste contribution.	
Sustainable Travel Contribution	None sought as part of this application; however, a travel plan is requested to be conditional on the grant		Clarification should be sought from NCC re the need	

	<p>of ant permission. However, the application on the North side of Hollygate Lane attracted a contribution request of £36,000 towards sustainable travel which may include, but not exclusively, the use of taster tickets for travel on public transport.</p>		<p>for a sustainable travel contribution.</p>	
<p>Affordable Housing</p>	<p>Core Strategy Policy 8 requires 10% affordable housing:</p> <p>42% should be intermediate housing, 39% should be affordable rent and 19% should be social rent. Table of the breakdown on house types also provided in the comments from the affordable housing officer.</p> <p>Since applications are being determined post the March transition agreement then First</p>		<p>The applicant has agreed in principle of providing 11% of affordable housing which is a 1% over provision when assessed against Core Strategy Policy 8. As part of the S106A.</p> <p>The details of securing the affordable housing scheme would be included as part of the S106A. It is agreed that an affordable housing scheme could provide the necessary details of tenure mix, dwelling (size mix) details of the location, and</p>	<p>Provide details of affordable housing in an affordable housing scheme as part of the S106A which would include details of tenure mix, dwelling (size mix) details of the location, and the affordable housing provider.</p>

	<p>Homes will also need to be applied.</p>		<p>the affordable housing provider. However, the timing of this agreed to be agreed but it would be expected prior to the commencement of development on the site or as part of the reserved matters application once the layout and design is considered.</p>	
<p>Health</p>	<p>CCG standard formula require contribution of £920 for each 2xbed dwelling and £600 for each 1x bedroom dwelling.</p> <p>The most likely primary care facility for this population would be at Cotgrave Surgery, however this is not a given due to patient choice. As this is a newly built provision the previously known developments have been built into the capacity, mainly the colliery site, which when completed, would mean that the building would be at</p>		<p>Agreed that this request is covered by the Authority's Community Infrastructure Levy Policy (CIL).</p>	

	<p>capacity. However, there is scope for internal expansion as and when more developments are completed and we would use and S106 funding to facilitate this, therefore any contribution would be used to extend/bring into use clinical space to address this new population.</p>			
NHS Hospitals Trust	<p>A contribution of £36,776.00 was requested to cover the cost to the NHS of emergency admissions generated by this level of housing.</p> <p>A development of 45 dwellings equates to 108.9 new residents (based on the current assumption of 2.42 people per dwelling as adopted by relevant council Council's Education team). Using existing 2016 demographic data as detailed in the calculations in Appendix 2 will generate 145 acute interventions</p>		<p>The site is allocated in the Local Plan Part 2 and as such the population growth and impacts on the NHS have long been known. The NHS therefore should have planned for this level of population growth in the local area. Therefore, the request is not considered to be justified in this instance.</p>	N/A

	<p>over the period of 12 months.</p> <p>Emergency admissions: For the 11 emergency admissions, representing 10% of the residents, the Trust will have no method of recovering the 80% of tariff needed to invest in the stepped change needed for services. Formula: Emergency admissions - Development Population x Average Emergency Admission Activity Rate per Head of Population x Average Emergency Tariff x 80% Cost per Emergency Admission Activity = Developer Contribution.</p> <p>Premium Costs:</p> <p>For all the 145 anticipated hospital-based interventions, the Trust will have no method of recovering the additional Premium Costs needed to</p>			
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	<p>ensure the level of service required. Formula: Development Population x Average Admission Activity Rate per Head of Population x Average Tariff x proportion of Trust staff cost of total cost (58%) x NHSI Agency Premium Cap (55%) = Developer Contribution.</p>			
Open Space	<p>The Rushcliffe Playing Pitch Strategy 2017 identifies a current shortfall of pitch provision that this development would worsen. Based on 45 dwellings and an average of 2.3 residents per dwelling this equates to 103.5 new residents which will create additional demand which can't be met by existing provision. <u>Children's play</u></p> <p>For Children's play on site provision of equipped play space Local equipped area for Play (LEAP)</p>	<p>Agrees to the principle of the requested provision being provided as indicated in the indicative masterplan.</p>	<p>As we are only considering the principle of development (and access) at this stage; the location, size and management of open space within the site cannot be considered in detail. The applicant has agreed to the provision of open space within the site and for details to be provided as part of an Open Space Scheme. The details of it can be secured by the S106A and considered in detail at the reserved matters stage.</p> <p>Also, with the allocation comprising three separate planning applications (and legal agreements) a mechanism to ensure that</p>	TBC

	<p>equivalent of 0.25 hectares per 1,000 = 0.0258 hectares is required onsite (within the allocation area covered by the three applications).</p> <p>With regards the siting and location of the play area proposed I would draw attention to The Fields in Trust National Playing Fields Association General Design Principles Guidance (attached). 6.1.9 states that play areas should be sited in open, welcoming locations and visible from nearby dwelling or well used pedestrian routes.</p> <p><u>Unequipped play/ amenity public open</u></p> <p>Unequipped play/ amenity public open space equivalent for unequipped children's play/ amenity open space provision as a new site we would expect on site provision of unequipped play space of</p>		<p>one site is provided on the allocation will be required.</p>	
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	<p>at least 0.55= 0.0569 hectares is required (onsite).</p> <p><u>Sports and Leisure provision</u></p> <p>This development will be liable for a Community Infrastructure Levy (CIL) for sports and leisure provision <u>Allotments</u></p> <p>The Rushcliffe Borough Council Leisure Facilities Strategy 2017-2027 requires 0.4 hectares of provision for allotments per 1,000 population on-site (i.e., within the allocation covered by the three applications). Cotgrave town Council are 98% occupied but and operating a waiting list so 0.0414 hectares is required (onsite).</p>			
<p>Cotgrave Town Council:</p>	<p>Requested that the leisure and play contributions be</p>		<p>Communities' manager advised that the preference is for on-site provision and that the leisure/play request is not</p>	

	spent improving the existing facility at Grassmere.		only for equipment, but also for land. If the Town Council's request was fulfilled, then land with no equipment would be provided and the residents of the new development would have to walk//travel some distance to Grassmere. Also, with Grassmere not being within the redlined area (or ownership of the applicants(s)) then a mechanism for the management and maintenance of the equipment they provided would be difficult to address. Request of the Town Council is therefore not justified.	
Monitoring Fee	S106 monitoring costs of £273 per principal obligation X by the number of years over which monitoring will be required.	Agrees to the principle of proving a monitoring fee but the actual amount is TBA	The approach is accepted but the actual overall monitoring fee shall be agreed with the applicant prior to the conclusion of the S106A.	Prior to Commencement of Development to pay to the Borough Council the Monitoring Fee Not to Commence Development until the Monitoring Fee has been paid to the Borough Council.

Indexation	All financial contributions subject to indexation using Retail Price Index or the BCIS All-in Tender Price Index as appropriate	TBA	TBA	TBA
Legal Costs	With all Sect 106 agreements, the applicant is required to pay the Council's legal fees. In this instance these would be £2,000.	TBC	Required to complete agreement.	To be paid on completion of agreement.

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