

21/00231/OUT

Applicant Mr Oscar Briggs

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

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

Ward Cotgrave

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

THE SITE AND SURROUNDINGS

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

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

DETAILS OF THE PROPOSAL

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

SITE HISTORY

17. The site has no recent planning history.

REPRESENTATIONS

Ward Councillor(s)

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

Town/Parish Council

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

Statutory and Other Consultees

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

Nottinghamshire County Council comments:

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

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

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

The Borough Council comments:

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

Local Residents and the General Public

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

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

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

PLANNING POLICY

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

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

Relevant National Planning Policies and Guidance

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

45. The relevant paragraphs of the NPPF are:

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

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

Relevant Local Planning Policies and Guidance

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

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

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

APPRAISAL

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

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

Principle of Development

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

Flooding and Drainage

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

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

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

Access and Highway Safety

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

A606 / Cotgrave Road Traffic Signals

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

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

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

Roundabout on Hollygate Lane

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

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

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

Main Road/Bingham Road/Plumtree Road mini roundabout

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

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

Stragglethorpe Road / Hollygate Lane

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

A606 Melton Road/ Cotgrave Road junction

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

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

Landscape / Visual Amenity

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

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

Design and neighbouring amenity

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

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

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

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

Contamination

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

Appearance

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

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

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

Archaeology and non-designated heritage assets

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

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

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

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

Ecology and Biodiversity Net Gain

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

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

Health and Wellbeing

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

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

Planning Obligations

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

Planning Balance and Conclusion

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

stage.

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

RECOMMENDATION

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

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

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

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

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

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

- Location Plan: A_1815 EX100 – dated Aug 2019
- Proposed access – Colston Gate: 182-TA13 dated 20/09/19
- Design and Access Statement - prepared by AT Architecture
- Joint Statement of Community Involvement - prepared by Bidwells
- Landscape & Visual Impact Assessment - prepared by Aspect Landscape Planning
- Health Impact Assessment - prepared by GraceMachin Planning & Property

- Phase 1 Ground Investigation - prepared by Geo Environmental
- Archaeological Assessment & Project Specification - prepared by TVAS North Midlands
- Extended Phase 1 Ecology Survey - prepared by Lockhart Garratt
- Reptile Survey - prepared by Lockhart Garratt
- Ecology Update - prepared by Aspect Ecology
- Arboriculture Assessment - prepared by Lockhart Garratt
- Transport and Access Investigations - prepared by Martin Andrews Consulting Ltd
- Travel Plan - prepared by Martin Andrews Consulting Ltd
- Flood Risk and Drainage Assessment - prepared by Martin Andrews Consulting Ltd
- Noise Constraints Assessment - prepared by Professional Consult
- Topographical Survey - prepared by jpp

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

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

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

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

condition to ensure that the appropriate measures to protect the amenities of the local residents are in place before development starts.]

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

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

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

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

[Reason: To ensure that all major developments have sufficient surface water management are not at increased risk of flooding and do not increase flood risk off-site, and to comply with Policy 2 (Climate Change) of the Rushcliffe Local Plan Part 1: Core Strategy (2014), Policies 17 (Managing

Flood Risk) and 18 (Surface Water Management) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Paragraphs 167 and 169 of the National Planning Policy Framework (July 2021).]

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

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

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

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

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

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

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

9. Before development commences in any phase, a noise attenuation scheme to adequately protect the outdoor amenity areas of the proposed dwellings in that phase shall be submitted to and approved by the Local Planning Authority. It shall have regard to BS 8233:2014 Sound Insulation and Noise

Reduction for Buildings. The approved scheme shall be installed prior to the first occupation and thereafter be retained for the lifetime of the development. It is desirable that the steady noise level does not exceed 50 dBLAeq,16hours. Furthermore, 55 dBLAeq,16hours should be regarded as the upper limit.

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

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

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

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

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

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

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

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

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

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

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

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

14. No development in any phase shall take place until an ecological construction method statement incorporating reasonable avoidance measures (RAMs), including the good practice points below in that phase have been submitted to and approved by the Local Planning Authority:
 - a) The use of external lighting (during construction and post construction) should be appropriate to avoid adverse impacts on bat populations, see <https://www.bats.org.uk/news/2018/09/new-guidance-on-bats-andlighting> for advice and a wildlife sensitive lighting scheme should be developed and implemented.

- b) Permanent artificial bat boxes / bricks / tiles and wild bird nests (for example Swallow/swift cups and sparrow terrace / boxes and barn owl box) should be installed within / on buildings and /or predator poles.
- c) Insect and herptile habitat enhancements should be provided and hedgehog corridors between gardens
- d) New wildlife habitats should be created where appropriate, including wildflower rich neutral grassland,
- e) hedgerows, trees and woodland, wetlands and ponds.
- f) Any existing hedgerow / trees should be retained and enhanced, any hedge / trees removed should be replaced. Any boundary habitats should be retained and enhanced.
- g) New trees / hedges should be planted with native species (preferably of local provenance and including fruiting species). See <https://www.rushcliffe.gov.uk/conservation/trees/hedgesandlandscaping/landscapingandtreeplanting/plantingonnewdevelopments/> for advice including the planting guides (but exclude Ash (*Fraxinus excelsior*))
- h) Sustainable Urban Drainage schemes (SUDs) where required should be designed to provide ecological benefit.

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

15. The development hereby permitted must not commence in any phase and no preparatory operations in connection with the development hereby permitted (including demolition, site clearance works, fires, soil moving, temporary access construction and / or widening, or any operations involving the use of motorised vehicles or construction machinery) shall take place in that phase until a detailed Arboricultural Method Statement (AMS) prepared in accordance with BS5837:2012 'Trees in relation to design, demolition and construction - Recommendations', has been submitted to and approved in writing by the Local Planning Authority and all protective fencing has been erected as required by the AMS. The AMS must include full details of the following:
- a) The timing and phasing of any arboricultural works in relation to the approved development;
 - b) Detailed tree felling and pruning specification in accordance with BS3998:2010 Recommendations for Tree Works;
 - c) Details of a Tree Protection Scheme in accordance with BS5837:2012 which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site which are to be retained or which are the subject of any Tree Preservation Order;
 - d) Details of any construction works required within the root protection area as defined by BS5837:2012 or otherwise protected in the Tree Protection Scheme;

- e) Details of the location of any underground services and methods of installation which make provision for protection and the long-term retention of the trees on the site. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, no services shall be dug or laid into the ground other than in accordance with the approved details;
- f) Details of any changes in ground level, including existing and proposed spot levels, required within the root protection area as defined by BS5837:2012 or otherwise protected in the approved Tree Protection Scheme;
- g) Details of the arrangements for the implementation, supervision and monitoring of works required to comply with the AMS.

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

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

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

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

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

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

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

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

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

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

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

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

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

21. No dwellings shall be occupied until the vehicle access onto Colston Gate has been provided as shown on the drawing entitled 'Illustrative Masterplan',

drawing no. 122 rev. C' has been provided to the satisfaction of the Local Planning Authority.

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

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

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

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

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

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

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

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

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

NOTES TO APPLICANT

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

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

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

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

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

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

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

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

Good practice construction methods should be adopted including:

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

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

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

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

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

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

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

payment and delivery of the bins

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

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

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

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

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

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

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