

# 18/00300/OUT

**Applicant** Space Foods Limited

**Location** Land At OS Reference 456332 Asher Lane Ruddington Nottinghamshire

**Proposal** Outline planning application for proposed development of 175 dwellings including vehicular access (via 75 Musters Road), pedestrian links, public open space, car parking, landscaping and drainage

**Ward** Ruddington

## THE SITE AND SURROUNDINGS

1. The site comprises of an arable field measuring a total of 9.68 ha in area. It is located south-west of the village of Ruddington. The field is bounded by mature hedgerows. Ruddington is located approximately 7km to the south of Nottingham, between the A60 to the east and the former Great Northern Railway Line to the west.
2. The site is bordered to the north by the private rear residential gardens of properties located along the south side of Musters Road and Western Fields. The southern boundary adjoins, in part, the private allotment gardens known as Buttercup Gardens and Asher Lane, beyond which is Rushcliffe Country Park. The western boundary is parallel to an informal public footpath with the Great Central Railway Line beyond. To the east, beyond a smaller arable field, is a second private allotment garden known as Hareham Gardens.
3. The site is located within the Green Belt as defined by 'saved policy' ENV15 of the Rushcliffe Borough Local Plan (1996) (LPA2) and retained under the provisions of Policy 4 of the Rushcliffe Local Plan Part 1 Core Strategy (LP4).

## DETAILS OF THE PROPOSAL

4. The application seeks outline planning permission, with all matters reserved, for 175 dwellings, including vehicular access, although the site includes a residential property on Musters Road (75 Musters Road) and preliminary drawings have been provided showing access through this property, which would necessitate its demolition. Other matters to be dealt with at detailed stage include pedestrian links, public open space, car parking, landscaping and drainage etc.
5. In support of the application the following documents have been submitted; a Design and Access Statement; Opportunities and Constraints Report; Green Belt Assessment; Landscape and Visual Impact Assessment; an Historic Environment Desk Based Assessment; an Ecological Appraisal and Protected Species Survey; an updated Noise Assessment Report; a Flood Risk Assessment; a Utilities Report; a Transport Assessment; a Travel Plan, an Indicative Layout Plan and a plan detailing the access and off site highway works on Musters Road.

## SITE HISTORY

6. 14/02540/OUT – An outline planning application for 250 dwellings (including vehicular access, pedestrian links, public open space, car parking, landscaping and drainage) was submitted in December 2014 and subsequently withdrawn in January 2016.
7. 16/03123/OUT – An outline planning application for 175 dwellings (including vehicular access (off Asher Lane), pedestrian links, public open space, car parking, landscaping and drainage) was submitted in January 2017 and subsequently refused in April 2017 on the following grounds:
  - i. *The site is located within the Green Belt where residential development of the scale proposed is considered to be inappropriate development. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in 'very special circumstances'. It is not considered that 'very special circumstances' have been demonstrated which would outweigh the identified harm to the Green Belt by reason of inappropriateness. The proposal is therefore contrary to Policy ENV15 (Green Belt) of Rushcliffe Borough Local Plan (1996), Policy 4 (Nottingham - Derby Green Belt) of the Rushcliffe Local Plan Part 1: Core Strategy December 2014, Policy EN14 (Protecting the Green Belt) of the Rushcliffe Non-Statutory Replacement Local Plan and the guidance contained within the National Planning Policy Framework, in particular Chapter 9 (Protecting Green Belt Land).*
  - ii. *The proposed development of 175 houses would result in severe impacts on the local highway network and the submission does not adequately demonstrate that such impacts could be adequately mitigated. The proposal is therefore contrary to Policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan, Policy 10 (Design and Enhancing Local Identity) of the Local Plan Part 1: Rushcliffe Core Strategy and guidance contained within the National Planning Policy Framework, in particular Paragraph 32.*
  - iii. *It has not been demonstrated that the noise from the barking and howling of dogs at the established boarding kennels to the west of the site on Asher Lane, could be sufficiently mitigated to prevent significant adverse impacts on the amenities of future occupiers of the proposed dwellings. The application is therefore contrary to Policies GP2 (Design and Amenity Criteria) and EN22 (Pollution) of the Rushcliffe Non-Statutory Replacement Local Plan and the guidance contained within the National Planning Policy Framework, in particular paragraph 123.*
8. The 16/03123/OUT application was the subject of an appeal, considered at an Inquiry in April 2018. The Inspector subsequently allowed the appeal and made the following observations.
9. With regards to highway issues he concluded that; *“the currently un-adopted status of that part of Asher Lane within the site would not prevent suitable access to the proposed development; that the narrowness of the northern*

*adopted part of Asher Lane within the village would be unlikely to give rise to a severe impact on highway safety; and that the proposed development would not result in unacceptable congestion at the A60 junction in the absence of any mitigation scheme there. I acknowledge that there may be a necessity at the High Street junction to prevent parking and servicing near to the junction and that this will cause inconvenience and possibly some loss of passing trade to the shop premises in the vicinity of the junction. But the highway impact of this, in terms of capacity at this junction as well as pedestrian safety and convenience would not only mitigate the impact of the traffic from the proposed development but would actually provide betterment and this would outweigh any such impacts. For these reasons I conclude that the proposed development would not result in severe residual cumulative impacts on the local highway network.”*

10. With regard to the Green Belt issues, he stated that; *“There would clearly be harm to the Green Belt by inappropriateness, loss of openness and some incursion into the countryside to the south of the village. But such harm would be minimal in terms of the five purposes of the Green Belt set out in the NPPF and the criteria in Core Strategy Policy 4. The harm would be less than that created by the development of the Council’s preferred sites, which in themselves attest to the need to develop Green Belt sites on the edge of Ruddington. There is no other harm that would arise from the proposed development, given my conclusion that it would not result in severe residual cumulative impacts on the local highway network. In my judgement the harm to the Green Belt by reason of inappropriateness, loss of openness and incursion into the countryside would be clearly outweighed by these other considerations and very special circumstances have been successfully demonstrated. The proposed development would accord with the Council’s spatial strategy in Core Strategy Policy 3, which requires a minimum of 250 new homes in Ruddington within the plan period (to 2028). This can only be achieved by building in the Green Belt and in this respect the proposal would accord with the direction of the emerging Local Plan Part 2, albeit not on the likely favoured sites. For these reasons the proposed development would comply with Core Strategy Policies 3 and 4, albeit this decision does not change existing Green Belt boundaries. It would comply with NPPF Chapter 9 (now Chapter 13), specifically with paragraphs 80, 87 and 88, and therefore also with Policy EN14 of the Replacement Local Plan which has the same requirements.”*
11. With regard to the third reason for refusal on noise grounds, prior to the Public Inquiry, the agents submitted a revised Noise Assessment Report which concluded that, subject to acoustic glazing, passive ventilation and close boarded acoustic fencing, noise from the nearby kennels would not unduly harm the living conditions of future residents of the development.
12. The application currently under consideration is the same as that allowed at appeal, except for the indicated location of the proposed vehicular access being off Musters Road, as opposed to Asher Lane.

## REPRESENTATIONS

### Ward Councillor(s)

13. One Ward Councillor (Cllr Lungley) originally objected on the following grounds; 175 more houses would result in congestion, the access road would be overcrowded; the local schools and Doctors surgeries would be unable to cope; the site is unsuitable for this number of houses.
14. One Ward Councillor (Cllr Buckle) objects on the following grounds; the Public Inquiry did not examine the substantial and significant implications of access from Musters Road.
15. One Ward Councillor (Cllr Greenwood) objects for the reasons given by Cllr Buckle.

### Town/Parish Council

16. Ruddington Parish Council object and comment; *“The Parish Council supports the method of allocation of housing by the Borough Council via the Local Plan and has taken part in the Consultation throughout.*
17. *Although it is recognised that this piece of land has low importance within the Green Belt, there are other pieces of land also consulted upon for the Local Plan Part 2 that equally have low importance in the Green Belt but have better outcomes for the village in terms of the local traffic network.*
18. *The location of this site is such that all traffic movements to and from the site will impact upon the core of the village no matter where the access point is located.*
19. *Traffic leaving the estate will have to pass down Musters Road or Distillery Street, both of which have considerable on street parking by householders, some of which – particularly on Distillery Street - is due to a complete lack of off street parking. The eastern end of Distillery Street (where there is no off-street parking) is also extremely narrow which means that for the majority of time it is only possible to have one way traffic. The junction of Distillery Street/The Green/Asher Lane is already dangerous due to the narrowness of the streets, the on-street parking and the bus route, the increase in traffic will increase the risk of accidents at this junction.*
20. *Traffic trying to leave the village from the location of the appeal site can only do so via High Street or Kirk Lane. Traffic travelling to the infant and junior schools can only do so via High Street or Kirk Lane. Delivery vehicles or construction traffic trying to access the site can only do so via High Street or Kirk Lane. On street parking results in only one lane usable in parts of these streets and buses can only navigate the junction of High Street & Kirk Lane when there is no queued traffic on Kirk Lane due to the angle and narrowness of the junction.*
21. *The proposed mitigation of installing traffic lights at the junction of Kirk Lane/Charles Street/High Street completely ignores the designated parking bays for local shoppers, the close proximity of the junction of Parkyns Street*

*and the narrowness of the paths - all of which will combine to ensure that the proposed traffic lights actually worsen the situation rather than mitigating it.*

22. *The surveys within the traffic assessment seem to ignore the fact that Kirk Lane cannot physically hold the amount of cars that will be queuing and this will add to the traffic lengths on Loughborough Road and Flawforth Lane, so rather than there being little impact on an already overburdened road there will be a huge impact.*
23. *The proposed access on Musters Road is extremely close to 3 other junctions which will increase the possibility of accidents in this area, visibility is already limited at these junctions.*
24. *Within the Travel Plan, Table 1: Accessibility Assessment (pg. 16) shows the approximate distances and times to local facilities & amenities. This shows that the Junior School is outside of the 1.6km distance desired by the DFT, contrary to the statement made on page 17 of the report (point 5.3). It is also questionable as to whether a small child would be able to walk to James Peacock Infant School within 14 minutes as they do not travel at 'a standard walking speed'. As all of the educational facilities are outside of the 'Walkable Neighbourhoods' criteria mentioned on page 18, these journeys would be undertaken by vehicle.*
25. *Within the Travel Plan it is illustrated that there is only one bus stop within suitable walking distance of the site, this service travels to Keyworth and only operates until 1.30pm. Therefore most journeys will not be on foot, they will be by private car.*
26. *Policy 14 of the Rushcliffe Local Plan document sets out Rushcliffe Borough Councils aims to reduce travel demand by:*
  - 1 – *The need to travel, especially by private car, will be reduced by securing new developments of appropriate scale in the most accessible locations following the special strategy in Policy 3, in combination with the delivery of sustainable transport networks to serve these developments;*
  - 2 – *The priority for new development is selecting sites already, or which can be made accessible by walking, cycling and public transport. Where accessibility deficiencies do exist these will need to be fully addressed. In all cases it will be required that severe impacts, which could compromise the effective operation of the local highway network and its ability to provide sustainable transport solutions or support economic development, should be avoided.*
27. *The location of the site will have a severe impact on the local highway network in Ruddington, the mitigation proposed (traffic lights) will not reduce the impact but will have a further impact on the economic development of the village, valuable on street parking facilities in the centre of the village will be lost which will reduce the economic viability of some of our shops and could bring about the possibility of high street closures. The proposal that a set of traffic lights should be installed in the Conservation Area will detract from the attractiveness of the village centre and the setting of the High Street. The*

*increase in traffic will make it less likely that people will shop in the village centre which has a knock on effect economic viability also.*

28. *It is worth noting that the developers Green Belt Assessment contains errors as they have stated that (page 46) "Plots 16, 17, 19 and 21 would all contribute to a merging of Ruddington and neighbouring Clifton" This is incorrect – plots 16, 17, 18 and 21 would contribute to merging with Clifton. In addition the landscape sensitivity assessment (page 44) has assessed plots 19 & 20 incorrectly as they are at the edge of development which is already highly visible, therefore it would not represent a change of the character in this area.*
29. *The impact on the local business nearby – the kennels – could be immense as potentially householders could complain about the noise affecting their local amenity whilst barbecuing in their gardens in the summer months. In addition to this the allotments nearby are currently restricted to only having bonfires when the wind is in a south westerly direction – which will be the location of the new homes. Homes in this location could result in the allotment holders not being able to tend to their allotments properly as they could face further restrictions from Environmental Health Officers.*
30. *In conclusion, Ruddington Parish Council objects to this planning application based on the severe impact on the local highway network which will not be mitigated by the measures contained within the application and the impact on the economic development of the village centre."*

### **Statutory and Other Consultees**

31. The Environment Agency - advise that this site falls in Flood Zone 1 and as such the Lead Local Flood Authority should be consulted regarding the sustainable disposal of surface water from this site.
32. The Trent Valley Internal Drainage Board – advise that the site is outside of the Trent Valley Internal Drainage Board district but within the Board's catchment. There are no Board maintained watercourses in close proximity to the site. Discharge from greenfield sites should be limited to greenfield rates unless otherwise agreed by the Board. The use of SUDS should be agreed with the Lead Local Flood Authority.
33. Rushcliffe NHS - previously advised that although the main surgery in Ruddington has been extended in the fairly recent past by adding a new floor to the building, there are a number of developments in Ruddington that are being proposed/built, increasing the number of potential new patients in the village. It is considered that the surgery building is now at capacity and a contribution will be sought towards health care provision in the village. They accept that they will have to provide more details regarding capacity and need, but would apply their formula of £920 per 2+ bedroom dwelling and £600 per 1 bedroom dwelling. As it is not clear what is being proposed, if all dwellings are 2+ bedrooms a contribution of £161,000 would be sought.
34. Highways England - with a number of development plans for the South Nottingham area, the Rushcliffe Local Plan Part 1: Core Strategy indicates that in order to address the impacts of future development in Rushcliffe a package of junction improvements is required on the A52 and that

developments should contribute towards the delivery of these improvements. Highways England has agreed with Rushcliffe Borough Council and Nottinghamshire County Council a process for securing these developer contributions as set out in the A52/A606 Improvement Package Developer Contribution Strategy Memorandum of Understanding, September 2015. As part of the contribution strategy, for the proposed development of 175 dwellings a sum of £1,076.66 on a cost-per-dwelling basis has been identified by Highways England in consultation with Rushcliffe Borough Council, amounting to a contribution of £188,415.50 for this application. The applicant has been made aware of this requirement and has indicated a preparedness to accept such an obligation. Highways England therefore has no objections to the application subject to the following condition; *No development hereby permitted shall take place until an appropriate agreement under Section 278 of the Highways Act 1980 has been entered into with Highways England to facilitate improvements to A52 junctions in accordance with the provisions of the A52/A606 Improvement Package Developer Contributions Strategy Memorandum of Understanding, September 2015.*

35. Nottinghamshire Area Ramblers - are concerned about the loss of Green Belt land. One of the objectives of Ramblers is the protection and enhancement for the enjoyment of the public of the beauty of the countryside. The land is visible from Ruddington Footpaths FP5 & 6. Additionally, there is a path along the western border. Ramblers would suggest that, by appropriate landscaping, this path should extend around the entire development.
36. East Midlands Airport – advise that the proposed development has been examined from an aerodrome safeguarding aspect and does not conflict with any safeguarding criteria. Accordingly, East Midlands Airport has no safeguarding objections to the proposal.
37. Nottinghamshire County Council - Rights of Way – advise that no rights of way are currently within the application site, however it is always possible that there are public rights that have not yet been recorded. Rights of way are adjacent to the application site – Footpath no 6 (Upon Asher Lane) – Ruddington. Should there be any requirement for access to the application site from Asher Lane then the footpath should remain open, unobstructed and be kept on its legal alignment at all times and there should be no disturbance to the surface of the footpath without prior authorisation from the rights of way team.
38. Nottinghamshire County Council as Highway Authority - previously considered the principle of residential development at this site under application references 14/02540/OUT and 16/03123/OUT, both of which took access from Asher Lane. Whilst the former proposal was withdrawn by the applicant, the latter was subsequently allowed at Public Inquiry (Appeal ref APP/P3040/W/17/3185493). They are therefore unable to include any highway related aspects considered at the Inquiry as a reason for refusal as these have now been determined favourably by the Inspector. In highway terms, the only change to the current proposal occurs at the site access which is now located on Musters Road. Drawing AND0176-IM-002 Revision B shows the site access being positioned on the outside of a bend, on land formerly occupied by 75 Musters Road.

39. Whilst they have issue regarding visibility at the junction, they also have concerns regarding its close proximity to Western Fields and the resultant increase in the number of turning manoeuvres which are likely to increase the risk of collisions. In order to reduce the likelihood of such events taking place, it may be possible to “square off” Musters Road and provide a continuous route into the site. Musters Road (east/west section) and Western Fields would then become priority controlled junctions. The arrangement would also discourage right turning vehicles out of the site, thereby avoiding the narrow sections of Musters Road and Asher Lane. A revised junction layout should therefore be provided for further assessment. Once this has been satisfied, they request the conditions made by the Inspector at the above appeal are repeated.
40. Following the submission of a plan detailing the junction and off-site highway works on Musters Road; NCC Highways advised further that the access arrangement as shown on drawing 20999\_08\_020\_11 is sufficient to address their concerns. They request the following condition is also attached to any grant of consent; *Occupation of the proposed dwellings shall not take place until the access arrangement as shown for indicative purposes only on drawing 20999\_08\_020\_11 has been provided.*
41. Nottinghamshire County Council - Travel and Transport - comment that a significant number of the proposed dwellings will be within 300 metres walking distance of a bus stop. It is estimated that the new development would result in excess of 400 new occupants. Using a public transport modal share of 10%, it is estimated that the development will generate approximately 80 additional trips per day. This could be served through an enhancement of the Service 863 to provide a service to local facilities and including links to nearby settlements. Transport & Travel Services will wish to negotiate with the developer and Highways Development Control regarding provision of appropriate bus services to serve the site. An indicative local bus service contribution of £100,000 would fund an enhancement to service 863 to provide additional capacity to serve the site through an increased service frequency.
42. Nottinghamshire County Council - Libraries - seek a developer contribution for the additional stock that would be required to meet the needs of the 420 population that would be occupying the new dwellings of £6,193.
43. Nottinghamshire County Council - Education - the proposed development is situated within the primary catchment area of James Peacock Infant/St Peter's C of E Junior Schools and the secondary catchment area of The Rushcliffe School. Although there is no guarantee that all families in the proposed new housing would apply for places in these schools, it is very likely that this will be the case, especially if families are unable to travel far to a school. The mitigation required is based upon this assumption but this is moderated by an analysis of the availability of places at all schools within the planning area. The projection data shows there is currently no capacity to accept more places at these school. Nottinghamshire County Council therefore request both primary and secondary education. A proposed development of 175 dwellings would yield an additional 37 primary and 28 secondary places. Therefore, an education contribution is sought of £423,835 (37 x £11,455) to provide primary and £483,280 (28 x £17,260) to



provide secondary provision to accommodate the additional pupils projected to arise from the proposed development.

44. Nottinghamshire County Council - Lead Local Flood Authority - Having examined the FRA (ref: 20999/12-16/4635 REV A) confirm that the LLFA have no objections subject to a Final Drainage Design submitted at Full Application stage that incorporates the integration of the SUDS methods mentioned in that report. Details will also be required of who will adopt and maintain the sites drainage features following construction.
45. Rushcliffe Borough Council's Conservation and Design Officer – advises that there are no designated heritage assets nearby to the site. The nearest listed building is the grade II listed Old Schoolhouse over 300 metres away from the site boundary to the northeast, the Ruddington Conservation area is also located to the northeast just over 130 metres away from the site at its nearest point. There is existing housing development on either side of Musters Road to the north of the site which stands between the application site and the conservation area. This is post 1940's housing development of no historic interest. This band of 20th century housing essentially separates the application site from the conservation area. There are no views or positive spaces identified to the southwest of the conservation area within its character appraisal.
46. The application is made with all matters reserved. The indicative layout is noted, however this serves little purpose beyond showing that the proposed 175 dwellings would fit at a not inappropriate density, there is little for him to comment on in his design role. He has counted the dwellings shown on the indicative layout and there are 175 shown, he cannot see if things like roads are of adequate sizes, and it is noted that there are no turning heads provided which will either reduce numbers of units or eat into the green spaces. Overall the indicative layout does offer some comfort that something close to 175 dwellings could be accommodated. The element of open space at the core of the site is small and the provision of a tree at its centre further limits its practical function, being surrounded by roads it would not be a particularly attractive space. If a central open area is to be included, and it would be a desirable feature, it should be a space large enough to be utilised by residents rather than simply become a redundant green feature that nobody uses or enjoys.
47. In his role in providing Archaeological advice, he has considered the Archaeological Desk Based Assessment provided with this application. He agrees with the ultimate conclusion which is draft from the desk based assessment exercise, essentially that the site does not appear to show any notable promise, but similarly unpromising sites in relative proximity have been revealed to contain archaeological features. The paucity of evidence from the local area is therefore considered to owe more to the low level of any formal investigations rather than the absence of archaeology (Absence of evidence as opposed to evidence of absence). This makes it difficult to draw reliable conclusions about the likely potential of this site hence the low to modest likelihood of archaeology from a variety of periods established via the report. The report does acknowledge; *“Given the potential, it is possible that Rushcliffe Borough Council and their archaeological advisors may require mitigation measures such as archaeological field walking, geophysical*

*survey, evaluation and/or monitoring and recording during intrusive groundworks in the early part of the development programme.”*

48. Under the circumstances he would agree that these reasonable findings do warrant further investigation, the initial field walk associated with the desk based survey having already revealed medieval and post/medieval pottery fragments. This archaeological investigation should include on site evaluation trenching targeted upon the results of geophysical survey and a condition of any permission should require a scheme of targeted archaeological evaluation, a written scheme of investigation to be submitted to and agreed in writing by the Borough Council and then undertaken in accordance with that approved scheme. He is happy for this to be broken down into phases across the site and for there to be provision to review the scale of excavation required based upon the findings of earlier phases. Ideally the survey work as a minimum should precede any reserved matters submission in case the results necessitate revisions to the proposed layout of the development.
49. Rushcliffe borough Council's Waste Advisor – advises that developers should be made aware of the Councils' policy for the first provision of wheeled refuse containers.
50. Rushcliffe Borough Council's Environmental Health Officer – notes that the proposed road access to the site would be between two existing residential dwellings, 1 Western Fields to the West and 73 Musters Road to the East; should the application be granted there may be some loss of amenity to occupiers of these and other existing neighbouring residential properties due to noise from road traffic using the access road. As a result of this, they recommend that the applicant instructs a suitably qualified noise consultant to predict and assess the potential noise impacts of road traffic using the proposed access road on existing residential properties adjacent the proposed access road. The assessment will need to demonstrate that noise from road traffic using the proposed access road will not exceed the relevant noise standards (namely BS 8233: 2014 Guidance on Sound Insulation and Noise Reduction for Buildings and the World Health Organisation Guidelines for Community Noise) and, if necessary, should detail any noise mitigation measures that may be required to protect the amenity of neighbouring residents.
51. In addition to this, if permission is to be granted, they also recommend that conditions be imposed to minimise any potential nuisance in relation to; acoustic glazing, passive ventilation, acoustic boundary fencing, the control of noise, dust and vibration during demolition and construction, no burning and encountering of contamination.
52. Following the submission of a further Noise Report in connection with the noise impacts upon 73 Musters Road and 1 Western Way, they advised as follows; *“Having reviewed the supporting noise assessment from Mewies Engineering Consultants Ltd (M-EC) (Report Ref: 20999/07-18/5993 dated July 2018) we are satisfied with the survey findings and evaluation of the predicted noise impacts on the dwellings adjacent the proposed road access to the development from Musters Road to the North. The noise assessment recommends the erection of a 2 metre high close boarded acoustic fence to the West and East of the access route as per Appendix F; we would therefore recommend that the installation, retention and maintenance of the acoustic*

*fencing be included as a condition of the planning permission if this is to be granted.”*

53. Rushcliffe Borough Council’s Environmental Sustainability Officer – has provided comments regarding ecological matters.
54. Ecological Survey - He notes that a Preliminary Ecological Appraisal has been supplied. The survey for this appraisal has been completed (in December 2016) outside of the optimum survey season, they are supported by surveys completed in 2014, which are now out of date, however the results of the 2016 survey suggest site conditions have not altered and the conclusions of the 2014 survey can be considered.
55. Species and Habitats - A local negative impact on bats and nesting birds is identified and a very low likelihood of amphibians, reptile species and water voles to be present. The vegetation present in general has low ecological value, however, the hedgerows present opportunity for ecological enhancement.
56. Recommendations which should be subject of conditions on any permission as appropriate, including recommendation made by the consultant ecologists:
  - Recommendation in Section 7 of the ecology appraisal should be adopted.
  - All workers / contractors should be made aware of the (low) potential of protected species being found on site and care should be taken during works to avoid harm. If protected species are found during works, work should cease until a suitable qualified ecologist has been consulted.
  - Suitable habitat for reptiles should be subjected to a hand search by suitably competent practitioners immediately prior to clearance.
  - All work impacting on vegetation 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.
  - The use of external lighting should be appropriate to avoid adverse impacts on bat populations, see [http://www.bats.org.uk/pages/bats\\_and\\_lighting.html](http://www.bats.org.uk/pages/bats_and_lighting.html) for advice.
  - Measure to provide habitat enhancements are recommended and could include installing bat and bird (consider including swift and swallow) boxes and hedgehog boxes and gates and reptile habitat piles.
  - Ecological enhancements should be considered including extending and enhancing native hedgerows and trees, these should be excluded from back gardens along with ditches/swales, planting wildflower grassland areas (especially supporting moths and butterflies) and installation of a wildlife pond.
  - A management plan for the 'proposed public open space' and the means to implement this plan, should be agreed.

## Local Residents and the General Public

57. Objections have been received from 773 local residents, on the following grounds:

### Traffic Implications

- a. Close proximity of new junction from No. 75 to the Western Fields junction and right-angled bend fronting onto proposal would create a dangerous, offset cross roads.
- b. The development would cause major traffic issues for Asher Lane and Musters Rd/ Distillery St with the proposed new access.
- c. Increase in traffic flow from the potential 175 – 300 extra cars will pose danger to pedestrians, particularly school children walking/cycling to school.
- d. The Kirk Lane/A60/Flawforth Lane junction will have a 17% increase in impact.
- e. The TA explains that the development will lead to a "significant impact" at the High Street/KirkLane/Charles Street Crossroads which will see "large delays upon the introduction of development traffic in comparison to the 2023 without development scenario". There is no commitment to mitigation the significant impact on this junction.
- f. There are inaccuracies in the travel assessment – there is no bus service to Loughborough, Beeston or QMC from the village centre and the A60 is not within reasonable walking distance from development.
- g. The traffic assessment calculations and conclusions do not realistically reflect the impact of the proposed development.
- h. There is already a lot of on-street parking creating bottle neck effect on roads - bottle neck will now be at the junction of Distillery Street.
- i. There are already traffic and parking issues in village which will increase with development.
- j. The junction with Barton Close and Distillery Street is another danger spot where young children regularly walk to the play area - additional through traffic - cars and lorries - will cause unacceptable levels of danger at this junction.
- k. The sole bus service on Musters Road only travels between Ruddington and Keyworth – not significant to reduce no. of private vehicles.
- l. Further heavy traffic around this area would pose a great threat to cyclists safety.

- m. The TA explains that new residents will be provided with a bus pass for 3 months - a negligible period and not something that will affect subsequent owners of the houses.
- n. Concern over access for emergency vehicles due to increase traffic and congestion.
- o. Transport assessment states unrealistic walking times to the primary schools - no access to Asher Lane at all according to the site plan ("Illustrative masterplan"), not even on foot.
- p. Transport Assessment mentions the Great Central Railway as a means of transport but is not possible to get to Loughborough using service as it is tourist attraction volunteer run heritage train inappropriate suggestion for commuter travel

#### Impact on Infrastructure

- q. Village already overcrowded and overstretched, Ruddington will lose village status, rural community feel and character.
- r. Pressure on schools and the doctors, parking etc. schools are up to capacity and cannot take an increase, no secondary school within village which will increase traffic flow.

#### Impact on Green Belt

- s. Applicant has not made robust case to justify development, immediately adjacent to our beloved country park, allotments and kennels.

#### Impact on Wildlife

- t. The area has a vast amount of nature, and habitats, have often seen bats, fox and rare birds as well as a few hedgehogs which are an endangered species.

#### Noise and Pollution

- u. Noise from the heritage railway and kennels resulting in complaints from new residents.
- v. Construction of development will cause traffic issues, noise and pollution, extra traffic causing more pollution.

#### Local Plan

- w. The site is not allocated within the Local Plan for housing, there are already plans made to meet the required new houses on green belt which takes into account the access issues.
- x. There is a need for more houses in the area, but this is the wrong half of the village to look at.

- y. Considerable work and consultation has gone into the village plan and the Ruddington Parish Council has agreed to develop a neighbourhood plan. It would be premature to agree to this planning application when the neighbourhood plan is under development. The neighbourhood plan should influence where new homes are built, as this will represent a majority view from the village.

#### Flood Risk and Drainage

- z. The water table here is particularly high and all winter the field and adjoining gardens have been waterlogged and the field permanently flooded in places.

#### Amenity

- aa. Demolition of no. 75 Musters road will have detrimental impact on properties either side.

### **PLANNING POLICY**

- 58. The Development Plan for Rushcliffe consists of the 5 saved policies of the Rushcliffe Borough Local Plan (1996) and the adopted Rushcliffe Local Plan Part 1: Core Strategy (December 2014).
- 59. Other material considerations include the National Planning Policy Framework 2018 (NPPF), the National Planning Practice Guidance (NPPG) and the Rushcliffe Borough Non-Statutory Replacement Local Plan (2006).
- 60. Any decision should therefore be taken in accordance with the Core Strategy, the NPPF and NPPG, policies contained within the Rushcliffe Borough Non-Statutory Replacement Local Plan where they are consistent with or amplify the aims and objectives of the Framework, together with any other material planning considerations.
- 61. The whole of Ruddington Parish has been designated as a neighbourhood area, however, to date no draft plan has been submitted to the Borough Council.

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

- 62. The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England. It carries a presumption in favour of sustainable development by aiming to achieve economic, social and environmental objectives.
- 63. The presumption in favour of sustainable development is detailed in Paragraph 11. For decision making this means; 'c) *approving development proposals that accord with an up-to-date development plan without delay; or d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting planning permission unless; i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (and designated as Green Belt); or ii) any adverse impacts of doing so would significantly and*

*demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.'*

64. Paragraph 67 requires Local Authorities to identify a supply of specific, deliverable housing sites for years one to five of the plan period (with an appropriate buffer) and developable site or broad locations for growth for years 6-10, and where possible, for years 11-15 of the plan.
65. Paragraph 108 states that *"In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that: a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location; b) safe and suitable access to the site can be achieved for all users; and c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.'* Paragraph 109 goes on to state that; *'Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'*
66. Paragraph 133 states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
67. Paragraph 143 states that, *"Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances."*
68. Paragraph 144 advises that, *"When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations."*
69. Paragraph 145 makes clear that the construction of new buildings in the Green Belt is inappropriate development and lists the exceptions.
70. Paragraph 180 states that; *"Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development."*

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

71. Rushcliffe Borough Local Plan 1996 Policy ENV15 establishes the Nottingham and Derby Green Belt.
72. The Rushcliffe Local Plan Part 1: Core Strategy December 2014, sets out the overarching spatial vision for the development of the Borough to 2028.

73. Policy 3 (Spatial Strategy) sets out the spatial strategy for sustainable development in Rushcliffe and establishes a hierarchy for housing development across the Borough. It identifies Ruddington as a key settlement for growth, suitable for a minimum of 250 additional homes in or adjoining the village.
74. Policy 4 (Nottingham – Derby Green Belt) establishes the principles of the Green Belt in the Borough. It states that the principle of the Nottingham Derby Green Belt within Rushcliffe will be retained and it will only be altered where it is demonstrated that exceptional circumstances exist. The settlement of Ruddington shall remain inset from the Green Belt.
75. Policy 8 (Housing Size, Mix and Choice) with regard to affordable housing, it states that new residential developments should provide for a proportion of affordable housing on sites of 5 dwellings or more or on 0.2 hectares or more. The proportion of affordable housing in Ruddington will be 30%.
76. Policy 14 (managing Travel Demand) states that the need to travel, especially by private car, will be reduced by securing new developments of appropriate scale in the most accessible locations following the Spatial Strategy in Policy 3, in combination with the delivery of sustainable transport networks to serve these developments. The priority for new development is selecting sites already, or which can be made, accessible by walking, cycling, and public transport. Where accessibility deficiencies do exist these will need to be fully addressed. In all cases it will be required that severe impacts, which could compromise the effective operation of the local highway network and its ability to provide sustainable transport solutions or support economic development, should be avoided.
77. Policy 19 (Developer Contributions) states that all new development will be expected to; meet the reasonable cost of new infrastructure required as a consequence of the proposal; where appropriate, contribute to the delivery of necessary infrastructure to enable the cumulative impacts of development to be managed, including identified transport infrastructure requirements; and provide for the future maintenance of facilities provided as a result of the development.
78. The Rushcliffe Local Plan Part 2: Land and Planning Policies, has been submitted for examination. This application site is not one of the preferred housing sites proposed.
79. Rushcliffe Borough Council's Green Belt Review Part 2 (b) September 2017, concludes that 'the land is contained on all sides by strong defensible boundaries which prevent unrestricted urban sprawl and the site is settlement fringe in appearance. The topography is gently undulating, sloping away from the road towards Ruddington, reducing the site's prominence. Located south of Ruddington, the land is not instrumental in preventing the merging of the Green Belt settlements. There would be a reduction in the distance between the settlement and Gotham, however this would be minimal. The land does not contain, or form the setting of a heritage asset. Whilst the Green Belt has safeguarded the land from encroachment, this is not sufficient to outweigh the overall conclusion that the land is of low Green Belt importance.'



80. The Rushcliffe Non-Statutory Replacement Local Plan has been used in decision making since 2006 and despite the Core Strategy having been recently adopted its policies are still a material consideration in the determination of any planning application providing they have not been superseded by the NPPF or the policies contained within Rushcliffe Local Plan Part 1: Core Strategy. The following policies are considered relevant.
81. Policy GP2 (Design and Amenity Criteria) states that planning permission for new development will be granted provided that (amongst other things) there is no significant adverse effect on amenity; a suitable means of access can be provided to the development without detriment to highway safety; sufficient space is provided within the site to accommodate the proposal together with ancillary amenity and circulation space; the density, design and layout of the proposals are sympathetic to the character and appearance of the surrounding area; and noise attenuation is achieved.
82. Policy EN12 (Habitat Protection) states that where a proposal would affect habitats it must be accompanied by a survey. Planning permission will not be granted unless the application includes mitigation measures, keeps disturbance to a minimum and provides adequate alternative habitats.
83. Policy EN14 (Protecting the Green Belt) identifies the types of development considered to be appropriate in the Green Belt. Housing of this scale is not included in the list.
84. Policy EN19 (Impact on the Green Belt and Open Countryside) states that where a proposal in the Green Belt is in accordance with other policies of the plan, it must be demonstrated that there will be no significant adverse impact upon the open nature of the Green Belt and an appropriate landscaping scheme is proposed.
85. Policy EN21 (Loss of Agricultural Land) states that permission will not be granted for development involving the loss of best and most versatile agricultural land (defined as Grades 1, 2 and 3A of the agricultural land classification) except where it cannot be accommodated on poorer quality land.
86. Policy EN22 (Pollution) states that new housing sensitive to pollution will not be permitted close to an existing source of potential pollution unless the impact that the source of pollution would have upon the development can be mitigated.

## **APPRAISAL**

87. The main issues in the consideration of the application are; whether the development of the land for residential purposes is acceptable in principle, including whether the proposal involves inappropriate development within the green belt, and if it is, whether there are any 'very special circumstances' which would outweigh the harm by reason of its inappropriateness and any other harm. It is also necessary to consider whether the proposal would harm the open character and visual amenities of the area; the impacts upon highway safety and the severity of impact upon the highway network; the impacts upon village infrastructure (education, health care etc.); the living conditions of future residents (particularly having regard to noise); the living

conditions of existing neighbouring residents; ecology; flood risk and drainage.

### Principle and Green Belt

88. The planning system is a plan-led system and, as the NPPF reiterates, Planning Law requires that planning applications must be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF does not change the statutory status of the development plan as the starting point for decision making.
89. The site is located within the Green Belt as defined in the Rushcliffe Borough Local Plan (1996), and amended by Rushcliffe Local Plan Part 1: Core Strategy 2014.
90. Paragraph 145 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate development in the Green Belt and residential developments of the scale proposed are not one of the exceptions to this. The proposed development is therefore inappropriate development, which paragraph 143 of the NPPF states is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 goes on to state that 'very special circumstances' will not exist unless the potential harm to the Green Belt, by reason of inappropriateness, and any other harm, is clearly outweighed by other material considerations.
91. With regards to 'very special circumstances', The Inspector, when considering the previous appeal, reached the conclusion that the harm to the Green Belt, by reason of inappropriateness, loss of openness and incursion into the countryside, would be clearly outweighed and that very special circumstances had been successfully demonstrated. In considering this matter, he had regard to the current situation in relation to the five year housing supply within the Borough and also the fact that Ruddington is identified in Core Strategy policy 3 as a settlement to accommodate growth of a minimum of 250 dwellings
92. When considering the current application, the appeal decision and the 'fall back' position is a material consideration which carries significant weight. The site currently has an extant outline planning permission for the erection 175 houses, albeit with the access off Asher Lane as opposed to Musters Road. The permitted scheme would require a long section of Asher Lane (which is located within the Green Belt) to be brought up to adoptable standard, whereas the proposed scheme would require the demolition of a dwelling and some relatively minor works to Musters Road and Western Fields (which are not located within the Green Belt) to facilitate the new access. These alternative access arrangements would have a lesser impact upon the openness and visual amenities of the Green Belt than the permitted scheme.
93. The current 'fall back' position afforded by the extant permission on the site for 175 houses; the fact that that the proposed access to the site would have a lesser impact upon the openness of the Green Belt than the permitted scheme; and that the revised access would not result in harm either to highway safety or the living conditions of neighbouring residents (see detailed

assessment below), do, in addition to the factors considered by the Inspector, provide the 'very special circumstances' which outweigh the harm to the Green Belt by reason of inappropriateness, loss of openness and incursion into the Countryside. For these reasons, the proposed development is considered to be acceptable in principle and would comply with Local Plan Policy 4 and paragraphs 143, 144 and 145 of the NPPF (2018).

### Impact on Highway Safety

94. In terms of highway safety, again, the 'fall back' position afforded by the extant permission on the site for 175 houses is a material planning consideration in the determination of this current application. As outlined above the Planning Inspector concluded that the impacts on the wider highway network would not result in severe residual cumulative impacts on the local highway network.
95. The only difference between the proposed scheme and the permitted scheme is that access to the site would be gained from the north via (75) Musters Road, as opposed to from the south via Asher Lane. It is not unusual for developers to purchase 1 or 2 dwellings with a view to demolition in order to provide access to a development site, and there are no planning policies which prevent such an approach in principle. The two main issues for consideration are whether the access would be safe in highway safety terms, and whether the new access road would harm the living conditions of neighbouring properties.
96. Whilst access is reserved for subsequent approval, the applicant's agent has submitted a 'preliminary' plan detailing the proposed access arrangements to the site off Musters Road. This would involve the Northern section of Musters Road having right of way and continuing south into the site, with separate staggered perpendicular junctions for both Musters Road to the east and Western Fields to the west. Following consultation with Nottinghamshire County Council Highways, they are satisfied that this arrangement would be acceptable in highway safety terms. With regards to traffic flows, the alterations to the junction priority is likely to result in traffic to and from the site being split between Distillery Street and Musters Road, whilst it is expected that the majority of traffic would utilise Distillery Street, there would be no capacity issues at the Distillery Street/Asher Lane junction. They suggest a condition be attached to any approval which would require the highway improvement works on Musters Road/Western Fields to be completed prior to the occupation of the proposed dwellings. They also support the imposition of conditions previously attached by the Planning Inspector requiring additional off-site highway improvement works offered by the applicants including; junction improvements including traffic signals to the High Street/Kirk Lane/Charles Street junction and the A60/Kirk Lane/Flawforth Lane junction; and the mitigation of on-street car parking on Asher Lane, between Musters Road and Distillery Street. The only off-site highway improvement works not sought as part of this scheme would be the bringing up to an adoptable standard of a section of Asher Lane.

### Infrastructure

97. Given the scale of the development, Highways England would require an off-site contribution towards strategic road network improvements to the A52,

and this could be dealt with by way of a condition, linking any requirements to the Highways England Memorandum of Understanding – A52/A606 Improvement Package Developer Contribution Strategy, if the Council were minded to grant planning permission.

98. With regard to affordable housing, in line with Policy 8 of the Core Strategy, 30% affordable housing is required on site. This would equate to 53 units, made up of intermediate housing, affordable rent and social rent. The provision of such affordable housing in perpetuity would be secured through a Section 106 agreement.
99. In terms of the other impacts upon village infrastructure, following consultation with the relevant bodies, the development is of such a scale that it would result in increased demand on local services which could not currently be met. In order to mitigate for this, contributions would be provided towards primary and secondary education, health, leisure, integrated transport (provision/upgrading of bus stops) and library stock, through a Section 106 agreement.

#### Living Conditions of Future Residents

100. Environmental Health previously raised concerns that noise from the barking and howling of dogs at the established boarding kennels to the west on Asher Lane, may have a significant adverse impact on future residents. A revised Noise Assessment Report was subsequently submitted which concluded that, subject to acoustic glazing, passive ventilation and close boarded fencing, noise from the nearby kennels would not unduly harm the living conditions of future residents of the development. A condition is, therefore, recommended which would require details of the acoustic glazing, passive ventilation and fencing specifications to be submitted to and approved in writing by the Borough Council and installed prior to the dwellings being occupied. It is, therefore, considered that future residents would experience acceptable levels of living conditions.
101. Whilst the scheme is in outline form, an illustrative master plan has been provided, which demonstrates that, subject to a detailed designed scheme, the site could be developed for 175 houses, whilst providing sufficient amenity space, off street parking and space about dwellings. Similarly, it has also been demonstrated that sufficient separation distances could be achieved between the new houses and the existing properties to the north of the site on Musters Road.

#### Living Conditions of Neighbouring Residents

102. During the course of the application concerns were raised by both Officers and residents with regard to the impact of the new access off Musters Road on the living conditions of residents, particularly those residing at 73 Musters Road and 1 Western Fields, with regard to noise and disturbance. The agents subsequently submitted a further Noise Report to address this issue. The submitted Noise Report by M-EC Consulting concludes that *'the absolute sound level and frequency would be no different to those arising from normal residential areas and consequently, by its very nature, could not be considered to adversely affect residential amenity, otherwise any vehicle movements within a residential estate would be classed as having a*

*detrimental impact. However, the installation of 2m high acoustic fencing along the site access boundary with adjacent dwellings is recommended to assist in preserving amenity.'*

103. Following further consultation with the Borough Council's Environmental Health Officers, no objections were raised, provided that a condition is attached to any approval requiring 2m high close boarded acoustic fencing be erected to the side and rear boundaries of the properties on either side of the proposed access.
104. Whilst it is recognised that the proposal would introduce a new estate road to the sides of 73 Musters Road and 1 Western Fields, which are currently positioned within a row of detached dwellings. The 18m wide gap between these two properties would allow a 6m wide road together with 2m wide footways to be provided and accommodate landscaping strips to either side with 2m high close boarded fencing, and it is not considered that the proposal would be unduly harmful to the living conditions of the occupiers of these properties.
105. With regard to the demolition of 75 Musters Road, this is not included in the description of the application, although it is implied within the application that it would be demolished to facilitate access to the site. It is, therefore, recommended that note to applicant is added to any approval advising the applicants that, before any demolition of the dwelling can take place, a separate application must be submitted to the Borough Council to determine whether prior approval of the authority will be required as to the method of demolition and any proposed restoration of the site.

### Ecology

106. Whilst it is unlikely that the proposal would harm protected species, there are opportunities within the site to provide habitat enhancement measures, e.g. installation of bat and bird boxes, retention and extension of native hedgerows, which could be dealt with by condition.

### Flood Risk and Drainage

107. The site is located within Flood Zone 1 and, therefore, has a low risk of flooding. However given the scale of the development site and the proximity of a water course to the west, the control of the surface water run-off rates from the site (using Sustainable Urban Drainage Systems) would be necessary in order to avoid increased risks of flooding downstream. This could be dealt with by way of condition, the details of which could be considered in consultation with East Midlands Airport to reduce the likelihood of bird strike.

### Conclusion

108. Following the Planning Inspectorate's decision to allow the previous planning application on this site for 175 houses, negotiations have taken place with the agents with regard to the submission of additional information in relation to the revised access off Musters Road. The agent subsequently submitted an additional Noise Report and a Highway junction layout plan. Following the submission of this additional information, further consultations were carried

out with NCC Highways and RBC Environmental Health, who raised no technical objections to the revised access on either highway safety or noise grounds.

109. Given that the revised vehicular access would be acceptable on both highway safety and amenity grounds, and would have a lesser impact upon the openness of the Green Belt than the permitted scheme, together with the 'fall back' position afforded by the current extant permission on the site for 175 houses; this provides the 'very special circumstances' which outweighs the harm to the Green Belt by reason of inappropriateness, loss of openness and incursion into the Countryside. For these reasons, the proposed development would comply with the policies contained within the Rushcliffe Local Plan and the NPPF (2018).
110. 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 the reasons outlined above, it is considered that the scheme would accord with the development plan as a whole, and the balance of material considerations also weighs in its favour. Consequently it is recommended that the Planning Committee support the grant planning permission subject to the signing of a S106 agreement. As the proposed development is a major application located within the Green Belt and the proposal constitutes inappropriate development, under the Town and Country Planning (Consultation) England Direction 2009, it is necessary to refer the application to the National Planning Casework Unit to allow the opportunity to consider whether to call in the application under Section 77 of the Town and Country Planning Act.
111. The proposed development of this site was the subject of pre-application discussions with officers (prior to the submission of the application which was recently allowed at appeal), which identified the technical issues that would need to be addressed in any planning submission. The current submission has been the subject of discussions with officers during the consideration of the application and additional information has been submitted to address the issues identified by officers, including preliminary plans for the access arrangements off Musters Road. As a result, and having regard to the recent appeal decision in respect of this site, the application is presented with a favourable recommendation.

## **RECOMMENDATION**

It is **RECOMMENDED** that in accordance with the Town and Country Planning (Consultation) Direction 2009, the application be referred to the National Planning Casework Unit and that, subject to the application not being called in for determination by the Secretary of State for Communities and Local Government, the Executive Manager for Communities be authorised to grant planning permission subject to:

- a) the prior signing of a section 106 agreement as set out in the Heads of Terms table attached to this report; and
- b) the following conditions:

1. Details of the access, appearance, landscaping, layout, and scale, (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

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

2. Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

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

3. The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.

[To comply with Section 91 of the Town and Country Planning]

4. Application for approval of reserved matters shall be in accordance with the parameters set on the Illustrative Master Plan (drawing no. AND0176-IM-002 Revision C) dated February 2018 and the Design and Access Statement dated January 2018.

[For the avoidance of doubt and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

5. The development hereby permitted shall only be carried out in accordance with detailed plans and particulars relating to the following items, and the development shall not be commenced until these details have been submitted to and approved in writing by the Borough Council:

- a) A detailed layout plan of the whole site;
- b) The siting, design and external appearance of the proposed buildings;
- c) The means of access;
- d) The finishes for the hard surfaced areas of the site;
- e) Sections and cross sections of the site showing the relationship of the proposed development to adjoining land and premises;
- f) The finished ground levels for the site and floor levels of the dwellings relative to existing levels and adjoining land;
- g) The means of enclosure to be erected on the site;
- h) Cycle and bin storage facilities;
- i) The layout and marking of car parking, servicing and maneuvering areas;
- j) Plans, sections and cross sections of any roads or access/service roads or pedestrian routes within the site, and this shall include details of drainage, sewerage and lighting; and
- k) The detailed design of all junctions, which shall include details of visibility splays.

[The condition needs to be discharged before work commences on site as the information was not included in the application and it is important to agree these details in the interests of visual and residential amenity, and to comply

with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

6. No operations shall commence on site until the existing trees and/or hedges which are to be retained have been protected in accordance with details to be approved in writing by the local planning authority and that protection shall be retained for the duration of the construction period. No materials, machinery or vehicles are to be stored or temporary buildings erected within the perimeter of any fence erected to protect the retained trees and/or hedges, nor is any excavation work to be undertaken within the confines of the fence, without the written approval of the local planning authority. No changes of ground level shall be made within the protected area without the written approval of the local planning authority.

[To ensure existing trees are adequately protected during the development in the interests of the character and appearance of the area, and to comply with policy EN13 (Landscaping Schemes) of the Rushcliffe Borough Non Statutory Replacement Local Plan and Chapter 12 of the NPPF. This is a pre-commencement condition to ensure that all retained trees and hedges are protected throughout the construction period]

7. With the exception of the sections to be removed to enable the provision of the vehicular and pedestrian access points, the hedgerows located along the southern, western and northern boundaries of the site shall be retained and any part of the hedgerows removed, dying, being severely damaged or becoming seriously diseased shall be replaced with hedge plants of such size and species, details of which shall be submitted to and approved in writing by the local planning authority, within one year of the date of any such loss being brought to the attention of the local planning authority.

[To ensure the existing hedges are retained in the interests of the character and appearance of the area, and to comply with policy EN13 (Landscaping Schemes) of the Rushcliffe Borough Non Statutory Replacement Local Plan and Chapter 7 of the NPPF]

8. No development, including any site preparation works, shall take place until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall include:
  - a) the measures for ensuring the means of access/exit for construction traffic;
  - b) parking provision for site operatives and visitors;
  - c) the siting and means of loading and unloading and the 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 (including full details of its specification and siting);
  - f) measures to control the emission of dust and dirt during construction;
  - g) a scheme for recycling/disposing of waste resulting from construction works;
  - h) the siting and appearance of the contractors compounds and cabins, including heights of stored materials, boundaries and lighting, together



with measures for the restoration of the disturbed land and noise mitigation;

- i) the days and times of construction activity and of materials delivery and disposal activity;
- j) A scheme for traffic management measures including temporary signage, routing and access arrangements; and
- k) A scheme to treat and remove suspended solids from surface water run-off construction works.

[In the interests of highway safety, to protect the amenities of the area and reduce the risk of surface water pollution, in accordance with Policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan and Policy 10 of the Rushcliffe Core Strategy. This is a pre-commencement condition due to the need to establish acceptable construction methods and working arrangements before such works commence]

9. No dwellings shall be occupied until the following off-site highway improvement works have been completed;
  - a) Access arrangement off Musters Road (as indicated on drawing 20999\_08\_020\_11) unless otherwise submitted to and approved in writing by the local planning authority
  - b) Junction Improvements to the High Street / Kirk Lane / Charles Street junction and the A60 / Kirk Lane / Flawforth Lane junction, in accordance with details which shall first be submitted to and approved in writing by the local planning authority
  - c) Mitigation of on-street car parking on Asher Lane, between Musters Road and Distillery Street.

[To ensure that a safe and suitable access can be provided to the site, and that the impacts upon the local highway network are less than severe, in accordance with Paragraph 108 of the NPPF]

10. No development hereby permitted shall take place until an appropriate agreement under Section 278 of the Highways Act 1980 has been entered into with Highways England to facilitate improvements to A52 junctions in accordance with the provisions of the A52/A606 Improvement Package Developer Contributions Strategy Memorandum of Understanding September 2015.

[To ensure a proportionate contribution to improvements to the A52 is secured to ensure that the A52 trunk road continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980, to comply with Policies 3, 15 and 18 of the Rushcliffe Local Plan Part 1: Core Strategy, in the interests of road safety]

11. The dwellings hereby approved shall not be occupied until a Travel Plan has been submitted to and approved in writing by the Borough Council. The requirements as set out in the approved Travel Plan shall be implemented from occupation of the first dwelling and operated thereafter.

[To promote sustainable travel and reduce the number of journeys made by car, in accordance with Policy 14 of the Rushcliffe Local Plan Part 1: Core Strategy]

12. Prior to the commencement of development details of the design, layout and specifications for the surface water drainage system shall be submitted to and approved in writing by the Borough Council. The submitted details shall include detailed evidence in the form of fully referenced plans and calculations to demonstrate the following;
  - a. All surface water outflows from the site to be restricted to the greenfield discharge rates for the mean annual flood flow from a rural catchment in m<sup>3</sup>/s with the excess flows attenuated on the sites in suitable holding ponds, tanks or similar. The drainage design standard is 100years + 30% allowance in peak flow rates to allow for climate change effects.
  - b. The developer is to assess the performance of the drainage system using intense storm events ranging in length from 15 minutes to 24 hours for the 100year +30% event. This will identify where the plot drainage and highway drainage may flood in extreme events. Once identified in calculations and on a plan, the developer is to identify how these flows are to be directed overland towards the surface water attenuation system. The site layout, levels, highway and drainage design should enable pluvial overland flows to be intercepted and directed away from dwellings, sensitive infrastructure and 3rd parties. The flows should be directed passively towards the surface water attenuation system and should not flow across the site boundary.
  - c. The developer should demonstrate that they have intercepted pluvial flows that could enter the site from 3rd party land and directed these away from properties.
  - d. cross sectional bank profiles of any open water areas, mean residence time of attenuated water and mean water levels.

No part of the development shall be occupied until facilities for the disposal of surface water drainage have been provided, in accordance with the approved details and the development shall be constructed in accordance with the approved drainage details, levels and layout.

[To prevent the increased risk of flooding, to reduce the likelihood of hazardous birds in aircraft flight lines, in the interests of aviation safety, and to comply with policies WET2 (Flooding) and WET3 (Ground Water Resources) of the Rushcliffe Borough Non Statutory Replacement Local Plan. This is a pre-commencement condition because it is necessary to establish construction details, including levels prior to the setting out of the site and associated highways]

13. The development shall not be brought into use until facilities for the disposal of foul water drainage, including details of the location and design of any pumping station, have been provided, in accordance with details previously submitted to and approved in writing by the Borough Council.

[To ensure that adequate drainage facilities are provided in connection with the development and to comply with policy WET3 (Ground Water Resources)

of the Rushcliffe Borough Non Statutory Replacement Local Plan]

14. Prior to the commencement of the construction of the dwellings hereby approved, a scheme detailing the following shall be submitted to and approved in writing by the Local Planning Authority;
- a) Acoustic glazing and passive ventilation to achieve a 33dB sound reduction in internal night time noise levels predicted in all bedrooms throughout the development
  - b) 2m high close boarded acoustic boundary fence specifications and a plan identifying the plots and boundaries upon which the fencing will be installed, as detailed in the M-EC Noise Assessment Reports dated October 2017 and July 2018.

The dwellings hereby approved shall be constructed in accordance with the glazing and ventilation specifications so approved. The said glazing and ventilation shall thereafter be retained and maintained to the approved specifications. Each dwelling, to which the acoustic boundary fencing is to be installed, shall not be occupied until the approved acoustic boundary fencing for that dwelling has been installed. The acoustic fencing shall thereafter be retained and maintained to the approved specifications.

[To ensure that future occupiers of the dwellings are protected from unacceptable levels of noise disturbance; and to comply with policy GP2 (Design & Amenity Criteria) and EN22 (Pollution) of the Rushcliffe Borough Non Statutory Replacement Local Plan and paragraph 123 of the NPPF]

15. The dwellings hereby approved shall not be occupied until bird boxes and bat boxes and/or access points to bat roosts have been installed in accordance with details previously submitted to and approved in writing by the Borough Council. Thereafter the bird and bat boxes and/or access points shall be permanently retained and maintained.

[To ensure that adequate ecological enhancement measures are carried out, to comply with policies GP2 (Design & Amenity Criteria) and EN12 (Habitat Protection) of the Rushcliffe Borough Non Statutory Replacement Local Plan, and guidance contained within paragraphs 170 and 175 of the NPPF]

16. No development, including site clearance, shall take place until a Bird Management Plan (BMP), which encompasses both construction and operational phases, has been submitted to the Local Planning Authority for approval. The development shall thereafter be carried out in accordance with the approved BMP.

[To reduce the attractiveness of potential feeding, nesting, breeding and roosting opportunities for hazardous bird species in the vicinity of the airport in order to avoid the interception of bird and aircraft flight lines in the interests of aviation safety. This is a pre-commencement condition to ensure that the risks to aircraft are minimised throughout the construction period]

17. No development, including groundworks, shall take place until a geophysical survey of the site has been undertaken. This survey shall inform the proposals for a scheme of targeted archaeological evaluation trenching, including phasing, for which a written scheme of investigation shall be

submitted to and approved in writing by the Borough Council prior to development commencing, including ground works. The approved evaluation shall then be undertaken prior to any ground works within each phase of development on the site, and the findings thereof submitted to the Borough Council. The extent of trial trenching shall initially be informed by the results of the geophysical surveys for the first phases, with an option to revisit scale of excavation in later phases should excavation on the earliest phases return little or no archaeological information.

[To assess and record the archaeological potential of the site as identified within the applicants Desk Based Archaeological Assessment and in accordance with the archaeological mitigation measures considered as being applicable within that report, and in accordance with EN7 (Sites of Archaeological Importance) of the Rushcliffe Borough Non Statutory Replacement Local Plan. This is a pre-commencement condition in order to prevent any archaeological remains from being disturbed during the ground works, but in order to allow an earlier commencement of development the condition does allow such to be undertaken in phases across the site]

## **Notes to Applicant**

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 [hdc.south@nottsc.gov.uk](mailto:hdc.south@nottsc.gov.uk) for details.

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.

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 [hdc.south@nottsc.gov.uk](mailto:hdc.south@nottsc.gov.uk) for details.

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

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.

Before any demolition of the dwelling (75 Musters Road) can take place a separate application must be submitted to the Borough Council to determine whether prior approval of the authority will be required as to the method of demolition and any proposed restoration of the site.

If any unexpected, visibly contaminated or odorous materials of any sort are encountered during development, remediation proposals shall be submitted to and approved in writing by the Borough Council before further work is undertaken in the affected areas, and works shall proceed only in accordance with the agreed remediation proposals.