

# 20/03248/OUT

**Applicant** Barratt Homes North Midlands Charlotte Henson

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

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

**Ward** Cotgrave

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

## THE SITE AND SURROUNDINGS

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

## DETAILS OF THE PROPOSAL

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

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

## **SITE HISTORY**

13. The site has no recent planning history.

## **REPRESENTATIONS**

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

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

### **Town/Parish Council**

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

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

### **Statutory and Other Consultees**

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

### **Nottinghamshire County Council comments:**

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

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

### **The Borough Council comments:**

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

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

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

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

## **PLANNING POLICY**

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

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

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

## Relevant Local Planning Policies and Guidance

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

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

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

## **APPRAISAL**

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

### Principle of Development

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



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

### **Flooding and Drainage**

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

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

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

## **Access and Highway Safety**

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

### A606 / Cotgrave Road Traffic Signals

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

### Roundabout on Hollygate Lane

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

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

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

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

#### Main Road/Bingham Road/Plumtree Road mini roundabout

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

#### Stragglethorpe Road / Hollygate Lane

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

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

#### **A606 Melton Road/ Cotgrave Road junction**

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

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

### **Landscape / Visual Amenity**

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

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

### **Design and neighbouring amenity**

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

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

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

### **Contamination**

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

### **Appearance**

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

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

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

### **Archaeology and non-designated heritage assets**

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



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

### **Ecology and Biodiversity Net Gain**

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

b) *promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.*"

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

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

### **Health and Wellbeing**

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

### **Affordable Housing**

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

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

### **Planning Obligations**

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

### **Planning Balance and Conclusion**

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

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

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

## **RECOMMENDATION**

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

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

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

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

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

3. The development authorised by this permission shall be carried out in complete accordance with the approved drawings and specification listed below:
  - Site location Plan - Ref: LOC/01A Rev C
  - Arboricultural Tree survey plan – Ref: 9018-T-01
  - Arboricultural Assessment Report
  - Arboricultural Assessment Tree Schedule

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

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

4. No development in any phase of development shall take place until the details of a Construction Management Plan for that phase is submitted and approved in writing by the Local Planning Authority The statement shall have regard for the following items:
- a) Access and parking of vehicles of site operatives and visitors
  - b) Loading and unloading of plant and materials
  - c) Storage of plant and materials used in constructing the development;
  - d) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
  - e) Wheel washing facilities
  - f) Measures to control the emission of noise, dust, dirt and vibration during construction
  - g) A scheme for recycling/disposing of waste resulting from construction works
  - h) Hours of operation (including demolition, construction and deliveries)

- i) A scheme to treat and remove suspended solids from surface water run-off during construction.
- j) An earthworks strategy to provide for the management and protection of soils.
- k) The siting and appearance of contractors' compounds including heights of stored materials, boundaries and lighting together with measures for the restoration of the disturbed land and noise mitigation
- l) Scheme for temporary signage and other traffic management measures, including routing and access arrangements. The agreed access shall be provided before development commences.
- m) The routing of deliveries and construction vehicles to/ from the site and any temporary access points.

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

5. No development hereby approved shall commence until a detailed surface water drainage scheme for that phase based on the principles contained within the approved Flood Risk Assessment (FRA) and Drainage Strategy, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall be implemented in accordance with the approved details prior to completion of the development. The scheme to be submitted shall:
- a) Demonstrate that the development will use SuDS throughout the site as a primary means of surface water management and that design is in accordance with CIRIA C753.
  - b) Limit the discharge rate generated by all rainfall events up to the 100 year plus 40% (for climate change) critical rainstorm to 5 l/s/ha rates or the QBar greenfield run-off rate for the developable area, whichever is the lower as required by the Lead Local Flood Authority.
  - c) Provision of surface water run-off attenuation storage in accordance with 'Science Report SCO30219 Rainfall Management for Developments' and the approved FRA
  - d) Provide detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
  - e) For all exceedance to be contained within the site boundary without flooding new properties in a 100year+40% storm.
  - f) Details of STW approval for connections to existing network and any adoption of site drainage infrastructure.
  - g) Evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure long term effectiveness.

[Reason: To ensure that all major developments have sufficient surface water management are not at increased risk of flooding and do not increase flood risk off-site, and to comply with Policy 2 (Climate Change) of the Rushcliffe

Local Plan Part 1: Core Strategy (2014), Policies 17 (Managing Flood Risk) and 18 (Surface Water Management) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Paragraphs 167 and 169 of the National Planning Policy Framework (July 2021). This condition is pre-commencement to avoid the potentially costly and abortive works of rectifying the situation if the design of the scheme needed to be revised or altered at a later date.]

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

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

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

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

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

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



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

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

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

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

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

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

11. No development in any phase shall take place until a Landscape and Ecological Management Plan (LEMP) including any recommendations of the consultant ecologist (See section 5 of the Preliminary Ecological Assessment) and covering the biodiversity gain demonstrated in the biodiversity net gain assessment, with the means to implement in the long term in that phase has

been submitted to and approved by the Local Planning Authority. Thereafter, the approved development must be undertaken in accordance with the approved details with any ecological mitigation measures retained and appropriately maintained on the site throughout the lifetime of the development.

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

12. No development in any phase shall take place until an ecological construction method statement incorporating reasonable avoidance measures (RAMs), including the good practice points below and any supplied by the consultant ecologist (See section 5 of the Preliminary Ecological Assessment) in that phase have been submitted to and approved by the Local Planning Authority:
  - a) The use of external lighting (during construction and post construction) should be appropriate to avoid adverse impacts on bat populations, see <https://www.bats.org.uk/news/2018/09/new-guidance-on-bats-andlighting> for advice and a wildlife sensitive lighting scheme should be developed and implemented.
  - b) Permanent bat boxes and bird boxes (including swifts) should be incorporated into buildings and where appropriate on retained trees, consideration should be given to the provision of raptor / barn owl boxes. Hedgehog corridors, access and enhancements should be provided within and through site boundaries. Invertebrate enhancements (e.g. bee bricks and Insect hotels) should be provided as appropriate. Reptile enhancements e.g. hibernacula or other enhancements should be provided.
  - c) New wildlife habitats should be created where appropriate, including wildflower rich neutral grassland, hedgerows, trees and woodland, wetlands and ponds. For amenity grassland, flowering lawn seed mixes are recommended.
  - d) Any existing hedgerow / trees should be retained and enhanced, any hedge / trees removed should be replaced. Any boundary habitats should be retained and enhanced.
  - e) Where possible new trees / hedges should be planted with native species (preferably of local provenance and including fruiting species). See <https://www.rushcliffe.gov.uk/conservation/treeshedgesandlandscaping/landscapingandtreeplanting/plantingonnewdevelopments/> for advice including the planting guides (but exclude Ash (*Fraxinus excelsior*)).
  - f) Sustainable Urban Drainage schemes (SUDs) where required should be designed to provide ecological benefit.

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

enhancing the natural environment) of the National Planning Policy Framework (July 2021). This is a pre-commencement condition to ensure that the ecological matters are considered prior to the detailed design of the development being finalised so that they are considered at the earliest possible stage.]

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

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

14. The development in any phase hereby permitted must not commence and no preparatory operations in connection with the development hereby permitted (including demolition, site clearance works, fires, soil moving, temporary access construction and / or widening, or any operations involving the use of motorised vehicles or construction machinery) shall take place until a detailed Arboricultural Method Statement (AMS) prepared in accordance with BS5837:2012 'Trees in relation to design, demolition and construction - Recommendations' in that phase has been submitted to and approved in writing by the Local Planning Authority and all protective fencing has been erected as required by the AMS. The AMS must include full details of the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

[Reason: To ensure that any archaeological items and/or features are recorded in a manner proportionate to their significance and to make the recorded evidence (and any archive generated) publicly accessible, having regard to Policy 11 (Historic Environment) of the Rushcliffe Local Plan Part 1: Core Strategy (2014); and Policies 28 (Historic Environment: Conserving and Enhancing Heritage Assets) and 29 (Development Affecting Archaeological Sites) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Chapter 16 (Conserving and enhancing the historic environment) of the

National Planning Policy Framework (July 2021). This condition is pre-commencement to ensure an appropriate level of care and recording (as necessary) is made of any heritage assets which are irreplaceable if not protected prior to development commencing.]

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

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

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

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

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

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

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

[Reason: In the interests of Highway safety and to ensure that the estate streets serving the development are completed and thereafter maintained to an acceptable standard in the interest of residential / highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the development; and to safeguard the visual amenities of the locality and users of the highway, having regard to Policy 1 (Development Requirements) of the

Rushcliffe Local Plan Part 2: Land and Planning Policies (2019). This is pre-commencement condition to avoid otherwise abortive works and costs adapting highways to the appropriate standards post construction.]

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

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

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

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

### **Note to Applicant**

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

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

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

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

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

Structures cannot be constructed on the line of the right of way without the prior

authorisation of the Rights of way team. It should be noted that structures can only be authorised under certain criteria and such permission is not guaranteed.

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

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

Good practice construction methods should be adopted including:

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

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

Planning Practice Guidance and section H of the Building Regulations 2010 detail surface water disposal hierarchy. The disposal of surface water by means of soakaways should be considered as the primary method. If this is not practical and there is no watercourse is available as an alternative other sustainable methods



should also be explored. If these are found unsuitable, satisfactory evidence will need to be submitted, before a discharge to the public sewerage system is considered.

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

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