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**Our reference:**  
**Your reference:**  
**Date:** Wednesday, 6 July 2022

To all Members of the Planning Committee

Dear Councillor

A Meeting of the Planning Committee will be held on Thursday, 14 July 2022 at 2.30pm 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>  
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Yours sincerely



Gemma Dennis  
Monitoring Officer

## **AGENDA**

1. Apologies for Absence
2. Declarations of Interest
  - a) Under the Code of Conduct
  - b) Under the Planning Code
3. Minutes of the Meeting held on 9 June 2022 (Pages 1 - 66)
4. Planning Applications (Pages 67 - 90)

The report of the Director – 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

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

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

### **PRESENT:**

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

### **ALSO IN ATTENDANCE:**

4 Members of the public

### **OFFICERS IN ATTENDANCE:**

P Cook	Principal Planning Officer
K Thompson	Area Planning Officer
P Taylor	Area Planning Officer
G Dennis	Monitoring Officer
T Coop	Democratic Services Officer
E Richardson	Democratic Services Officer

### **APOLOGIES:**

Councillors B Bansal and L Healy

### **1 Declarations of Interest**

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

### **2 Minutes of the Meeting held on**

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

### **3 Planning Applications**

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

**20/02663/FUL - Widening of an existing agricultural access, erection of new gates and post and rail fencing, and formation of hardstanding for agricultural purposes - Land East of Bottom Green Farm, Bottom Green, Upper Broughton, Nottinghamshire, LE14 3BA**

## Updates

There were no updates for this application.

There were no speakers on this item.

## DECISION

### PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

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

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

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

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

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

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

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

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

[In the interests of highway safety.]

5. The hard and soft landscaping shown on the 'Proposed Site Plan (Rev. D, dated 07/09/18)' must be carried out and completed in accordance with those approved details not later than the first planting season (October – March) following approval of the application. If, within a period of 5 years of from the date of planting, any tree or shrub planted

as part of the approved plan is removed, uprooted, destroyed, dies or become diseased or damaged then another tree or shrub of the same species and size as that originally planted must be planted in the same place during the next planting season following its removal.

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

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

[To define the permission]

## **NOTES TO APPLICANT**

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

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

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

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

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

### Public Right of Way

The width of the existing grassed surfaced footpath should remain at, at least 2 meters through the entire length that it passed through the site. There should

be no disturbance to the surface of the footpath without prior authorisation from the Rights of Way team.

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

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

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

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

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

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

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

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

## **Updates**

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

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

## **Comments**

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

## **DECISION**

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

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

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

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

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

the reserved matters to be approved.

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

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

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

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



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

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

5. No development hereby approved shall commence until a detailed surface water drainage scheme for that phase based on the principles contained within the approved Flood Risk Assessment (FRA) and Drainage Strategy, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall be implemented in accordance with the approved details prior to completion of the development. The scheme to be submitted shall:
- a) Demonstrate that the development will use SuDS throughout the site as a primary means of surface water management and that design is in accordance with CIRIA C753.

- b) Limit the discharge rate generated by all rainfall events up to the 100 year plus 40% (for climate change) critical rainstorm to 5 l/s/ha rates or the QBar greenfield run-off rate for the developable area, whichever is the lower as required by the Lead Local Flood Authority.
- c) Provision of surface water run-off attenuation storage in accordance with 'Science Report SCO30219 Rainfall Management for Developments' and the approved FRA
- d) Provide detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- e) For all exceedance to be contained within the site boundary without flooding new properties in a 100year+40% storm.
- f) Details of STW approval for connections to existing network and any adoption of site drainage infrastructure.
- g) Evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure long term effectiveness.

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

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

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

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

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

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

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

[Reason: To protect the amenities of nearby residential properties at for the duration of the construction of the development hereby permitted, having regard to having regard to Policy 10 (Design and Enhancing Local 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 brought onto the site are free from contamination so that the site is suitable for the approved development without resulting any unacceptable risk to the health of any construction workers, future users of the site, occupiers of nearby land

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

10. If pile driven foundations are to be used for the construction of the development, a method statement detailing techniques for the control of noise, dust and vibration from piling works shall be submitted and approved by the Local Planning Authority prior to the development commencing. The method statement shall have regard to the guidance given in:

- a) BS 5228-1:2009+A1: 2014 - Code of practice for noise and vibration control on construction and open sites.
- b) The control of dust and emissions from construction and demolition. Best Practice Guidance; Greater London Authority, November 2006.

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

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

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

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

12. No development in any phase shall take place until an ecological

construction method statement incorporating reasonable avoidance measures (RAMs), including the good practice points below and any supplied by the consultant ecologist (See section 5 of the Preliminary Ecological Assessment) in that phase have been submitted to and approved by the Local Planning Authority:

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

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

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

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

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

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

[Reason: To ensure the adequate protection of the existing trees and hedgerows on the site during the construction of the development having regard to Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014);

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

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

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

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

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

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

17. Prior to the occupation of the development in any phase (other than means of access), a scheme for the provision of Electric Vehicle Charging Points (EVCPs) within that phase must be submitted to and approved in writing by the Local Planning Authority. The submitted scheme must include details of the type, number and location of the proposed EVCP apparatus. If any plots are not to be served by an EVCP then it must be demonstrated why the provision of an EVCP would be not be technically feasible within that phase. None of the

dwellings within that phase shall be occupied until an EVCP serving it has been installed in accordance with the approved scheme. Thereafter an EVCP must be permanently retained on each dwelling in accordance with the approved scheme throughout the lifetime of the development.

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

18. Prior to any development in any phase commencing an Employment and Skills Strategy for the construction phase of the approved development in that phase shall be submitted to and approved in writing by the Borough Council. This strategy will provide opportunities for people in the locality including employment, apprenticeships and training. The strategy will be implemented by the developer throughout the duration of the construction in accordance with the approved details and in partnership with relevant stakeholders.

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

19. No development in any phase shall commence on site until a written scheme of investigation (WSI) and details of permanent fencing to be erected around area of archaeological importance identified within the submitted archaeological report(s) has been submitted to and approved in writing by the local planning authority for that phase. Thereafter the area shall remain fenced in accordance with the approved details in perpetuity and no works shall take place within the area inside that fencing. For land that is included within the WSI, no development shall take place within that phase other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and

- a) The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
- b) The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material.

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **Note to Applicant**

In accordance with the requirements of Article 31 of the Town and Country

Planning (Development Management Procedure) (England) (Order) 2010, as amended, and the National Planning Policy Framework 2021, the Council has worked in a positive and proactive way in determining the application and has granted planning permission.

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

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

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

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

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

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

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

Good practice construction methods should be adopted including:

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

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

A sewer modelling study may be required to determine the impact this development will have on the existing system and if flows can be accommodated. Severn Trent may need to undertake a more comprehensive study of the catchment to determine if capital improvements are required. If Severn Trent needs to undertake capital improvements, a reasonable amount of time will need to be determined to allow these works to be completed before any additional flows are connected.

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

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

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

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

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

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

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

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

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

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

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

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

Loughborough Road  
West Bridgford  
Nottingham, NG2 7QP

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

**Updates**

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

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

**Comments**

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

**DECISION**

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

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

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

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

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

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

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

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

[Reason: To define the permission, for the avoidance of doubt having

regard to Policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).]

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

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

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



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

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

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

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

- 6. No development in any phase hereby approved shall commence until a detailed surface water drainage scheme based on the principles set forward by the approved Flood Risk Assessment (FRA) and Drainage Strategy for that phase, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall be implemented in accordance with the approved details prior to completion of the development. The scheme to be submitted shall:
  - a) Demonstrate that the development will use SuDS throughout the site as a primary means of surface water management and that design is in accordance with CIRIA C753.
  - b) Limit the discharge rate generated by all rainfall events up to the 100 year plus 40% (for climate change) critical rain storm to 5 l/s/ha rates or the QBar greenfield run-off rate for the developable area, whichever is the lower as required by the Lead Local Flood Authority.
  - c) Provision of surface water run-off attenuation storage in accordance with 'Science Report SCO30219 Rainfall Management for Developments' and the approved FRA.

Provide detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any

attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.

- a) For all exceedance to be contained within the site boundary without flooding new properties in a 100year+40% storm.
- b) Details of STW approval for connections to existing network and any adoption of site drainage infrastructure.
- c) Evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure long term effectiveness.

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

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

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

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

(If appropriate) A complimentary ventilation scheme shall also be submitted to and approved by Local Planning Authority. This scheme

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

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

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

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

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

[Reason: To protect the amenities of nearby residential properties at for the duration of the construction of the development hereby permitted, having regard to having regard to Policy 10 (Design and Enhancing Local 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 brought onto the site are free from contamination so that the site is suitable for the approved development without resulting any unacceptable risk to the health of any construction workers, future users of the site, occupiers of nearby land or the wider environment having regard to Policy 1 (Presumption in Favour of Sustainable Development) of the Rushcliffe Local Plan Part 1: Core Strategy (2014), policies 39 (Health Impacts of Development) and 40 (Pollution and Land Contamination) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Paragraphs 183 and 185 of the National Planning Policy Framework (July 2021).]

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

## 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](http://www.stwater.co.uk)) or by contacting our Developer Services Team (Tel: 0800 707 6600).

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

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

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

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

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

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

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

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

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

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

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

**Updates**

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

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

**Comments**

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

**DECISION**

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

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

1. No development shall take place until a phasing plan for the development has been submitted to and approved in writing by the local planning authority. This phasing plan shall include: phasing of the

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

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

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

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

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

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

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

Planning Policies (2019).]

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

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

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

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

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

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

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

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

6. No part of the development hereby approved shall commence until a detailed surface water drainage scheme based on the principles set forward by the approved Flood Risk Assessment (FRA) and Drainage Strategy, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall be implemented in accordance with the approved details prior to completion of the development. The scheme to be submitted shall:

- Provision of surface water run-off attenuation storage in accordance with 'Science Report SCO30219 Rainfall Management for Developments' and the approved FRA



- Provide detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- For all exceedance to be contained within the site boundary without flooding new properties in a 100year+40% storm.
- Details of STW approval for connections to existing network and any adoption of site drainage infrastructure.
- Evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development.

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

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

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

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

assessment undertaken, stating all assumptions made.

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

The upper limit for living rooms shall be an LAeq,16h of 35dB, and for bedrooms an internal LAeq,8h of 30dB and an LAm<sub>ax</sub> of 45dB.

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

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

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

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

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

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

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

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

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

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

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

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

13. No development in any phase shall take place until a Biodiversity Net Gain Assessment supported by a Landscape and Ecological Management Plan (LEMP) incorporating the recommendations of the

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

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

14. No development in any phase shall take place until an ecological construction method statement incorporating reasonable avoidance measures (RAMs), including the recommendations given by the consultant ecologist in section 5 of the Ecological Impact Assessment and the good practice points below in that phase have been submitted to and approved by the Local Planning Authority:
- The use of external lighting (during construction and post construction) should be appropriate to avoid adverse impacts on bat populations, see <https://www.bats.org.uk/news/2018/09/new-guidance-on-bats-and-lighting> for advice and a wildlife sensitive lighting scheme should be developed and implemented.
  - Measures to ensure that any roof liners of buildings do not pose a risk to roosting bats in the future should be taken.
  - Permanent artificial bat boxes / bricks and wild bird nests (e.g., swallow, swift and house sparrow) should be installed in buildings. There is also potential for a raptor box / pole to be installed (e.g., for Barn Owl). Hedgehog access and corridors should be provided through green infrastructure and gardens.
  - Habitat to support Grizzled Skipper butterflies should be provided where possible
  - New wildlife habitats should be created where appropriate, including wildflower rich neutral grassland, hedgerows, trees and woodland, wetlands and ponds.
  - Any existing hedgerow / trees should be retained and enhanced, any hedge / trees removed should be replaced. Any boundary habitats should be retained and enhanced.
  - New trees / hedges should be planted with native species (preferably of local provenance and including fruiting species). See <https://www.rushcliffe.gov.uk/conservation/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 regard to Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014); Policies 37 (Trees and Woodlands) and 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Chapter 15 (Conserving and Enhancing the Natural Environment) of the National Planning Policy Framework (July 2021). This is a pre-commencement condition to ensure that the protection of the trees which cannot be easily replaced if felled or damaged prior as a result of development commencing prior to protection measures being agreed. ]

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

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

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

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

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

18. Prior to the occupation of the development in any phase, a scheme for the provision of Electric Vehicle Charging Points (EVCP's) within that

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

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

19. Notwithstanding the archaeological information submitted with the application development must not commence and no preparatory operations in connection with the development (including demolition, site clearance works, fires, soil moving, temporary access construction and / or widening, or any operations involving the use of motorised vehicles or construction machinery) shall take place on the site until a Written Programme of Archaeological Investigation (WPAI) on the site has been submitted to and approved in writing by the Local Planning Authority. The WPAI must include the following:
- a) a methodology for site investigation and recording of archaeological items and features;
  - b) a timetable for carrying out such investigations on the site;
  - c) a programme for post investigation assessment;
  - d) provision for the analysis of the site investigations and recordings;
  - e) provision for the publication and dissemination of the analysis and records of the site investigations;
  - f) provision for the archive deposition of the analysis and records of the site investigation;
  - g) nominate the qualified archaeologist or archaeological group who will undertake the works set out in the WPAI.

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

[Reason: To ensure that any archaeological items and/or features are recorded in a manner proportionate to their significance and to make the recorded evidence (and any archive generated) publicly accessible, having regard to Policy 11 (Historic Environment) of the Rushcliffe Local

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

20. Prior to the commencement of development, a scheme for the upgrading of a 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 served from Colston Gate until their junction/vehicle access has been provided as shown on the drawing entitled 'illustrative Masterplan', drawing no. 122 rev. C' to the satisfaction of the Local Planning Authority.

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

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

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

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

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

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

[To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc) in the interests of highway safety having regard to Policy 1 (Development Requirements) of the Rushcliffe

Local Plan Part 2: Land and Planning Policies (2019).]

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

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

#### NOTES TO APPLICANT

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

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

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

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

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

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

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

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

Good practice construction methods should be adopted including:

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

A sewer modelling study may be required to determine the impact this development will have on the existing system and if flows can be accommodated. Severn Trent may need to undertake a more comprehensive study of the catchment to determine if capital improvements are required. If Severn Trent needs to undertake capital improvements, a reasonable amount of time will need to be determined to allow these works to be completed before any additional flows are connected.

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

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

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

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

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

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

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

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

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

the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the Highway Authority as early as possible.

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

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

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

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

### **Updates**

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

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

### **Comments**

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

### **DECISION**

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

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

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

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

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

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

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

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

- Location Plan: A\_1815 EX100 – dated Aug 2019
- Proposed access – Colston Gate: 182-TA13 dated 20/09/19
- Design and Access Statement - prepared by AT Architecture
- Joint Statement of Community Involvement - prepared by Bidwells
- Landscape & Visual Impact Assessment - prepared by Aspect Landscape Planning
- Health Impact Assessment - prepared by GraceMachin Planning & Property
- Phase 1 Ground Investigation - prepared by Geo Environmental
- Archaeological Assessment & Project Specification - prepared by TVAS North Midlands
- Extended Phase 1 Ecology Survey - prepared by Lockhart Garratt
- Reptile Survey - prepared by Lockhart Garratt
- Ecology Update - prepared by Aspect Ecology

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

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

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

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

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

development starts.]

5. Before development is commenced, a Phase II Investigation Report shall be submitted to and approved by the Local Planning Authority. If this report confirms that "contamination" exists, a remediation report and validation statement will also be required. In such instances, all of these respective elements of the report will need to be submitted to and approved by the Local Planning Authority before the development is occupied.

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

6. No part of the development hereby approved shall commence until a detailed surface water drainage scheme based on the principles set forward by the approved Flood Risk Assessment (FRA) and Drainage Strategy, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall be implemented in accordance with the approved details prior to completion of the development. The scheme to be submitted shall:

- Provide detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- Full drainage layout which shows piped network
- For all exceedance to be contained within the site boundary without flooding new properties in a 100year+40% storm.
- Details of STW approval for connections to existing network and any adoption of site drainage infrastructure.
- Evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development (at full stage we will require detailed management plans)



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

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

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

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

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

The upper limit for living rooms shall be an LAeq,,16h of 35dB, and for bedrooms an internal LAeq,8h of 30dB and an LAm<sub>ax</sub> 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 for 30 years from planting.

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

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

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

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

15. The development hereby permitted must not commence in any phase and no preparatory operations in connection with the development hereby permitted (including demolition, site clearance works, fires, soil moving, temporary access construction and / or widening, or any operations involving the use of motorised vehicles or construction machinery) shall take place in that phase until a detailed Arboricultural Method Statement (AMS) prepared in accordance with BS5837:2012

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

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

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

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

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

[Reason: To ensure that the work is carried out to satisfactory standard

to minimise any adverse impact on the health of the tree having regard to Policy 37 of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).]

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

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

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

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

19. Prior to any development commencing in any phase an Employment

and Skills Strategy for the construction phase of the approved development in that phase shall be submitted to and approved in writing by the Borough Council. This strategy will provide opportunities for people in the locality including employment, apprenticeships and training. The strategy will be implemented by the developer throughout the duration of the construction in accordance with the approved details and in partnership with relevant stakeholders.

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

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

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

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

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

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

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

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

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

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

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

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

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

#### NOTES TO APPLICANT

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

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

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

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

All demolition and construction work, including deliveries, shall be restricted to the following times, to cause the minimum amount of disturbance to



neighbouring residents: Monday-Friday: 0700 - 1900 hours, Saturday: 0800 - 1700 hours, Sunday/Bank Holidays: No work activity.

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

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

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

Good practice construction methods should be adopted including:

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

A sewer modelling study may be required to determine the impact this

development will have on the existing system and if flows can be accommodated. Severn Trent may need to undertake a more comprehensive study of the catchment to determine if capital improvements are required. If Severn Trent needs to undertake capital improvements, a reasonable amount of time will need to be determined to allow these works to be completed before any additional flows are connected.

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

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

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

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

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

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

In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In

order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact Nottinghamshire County Council Highway Development Control (email: [hdc.south@nottscc.gov.uk](mailto:hdc.south@nottscc.gov.uk)) for details.

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

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

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

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

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

The meeting closed at 5.30 pm.

CHAIRMAN

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**Planning Committee**

**Thursday, 14 July 2022**

**Planning Applications**

## **Report of the Director – Development and Economic Growth**

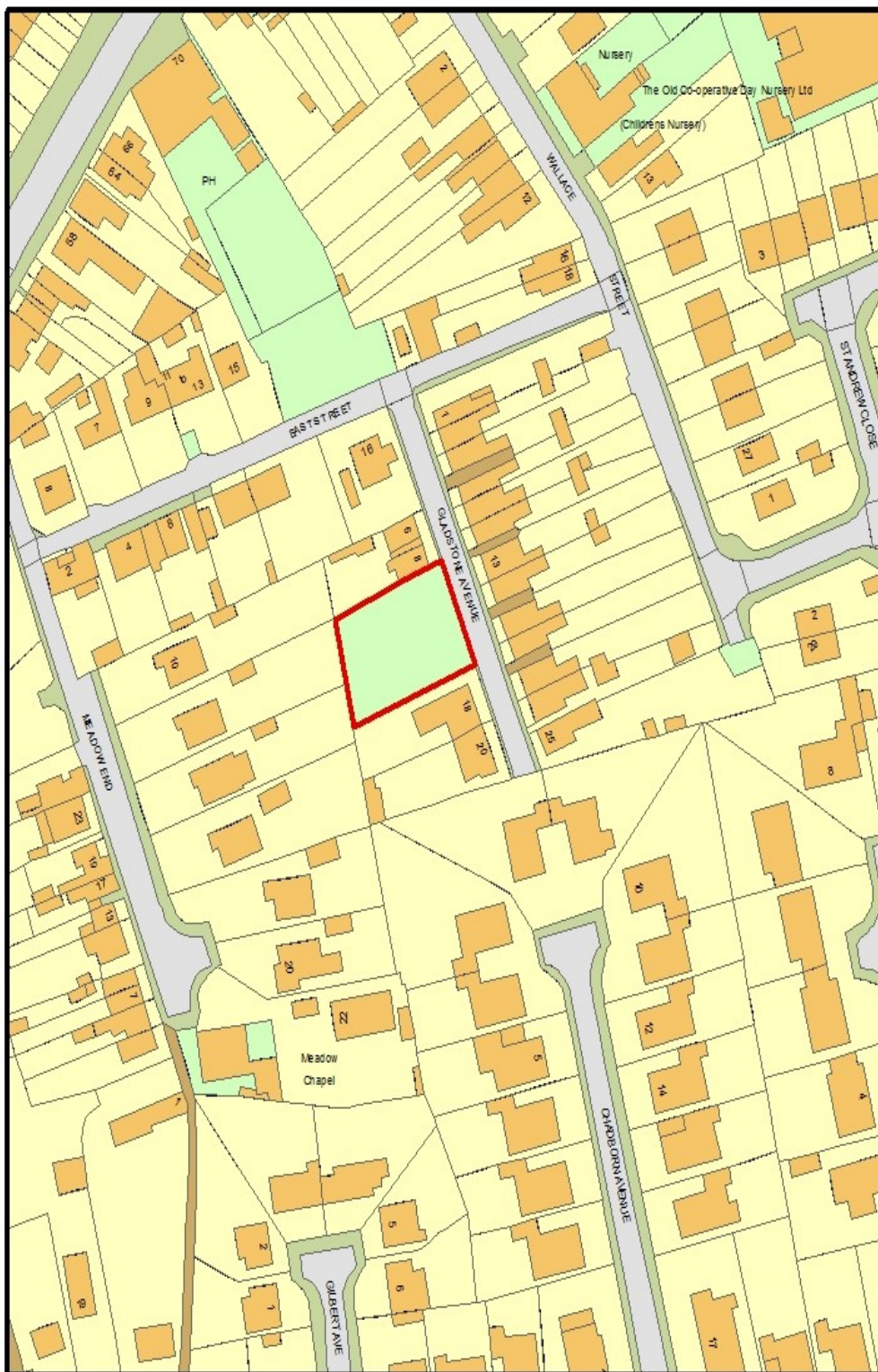
PLEASE NOTE:

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>

<b>Application</b>	<b>Address</b>	<b>Page</b>
<a href="#">22/00785/FUL</a>	Land North of 18 Gladstone Avenue, Gotham, Nottinghamshire	69 - 82
	Erection of 2No. residential dwelling including associated landscaping and access work	
<b>Ward</b>	Gotham	
<b>Recommendation</b>	Grant planning permission subject to conditions	
<hr/>		
<a href="#">21/03076/FUL</a>	Café Piano, 7A Main Road, Radcliffe On Trent, Nottinghamshire	83 - 90
	Single storey front extension	
<b>Ward</b>	Radcliffe On Trent	
<b>Recommendation</b>	Refuse planning permission	
<hr/>		



**Application Number: 22/00785/FUL**  
**North of 18 Gladstone Avenue, Gotham**



scale 1:1000

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Ruencroft Borough Council - 100019419

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# 22/00785/FUL

**Applicant** Mr D Skillington

**Location** Land North Of 18 Gladstone Avenue Gotham Nottinghamshire

**Proposal** Erection of 2 No. residential dwellings including associated landscaping and access works

**Ward** Gotham

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

## THE SITE AND SURROUNDINGS

1. The application site comprises of a vacant rectangular parcel of land located on the west side of Gladstone Avenue in the village of Gotham. The site currently comprises of overgrown vegetation. The site is bounded by residential properties to the north and south, opposite the site to the east are two storey terraced properties, beyond the eastern boundary are the rear garden areas of detached bungalows located on Meadow End.
2. Access to the site is off Gladstone Avenue via East Street to the north. Gladstone Avenue has no through access or turning facility.

## DETAILS OF THE PROPOSAL

3. The application seeks full planning permission for the erection of 2 no. two storey dwellings. The scheme proposes a pair of semi-detached dwellings positioned centrally within the site, with a driveway to each side providing 2 off-street car parking spaces per dwelling, and enclosed 11m deep garden areas to the rear. The front elevations of the proposed dwellings would be set back 2.5m from Gladstone Avenue, in line with the existing properties on the west side of Gladstone Avenue.
4. The scheme has been previously approved under application 21/01982/FUL. The current application seeks permission for the addition of two garages (one garage serving each dwelling) which would measure 3 metres in width and 6.4 metres in length. The proposed garages would have a pitched roof design with a ridge height of 4.5 metres dropping to 2.3 metres at the eaves.

## SITE HISTORY

5. 89/01292 - Construct one bungalow. Refused.
6. 90/00296 - Erect one dormer bungalow. Approved.
7. 94/00350/OUT - Construct 2 detached two storey houses. Approved.
8. 98/00551/OUT - Construct 2 detached two storey houses. Approved.

9. 99/01094/FUL - Construct 3 detached two storey houses with integral garages. Withdrawn.
10. 01/00740/OUT - Construct 2 detached two storey houses (renewal of 98/00551). Approved.
11. 03/00788/REM - Construct 2 detached houses. Approved.
12. 08/00514/FUL - Construct 3 two storey houses (with accommodation in roof space). Approved. Whilst some representations received from local residents in respect of the current application suggest that development commenced before being abandoned, the agent has not submitted any evidence with the current application that this previous permission was implemented.
13. 20/030303/FUL - 3 dwellings with associated garages and off road parking. Refused.
14. 21/01982/FUL - Proposed residential development for 2 dwellings with associated off road parking (Resubmission of 20/03030/FUL) (Permitted). The dwellings have been partially erected.

## **SITE CONSTRAINTS**

15. The village of Gotham is now inset from the Green Belt.
16. The application site is a 'recommended housing site' on the Gotham Neighbourhood Plan.

## **REPRESENTATIONS**

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

17. Cllr R Walker objects to the application as this application replicates the parking provision proposed in application 20/03030/FUL which was refused, in part, due to the inadequate parking arrangements. Maintains the
18. objections, upheld at committee, for the same reasons as before.

### **Town/Parish Council**

19. Gotham Parish Council have no formal objections, but comments that the addition of one single garage to each property fails to improve the situation regarding vehicular ingress and exit from the properties and reduces the expected worsening of on-street parking for surrounding properties

### **Statutory and Other Consultees**

20. NCC Highways - Does not object to the application but recommends the below condition:
  - a) The development shall not be occupied until the vehicular crossovers and footway in front of the site been constructed to Nottinghamshire Highway Authority specification and to the approval of the Local

Planning Authority.

Reason: In the interest of highway safety

Informative:

For these works to be carried out to the satisfaction of the Highway Authority. You are required to contact Via (in partnership with Nottinghamshire County Council) on 0300 500 8080 or at Licences@viaem.co.uk

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

21. Five neighbouring properties have objected to the application, these comments are summarised below:
- a) Out of character for the area as no other properties have garages
  - b) Proposed garages will decrease parking provision and create exacerbate parking issues on Gladstone Avenue
  - c) The proposed garage could be converted into extra living accommodation, reducing parking provision further
  - d) Dropped kerbs have been implemented, but they are not in accordance with previous plans
  - e) Concerns regarding possibility of the dwellings being further extended in the future
  - f) Concerns regarding proposed garage size not being able to fit modern car
  - g) Concerns regarding creating further bedrooms within the dwelling

### **PLANNING POLICY**

22. 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 (2009). The Gotham Neighbourhood Plan (2017) is also a material consideration in this instance.

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

23. The following sections in the National Planning Policy Framework (NPPF) are of relevance:
- Chapter 2 - Achieving Sustainable Development
  - Chapter 9 - Promoting Sustainable Travel
  - Chapter 12 - Achieving Well Designed Places
  - Chapter 14 - Meeting the Challenge of Climate Change, Flooding and Coastal Change

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

## Relevant Local Planning Policies and Guidance

24. The following policies within LPP1 are of relevance:

- 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 17 - Biodiversity

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

25. The following policies of LPP2 are of relevance:

- Policy 1 - Development Requirements
- Policy 17 - Managing Flood Risk
- Policy 18 - Surface Water Management
- Policy 40 - Pollution and Land Contamination
- Policy 41 - Air Quality

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

26. The Gotham Neighbourhood Plan was adopted in 2017, it sets out to protect and conserve the environment of the village, as well as allow sustainable development. Policy H1 sets out sites the Neighbourhood Plan will recommend allocating for housing in any future review of the Neighbourhood Plan or Local Plan. The application site is identified as Site GOT 09 Land at Gladstone Avenue, a 'recommended housing site'. Policy H2 Design Briefs proposes design briefs for the housing sites. It is understood that a Design Brief has not been prepared for GOT 09 Land and Gladstone Avenue.

A copy of The Gotham Neighbourhood Plan (2017) can be found [here](#)

27. The Rushcliffe Residential Design Guide sets out guidance as to local character and materials, height, scale and massing, achieving privacy and guides for amenity space. It states that "Infill development should respect the existing massing, building form and heights of buildings within their immediate locality". It also provides guidance on garden sizes for new dwellings.

A copy of the Rushcliffe Residential Design Guide can be found [here](#)

## APPRAISAL

28. 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.

29. The main material planning considerations in the determination of this planning application are:
- a) Principle of development
  - b) The impact on the character of the area
  - c) The impact on highways and parking
  - d) The impact on residential amenity
  - e) Sustainability

#### Principal of development

30. The settlement of Gotham is no longer washed over by the Green Belt, but inset. Policy 3 (Spatial Strategy) of the Rushcliffe Local Plan Part 1: Core Strategy, sets out the settlement hierarchy for residential development across the Borough. Gotham is not one of the settlements specifically identified for housing growth, and therefore falls into paragraph b) viii) 'other villages solely to meet local housing need'.
31. Officers note that principal of the erection of 2 dwellings has been established under the previously approved scheme 21/01982/FUL, which granted permission for the erection of 2 dwellings which have been partially built.

#### Impact on highways and parking

32. The application site would be accessed off Gladstone Avenue, via East Street to the north. Gladstone Avenue is narrow (approx. 4.6m in width) with no through route or turning facility. Due to the terraced nature of properties, few have off-street car parking to the front resulting in high levels of on-street car parking, although some properties on the east side of the road appear to have parking accessed off Wallace Street. At the time of the Officer's site visit, cars were parked along the eastern side of Gladstone Avenue. Cars exiting Gladstone Avenue are required to reverse northwards onto East Street.
33. Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
34. The previously approved scheme, reference 21/01982/FUL, proposed the provision of 2 off-street car parking spaces for each dwelling which includes a tandem driveway. Consultation was carried out with NCC Highways under the previous scheme and a swept path analysis was provided to demonstrate that vehicles would be able to access and egress the properties even when on-street car parking was occurring on the opposite side of Gladstone Avenue. NCC Highways were satisfied that any previous concerns that they raised had been addressed. A condition was attached to the previous permission that ensured the driveways are kept free from obstruction, and retained for the parking of vehicles, for the lifetime of the development.
35. The current proposal seeks the addition of a garage for each dwelling, located on the proposed driveway for the previously approved scheme (21/01982/FUL). The proposed garages would be attached to the outer side

elevation of each dwelling, and would measure 3 metres in width and 6.4 metres in length. The proposed garages would have a pitched roof design with a ridge height of 4.5 metres dropping to 2.3 metres at the eaves.

36. The NCC Highways design guide states that dwellings that include 2-3 bedrooms should provide 2 off-street car parking spaces. The guide also sets out the minimum requirements for garage sizes, with 3 metres x 6 meters being acceptable for single garages. The proposed development would accord with the design guide as 2 off-street parking spaces would be retained and the garage would meet the internal dimensions specified in the design guide.
37. Further to this, officers note that permitted development rights for Schedule 2, Part 1, Class A (extensions) and Class E (outbuildings) remained in-tact. As such, a garage could be erected on the site under permitted development regulations once the dwellings have been erected. Whilst the previously approved scheme did include a condition stating the driveway could not be obstructed, it is considered that the proposal would not be at odds with this condition as the addition of a garage would still allow for a car parking space.
38. Concerns from the ward member and neighbouring properties regarding the impacts to parking along Gladstone Avenue are noted by Officers. However, the parking provision proposed under the current scheme is the same level as the previously approved scheme. Officers do appreciate that a garage could be later converted into a habitable space. In order to address these concerns, officers consider it pertinent to apply conditions if permission were forthcoming to ensure the garage can only be used for the parking of a vehicle and restricting permitted development rights for the conversion of the garage to living accommodation.
39. Due to the narrow nature of Gladstone Avenue, and the constraints of the site, officers also consider it necessary to condition the submission of a 'Construction Management Plan' prior to works commencing on site. The Management Plan would be expected to include details of the means of access for construction traffic; parking provision; the loading and unloading of materials; the storage of plant and materials; and the hours of operation.

#### Impact on the character of the area

40. The surrounding area is residential in nature, characterised by a mix of two storey terraced and semi-detached dwellings along Gladstone Avenue, some having accommodation in the roof served by dormer windows. Detached bungalows are located to the west off Meadow End. The application site occupies an existing gap within the street frontage between 8 and 18 Gladstone Avenue (No's 10, 12, 14 and 16 Gladstone Avenue are absent). The proposed pair of two storey dwellings would infill this existing gap and create an active street frontage.
41. The proposed ridge height of the dwellings would measure 8.2m (which is the same as the previously approved scheme) and would be marginally higher than the flanking properties (200mm higher than no. 18 and 400mm higher than no.8). The proposed eaves height of the dwelling would be the same as no.8. As a result, the scale and proportions of the proposed dwellings would not therefore appear out of character with, or be harmful to the street scene.

42. The proposal would also include the erection of single storey garages on either. Officers note the concerns from the neighbouring properties regarding the impact to the character of the area due to the proposed garage additions. Whilst there is a uniformity within the properties along Gladstone Avenue, other properties within the general vicinity (including along East Street and Meadow End) include detached and attached garages.
43. The garages would retain a gap (albeit smaller), between neighbouring properties No.8 and No. 18. Due to the modest scale of the proposed garages, the retention of a gap between the properties and the fact that surrounding properties in the general vicinity, officers consider that the proposed garages would not cause undue harm to the character of the area.
44. Further to this, as mentioned above, the previously approved scheme did not remove permitted development rights for the erection of extensions or outbuildings. As such, if the previous scheme was implanted and completed further additions, including the addition of an attached garage extension in this location, could be erected without the requirement for express planning permission. Officers consider this to be a material consideration of the proposal and, as such, weight has been applied to this.
45. The materials proposed are red brick and slate roof tiles which would be in keeping with the character of the area, as these materials are feature heavily along Gladstone Avenue.
46. As such, officers consider that the proposed amendments would not cause undue harm to the character of the area.

#### Impact on residential amenity

47. In terms of impact to residential amenity, the application proposes the addition of two garages to a scheme previously approved under reference 21/01982/FUL. As such, the assessment will cover the impact on residential amenity from the proposed garage additions.
48. The garage relating to Plot 1 would be positioned on the southern side elevation and would be positioned 1.2 metres from the site southern site boundary, shared with No. 18 Gladstone Avenue. No. 18 Gladstone Avenue is set back from the southern boundary by approx. 2.4 metres. Due to the siting and location of the proposed garages, along with the modest scale, officers consider that the proposed garage additions would not cause undue harm to the neighbouring properties to the south of the site.
49. The garage serving plot 2 would be positioned on the northern side elevation and would be positioned 1 meter (at its closest point) from this boundary, which is shared with No. 8. The side elevation of No.8 flanks the application site, and the proposed garage would partially infill the gap between the proposed dwellings and No.8. However, due to the modest height of the proposed garage and the fact that a gap will still be retained between the properties, it is considered that the proposal would not cause undue impact to properties to the north (including No.8) in terms of overlooking, overshadowing or overbearing.

50. There is an opening proposed in the rear (west) elevation of both garages. The proposed garage would be positioned approx. 11 metres from the western boundary, which is shared with properties along meadow End. Due to this separation distance of the garages, it is considered that the proposal would not cause undue harm to neighbouring properties along Meadow End in terms of overlooking, overshadowing and overbearing.
51. Therefore, taking the above information into account, officers are of the view that the proposed alterations would not have a detrimental impact upon the residential amenity of the adjoining properties.

### Sustainability

52. In order to promote sustainable development and construction, conditions are proposed which would require the dwellings to be constructed so as to limit the water consumption of each property to no more than 110 litres per person per day, and require the installation of electric vehicle charging points at each property.

### Conclusion

53. The proposal would be visually acceptable, would not impact on residential amenity and would not be harmful to highway safety. There would also be no adverse impact on the character and appearance of the area. As set out above, the proposal was also considered acceptable and granted planning permission previously. Since the granting of that permission there has been no significant change in planning policy that would justify a variance to that earlier recommendation, which is a material planning consideration. Accordingly, the proposed development is considered to conform with the objectives of policies within the LPP1, the LPP2 and the Design Guide. The application is therefore recommended for approval subject to conditions.

## **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 in accordance with the following approved plans:

- VED644 02 REV F – Proposed Elevations and Floor Plans
- VED644 01 REV E – Site Location Plan
- VED644 03 REV B – Proposed Site Layout

[For the avoidance of doubt and to comply with Policy 10 (Design and Enhancing Local Identity) of the Local Plan Part 1: Rushcliffe Core Strategy and Policy 1 (Development Requirements) of the Local Plan Part 2: Land and



Planning Policies].

3. The approved boundary treatment and hard landscaping, referenced in the submitted plan VED644 03 REV B Site Layout Plan, shall be installed prior to the dwellings being occupied. The approved soft landscaping shall be planted during the first planting season following occupation of the dwellings.

[To ensure that the amenities of future and surrounding occupiers are protected, and to comply with Policy 10 (Design and Enhancing Local Identity) of the Local Plan Part 1: Rushcliffe Core Strategy and Policy 1 (Development Requirements) of the Local Plan Part 2: Land and Planning Policies].

4. The dwellings must not be brought into use until the run-off limitation measures have been installed in accordance with the details provided within VED644 03 REV B.

[To ensure that adequate surface water drainage provision is secured for the site, in accordance with Policy 18 (Surface Water Management) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

5. The development shall not be brought into use until the access driveways have been provided and surfaced in a bound material (not loose gravel), 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 as such for the life of the development.

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

6. The dwellings shall not be occupied until a dropped vehicular footway crossing has been provided along the whole of the site frontage, in accordance with the Highway Authority's specifications.

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

7. The off-street car parking spaces (including the garages), as shown on the approved site layout plan referred to under condition 2 of this planning permission, shall be retained for off-street car parking and kept free from all other obstructions, for the life of the development. The garages shall not be used for any purpose that would prohibit the parking of a vehicle.

[To ensure that adequate off-street car parking is secured for the life of the development, in the interests of highway safety and to comply Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land & Planning Policies].

8. The dwellings hereby approved shall not be constructed above damp proof course level until a scheme for the provision of an electric vehicle charging point for each dwelling has been submitted to and approved by the Borough Council. Thereafter, unless it has been demonstrated that the provision of electric vehicle charging points is not technically feasible, each dwelling shall

not be occupied until it has been serviced with the appropriate electric vehicle charging infrastructure, in accordance with the approved scheme. The electric vehicle charging infrastructure shall thereafter be retained and maintained for the lifetime of the development.

[To ensure that the development is capable of promoting sustainable modes of transport and to comply with Policy 41 (Air Quality) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

9. The residential dwellings hereby permitted shall be designed to meet the higher 'Optional Technical Housing Standard' for water consumption of no more than 110 litres per person per day.

[To promote a reduction in water consumption and to comply with criteria 3 of Policy 12 (Housing Standards) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

10. This development shall be constructed in accordance with the Construction Method Statement (CMS) received on 8 February 2022, as discharged under application 21/03006/DISCON.

[To ensure that the site is developed in a safe manner and limit the impacts upon residential amenity and highways safety throughout the construction phase, in accordance with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

11. Notwithstanding the provisions of Schedule 2, Part 1, Classes B and C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) there shall be no additional windows (including roof lights and dormer windows) inserted within any part of the roof of the dwellings hereby approved, other than as shown on the approved plans referred to in condition 2 of this permission, nor any alterations to any part of the roof of the dwellings hereby approved.

[In order to protect the living conditions of surrounding occupiers from any unacceptable levels of overlooking and/or loss of privacy, and to comply with Policy 10 (Design and Enhancing Local Identity) of the Local Plan Part 1: Rushcliffe Core Strategy and Policy 1 (Development Requirements) of the Local Plan Part 2: Land and Planning Policies].

12. Notwithstanding the provisions of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) the proposed garages shall be retained as parking spaces and not converted into living accommodation. There shall be no external alteration (including insertion of windows and doors) within any part of the garages hereby approved, other than as shown on the approved plans referred to in condition 2 of this permission.

[To ensure that adequate off-street car parking is secured for the life of the development, in the interests of highway safety and to comply Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land & 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). 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 land owner must first be obtained. The responsibility for meeting any claims for damage to such features lies with the applicant.

Condition 11 requires the new dwelling to meet the higher 'Optional Technical Housing Standard' for water consumption of no more than 110 litres per person per day. The developer must inform their chosen Building Control Body of this requirement as a condition of their 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.

This Authority is charging for the discharge of conditions in accordance with revised fee regulations which came into force on 6 April 2008. Application forms to discharge conditions can be found on the Rushcliffe Borough Council website.

You are advised that should the site contain asbestos, it will require specialist removal. Further advice on this matter can be obtained from Nottinghamshire County Council (0115 977 2019). Alternatively you can obtain an asbestos fact sheet from their website.

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**Application Number: 21/03076/FUL**  
**Cafe Piano, 7a Main Road, Radcliffe on Trent**



scale 1:1000

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**21/03076/FUL**

**Applicant** Ms Mahsa Yazdanparast

**Location** Cafe Piano 7A Main Road Radcliffe On Trent Nottingham  
Nottinghamshire

**Proposal** Single storey front extension

**Ward** Radcliffe On Trent

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

## **THE SITE AND SURROUNDINGS**

1. The application site comprises a café/restaurant within a unit in what appears to be a late 1950s/early 1960s two storey shopping parade. There is a paved forecourt to the front part of which is used as an outdoor seating area for the premises, and which is partly covered by a retractable awning.
2. The site is located on the western edge of the village centre shopping/commercial area. There is a variety of buildings in the area in terms of scale, form, period & design/style, a variety of shops, and a number of other eating/drinking establishments.
3. To the front of this shopping parade are a row of trees covered by a Tree Preservation Order ( TPO)

## **DETAILS OF THE PROPOSAL**

4. The application seeks full planning permission for the construction of a single storey front extension to accommodate an additional eating/drinking area. The extension would be fully glazed with a steel reinforced aluminium frame, and would have a mono-pitched roof. It would project by 5m from the front elevation, and would extend by 6.4m across the frontage.
5. In support of the application, the applicant states the following:
  - a) For over a decade Café Piano has played a central role in the vitality of the village. COVID driven challenges continue to affect the business and, whilst during the relatively warmer period of the year we managed to make the most of the outdoors seating area, the cold/wet weather does not allow this. The emergence of the new COVID variant (in late 2021) has already impacted the business again.
  - b) The all-weather stylish outdoor glass room constructed from a high quality metal frame and sliding shatter proof glass panels would enable customers to be served in a well ventilated but environmentally friendly temperature controlled space, and would not encroach on to neighbouring businesses space or the pavement and highway.

- c) The high quality metal frame together with sliding shatter proof glass panels would represent a high quality, stylish addition to the centre of the village and would continue to enhance the vitality of village regardless of the weather or with COVID conditions which show no sign of subsiding.
6. As a result of concerns of the Borough Council's Design & Landscape Officer relating to the potential impact on trees adjacent to the site which are protected by a Tree Preservation Order, the applicant has subsequently submitted details of the method of construction.

## **SITE HISTORY**

7. Permission was granted in 2012 for a new shop front including bi-fold doors (ref. 12/01262/FUL).
8. Permission was granted in 2017 to replace a flat awning to the front with a sloped awning (ref. 17/02619/FUL).

## **REPRESENTATIONS**

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

9. Cllr Brennan, Cllr Clarke and Cllr Upton do not object and make comments which are summarised as follows.
- a) Acknowledge that the extension would be unique in the village centre and would make a difference to & alter the street scene, and could set a precedent. However, we have all come to realise the importance of outdoor space and the value we place on having local businesses thriving on our high streets. Such extensions are not uncommon and can add to the frequency with which outdoor spaces can be used bringing more customers to the village centre.
  - b) Being mainly of clear construction, it would not necessarily create a major obstruction, and it is also removable as opposed to a permanent structure.
  - c) A common sight in many countries that have a pavement cafe culture and clearly this proposal is trying to emulate that.
  - d) There is a strong business case for this extension, and believe the commercial advantages outweigh the disadvantages.
  - e) Would be helpful if there was a condition that ensured that it was kept in good repair, as there is a danger it may become "tatty" over the years.

### **Town/Parish Council**

10. Radcliffe on Trent Parish Council object on the following grounds.
- a) Nearby trees may need to be removed.



- b) Not in keeping with current street scene.
- c) Impact on neighbouring businesses (Birds Bakery, Post Office).
- d) Would set a precedent.

## **Statutory and Other Consultees**

### **The Borough Council**

11. The Design & Landscape Officer initially commented that the 5 trees along the frontage of the row of shops are protected by a Tree Preservation Order (TPO). The application doesn't take into account these trees and he is minded to object, although with some supporting information from the applicant, he would be happy to review his position. He comments that there appears to be 2 issues, firstly, would the grass structure require the tree to be pruned and, secondly, he would want to know what below ground construction is required to create the structure. If it's a light weight structure sitting on the existing surface he suggests the risk of root damage from footings would be low, but if a new surface is proposed roots damage is a possibility. If the tree needs to be pruned to facilitate the construction of the structure this should be specified as part of this application, otherwise a separate TPO application would need to be made.
12. The officer has subsequently commented that the extension would incorporate 2 supporting posts inset from the corners by around 1.6m. There is a small Maple tree in front of the premises which is protected by the TPO which is approximately 4.8m from the front of the building and is 1.6m from the eastern boundary of the forecourt meaning the structural post for the extension would be sited where the tree is located. The application states that the tree would be retained and that the foundations would be 1.8m from it, but he does not believe this to be the case. The row of trees protected by the TPO is located in a prominent location and enhances the public realm, and he would have to object to the removal of the tree.

### **Nottinghamshire County Council**

13. The Highways Authority comment that the development would not encroach on to the public highway and the footway width is wide enough to allow passage of pedestrians. There is no highway safety objection.

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

14. 1 written representation has been received raising objections which are summarised as follows.
  - a) Completely out of character for the High Street, and would encroach into a key public space and create circulation/security issues at night once the business is closed.
  - b) Would set a precedent for the adjacent businesses to also apply for similar extensions which would eventually result in the loss of this open space.

- c) The proposal takes no account of established trees within this space and how they could be retained with this development. If they are to be lost this would be another loss to the High Street character and should not be approved.

## **PLANNING POLICY**

15. The Development Plan for Rushcliffe consists of The Rushcliffe Local Plan Part 1: Core Strategy (LPP1), the Rushcliffe Local Plan Part 2: Land and Planning Policies (LPP2) and, in this case, the Radcliffe on Trent Neighbourhood Plan (ROTNP).
16. Other material considerations include the National Planning Policy Framework (NPPF) (2021) and the National Planning Practice Guidance (the Guidance).

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

17. The NPPF which includes a presumption in favour of sustainable development. There are three objectives to sustainable development, economic, social, and environmental.
18. The following sections of the NPPF are considered to be relevant.
- 6 - Building a strong, competitive economy
  - 12 - Achieving Well Designed Places

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

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

19. The following policies in LPP1 are considered to be relevant.
- Policy 1 - Presumption in Favour of Sustainable Development
  - Policy 10 - Design and Enhancing Local Identity

A copy of LPP1 can be viewed [here](#).

20. The following policies in LPP2 are considered to be relevant.
- Policy 1 – Development Requirements
  - Policy 25 - Development within District Centres and Local Centres
  - Policy 37 - Trees and Woodlands

A copy of LPP2 can be viewed [here](#).

21. The following policies of the ROTNP are considered to be relevant.
- Policy 1 – Village Centre First
  - Policy 13 – Business and Enterprise
  - Policy 14 – Design and Layout
  - Policy 15 – Local Architectural Styles

A copy of the ROTNP can be viewed [here](#).

## **APPRAISAL**

22. The main planning issues for consideration are:

- a) The visual impact of the proposed extension on the street scene and the character & appearance of the surroundings;
- b) The impact on trees protected by a TPO;
- c) The economic benefits of the proposal.

### **The visual impact of the proposed extension on the street scene and the character & appearance of the surroundings**

23. As stated in paragraphs 1 and 2, the application premises are within a two storey flat roofed building which appears to date from the later 1950s/early 1960s, in an area with a variety of buildings in terms of scale, form, period and design/style. The shopping parade however creates a uniform street scene to this part of Main Road, and the paved forecourt/outdoor seating area to the front, together with a row of trees protected by a TPO, results in an attractive street environment.

24. The proposed extension would project out by 5m into the forecourt/outdoor seating area. As the structure would be predominantly glazed, it is acknowledged that it would be a lightweight appearance. It is, however, considered that, due its siting and scale, it would represent an incongruous addition to the shopping parade and would have an intrusive visual impact in the street scene, which would be unsympathetic to the character of the surroundings.

### **The impact on trees protected by a TPO**

25. In view of the concerns of the Design & Landscape Officer relating to the impact on a protected Maple tree, it is considered that the loss of the tree, which enhances the street scene and has notable public amenity value, would be unacceptable.

### **The economic benefits of the proposal**

26. The impact of the Covid pandemic on business such as the applicants, and the economic benefits in terms of enabling the business to expand are acknowledged. However, after careful consideration it is considered that the adverse impacts on the environment identified above would outweigh the limited social economic benefits of the development.

27. The application was not subject to pre-application discussions. Further information was sought from and was provided by the applicant during processing of the application. However, it is considered that the adverse impacts of the proposal would be unacceptable and the application cannot, therefore, be supported.

## RECOMMENDATION

It is RECOMMENDED that planning permission be refused for the following reason(s)

1. Due to its siting and scale, the proposed extension would represent an incongruous addition to the shopping parade and would have an intrusive visual impact in the street scene, which would be unsympathetic to the character of the surroundings. The proposed development is, therefore, contrary to Section 12 (Achieving Well Designed Places) of the National Planning Policy Framework, policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy, policies 1 (Development Requirements) & 25 (Development within District Centres and Local Centres) of the Rushcliffe Local Plan Part 2: Land and Planning Policies, and policy 14 (Design and Layout) of the Radcliffe on Trent Neighbourhood Plan.
2. The proposed development would result in the loss of a Maple tree which is protected by a Tree Preservation Order and which enhances the street scene and has notable public amenity value. The proposed development is, therefore, contrary to the environmental objective of the National Planning Policy Framework and policy 37 (Trees and Woodlands) of the Rushcliffe Local Plan Part 2: Land and Planning Policies.