

19/00535/OUT

Applicant Mr John Coleman

Location Land East Of Loughborough Road Ruddington Nottinghamshire

Proposal Outline application (with all matters reserved apart from access) for residential development of around 180 homes with associated landscaping, public open space and infrastructure.

Ward Ruddington

THE SITE AND SURROUNDINGS

1. The application site is located to the south east of Ruddington, to the east of the A60, Loughborough Road. The site extends to some 8.59 hectares of agricultural land, with the site having an unusual 'L' shape with a central pinch point where it extends to the north, east of the site associated with 'Balmore Country Home'. The southern section of the site is delineated to the west by Loughborough Road, with the Mere Way roundabout an existing feature providing an agricultural access to the site. To the south and east of the site is agricultural land with hedgerows defining the site boundaries. To the north east corner of the site is a small tree group, with hedgerows to the north and western boundaries, adjacent to smaller enclosed paddocks associated with properties on Loughborough Road and Flawforth Lane.
2. Adjoining the site to the northwest is a separate proposed housing site, allocated under policy 6.2 of the emerging Local Plan Part 2. There is a current planning application on this neighbouring site reference 19/01063/FUL, which seeks full permission for 56 dwellings. This application has yet to be determined.
3. The site presently lies within the Nottingham and Derby Green Belt, whilst the Ruddington Conservation Area immediately abuts part of the western boundary to the site.

DETAILS OF THE PROPOSAL

4. The application seeks outline planning permission, with all matters reserved except access, for the development of around 180 dwellings. The application is accompanied by:
 - Illustrative layout plan;
 - Design and Access Statement;
 - Planning Statement – with Very Special Circumstances Statement;
 - Statement of Community Involvement;
 - Landscape and Visual Impact Assessment;
 - Archaeology and Built Heritage Statement;
 - Arboricultural Survey and Impact Assessment;
 - Noise Assessment;
 - Ecological Assessment;

- Soils and Agricultural Quality Survey;
 - Site Access Preliminary Layout;
 - Transport Statement and additional Technical Note;
 - Travel Plan;
 - Flood Risk Assessment including Surface Water and Foul Drainage;
 - Geo Environmental Desk Based Report.
 - Sustainability Statement.
5. The site access is proposed from the Loughborough Road (A60) and Mere Way roundabout to the south western corner of the site. This would be the single vehicular access point to serve the development, with the main spine road of 6.75m width leading to a series of lanes, streets and drives across the site. Two other pedestrian links are proposed within the development through to Loughborough Road and to the adjacent allocation on Flawforth Lane (Land South of Flawforth Lane – Policy 6.2 of the emerging Local Plan Part 2).
6. The application proposes that 30% of the dwellings would be affordable homes. The housing mix of the affordable homes would include 58% social and affordable rent, and 42% intermediate housing in accordance with Policy 8 of the Core Strategy. These homes would include flats, older person's bungalows, and 2-4 bed family homes. The open market housing would include a mix of 2-5 bed family homes.
7. The residential development would equate to 5.57 ha of the site, with 2.42 hectares of green infrastructure. The illustrative layouts provided show how the site could accommodate a mix of 1 – 5 bedroom homes with a mix of scale from single storey through to 2.5 storey, dependent on site context. The resultant net development density would be circa 32 dwellings per hectare.
8. The green infrastructure and public open space would include the provision of a gateway frontage with significant improvement in terms of biodiversity, sustainable drainage systems, recreational facilities and strategic planting. The existing hedgerow to the frontage would be retained and managed, whilst further green public squares, corridors running through the development site would include the provision of a landscaped local equipped area for play. Development would also be set back behind soft landscaped buffers to the sites southern, western and eastern fringes.
9. In acknowledgement of the sites location in the Green Belt, the planning statement includes an analysis of the suggested degree of actual harm that would arise from the proposed development. This assessment has taken account of the Borough Council's Green Belt Review Methodology and draws on the findings of the Landscape and Visual Appraisal that accompanies the application. This is considered further in this report.
10. The application also sets out what the developer considers to represent 'very special circumstances' necessary to justify inappropriate development in the Green Belt. These are set out in the Planning Statement and are summarised below:
- A. Housing Need - Policy 3 of the Core Strategy identifies a minimum of 13,150 new homes to be provided between 2011 and 2028 in Rushcliffe, and identified Ruddington as a Key Settlement. The Borough Council

cannot currently demonstrate a 5 year supply of deliverable housing sites with delivery below the cumulative housing need, and as such the development site would make a valuable contribution to the Borough's housing need.

- B. Affordable Housing – The site will provide 54 affordable homes (30%) in accordance with the requirements of policy 8 of the Core Strategy, and will also provide a mix of affordable units including older persons bungalows. The provision of affordable housing is a key aspiration of the Government, as set out in the NPPF, as well as for Rushcliffe Borough Council. The development proposals will address local needs and allow those on lower incomes or concealed families to remain in the area.
- C. Deliverability of Development – The land is under the control of the applicants (William Davis), a locally based national house builder. The site could be delivered at a rate of circa 50 dwellings per annum, 20 within the first year.
- D. Sustainable Location For Development – The site lay in close proximity to a range of services and facilities including employment and amenity areas and the settlement is one identified for growth of at least 250 dwellings in the Core Strategy, and advocated for further growth in the Emerging Local Plan Part 2.
- E. Community Benefits – The proposed scheme includes on site open amenity areas as well as footpath links along desire lines and a safeguarded footpath link through to the neighbouring proposed development site on land off of Flawforth Lane. The proposed areas of public open space will also contribute to significant improvements to green and blue infrastructure in terms of biodiversity, sustainable drainage systems, recreational facilities and strategic landscaping.
- F. Highways and Sustainable Travel - The proposed development will also provide improvements to the local highways and pedestrian facilities near the site, including a financial contribution to deliver a package of improvements for the A52 'Nottingham Junctions Project', minor capacity improvements to the A60/Flawforth Lane crossroad junction to address traffic and congestion, widening of footpaths on Loughborough Road, a new signalised pedestrian crossing on the A60 and footpath improvements to enhance pedestrian links to improve pedestrian safety and connectivity with Ruddington Business Park and the village centre, enhancement to existing bus stops on the A60.
- G. Economic Benefits - support jobs, contribute to economic growth and expenditure and increase Council Tax income and New Homes Bonus revenue for Rushcliffe Borough Council and Nottinghamshire County Council. The development is also likely to increase spending in the village, being beneficial to the vitality and viability of the village centre, which offers a small range of retail and other services.
- H. Environmental Enhancements - The application site is not constrained by any landscape or ecological designations. It is a greenfield site, but does not contain contaminated land and is not located within area at risk

of flooding. The design is landscape led and has been supported by technical assessments. The additional tree planting, strengthening of existing hedgerows and provision of SuDS will also provide notable ecological benefits by creating new habitats and enhancing the quality of existing habitats, resulting in a net biodiversity gain.

- I. Consistency with Emerging Plans - Rushcliffe's Local Plan Part 2: Land and Planning Policies is at examination stage and the Inspector has now issued an interim letter of 6th February 2019 confirming that, subject to main modifications, the Plan is likely to be capable of being found legally compliant and sound. The main modifications do not materially affect policies that are relevant to this development proposal. Accordingly, the plan is at a very late stage where significant weight can be afforded to relevant policies. The proposal adheres to the requirements of the relevant policies of this emerging plan, including policy 6.3 which allocates the site for residential development of around 170 homes.

SITE HISTORY

11. 97/00210/FUL - Permission was sought for the development of a public house and motel on a south-western parcel of land within the site. Permission was refused in May 1997 for three reasons; inappropriate form of development with the Green Belt, impact upon the amenity of nearby residents due to increased activity, noise, disturbance and traffic, and the intrusive and detrimental impact upon the visual amenity of the area.

REPRESENTATIONS

Ward Councillor(s)

12. No Ward Councillor Comments were received.

Town/Parish Council

13. The comments below represent summaries of the full comments, which for the sake of clarity, can be found on the public record (available online).
14. Ruddington Parish Council commented that should the application be approved, section 106 funding be requested for the following projects to improve infrastructure within Ruddington:
 - a) An upgrade to Ruddington FP17. The footpath should be upgraded to a tarmacked footpath to allow access by wheelchair and pushchair users and provide parents with a safer walking route to the schools on the other side of the village.
 - b) A signalled pedestrian crossing over the A60, located between the development and footpath Ruddington FP17.
 - c) A sum of £73,000 towards the costs of providing a community centre and Parish Office in the centre of the village. This sum represents 5.72% of the likely costs of the provision. The Parish Council presently leases St Peters Rooms and there are only 8 years left on a 35 year lease. St Peter's Rooms houses the Parish Council office, toilets, a hall, kitchen

and meeting room as well as the village museum. The office does not have sufficient space for the staff and is unsuitable for the functions of a modern day office. St Peter's Room is a Grade 2 listed building therefore alterations to the building are unlikely to be approved, plus the building does not belong to the Parish Council. The Parish Council is in negotiations with Nottinghamshire County Council to purchase the Community Centre and the land it sits on, with a view to providing modern facilities in the centre of the village as well as a hub for community events and activities to replace the provisions at St Peter's Rooms. The likely cost of the purchase of the land, the demolition of the existing building and the building of these facilities will be in the region of £1,270,000. The amount of dwellings in Ruddington according to the 2011 census data was 3146. An addition of 180 dwellings represents a 5.72% increase. The Parish does not own any buildings that could provide this provision elsewhere in the village.

- d) Improvements made to the junction of the A60 with Kirk Lane to improve the flow of traffic especially at peak times.
15. Bradmore Parish Council as Adjacent Parish, do not object to the application in principle but do have some concerns about the traffic impacts of the development given the single access point from the Mere Way roundabout.
16. The parish state they are not certain that the proposed improvements to the Mere Way roundabout and signals at Kirk Lane would have a positive impact given the predicted increase of 114 vehicles from the development, of which 75% are suggested to travel north. The parish consider note must be had to the 222 houses proposed for Bunny Lane in Keyworth, of which much traffic would head north on the A60 adding additional pressure to these two junctions discussed earlier. Health implications associated with the traffic also require consideration.

Statutory and Other Consultees

17. The comments below represent summaries of the full comment, which for the sake of clarity, can be found on the public record (available online).
18. The Borough Planning Policy Manager states that decisions on any planning application should be taken in accordance with the Rushcliffe Development Plan unless material considerations indicate otherwise. The relevant statutory policies that form part of the Development Plan for Rushcliffe consist of the adopted Local Plan Part 1: Core Strategy and the five saved policies of the Rushcliffe Borough Local Plan 1996. Of the five saved policies of the 1996 Local Plan, ENV15 alone (as amended by Policy 4 of Local Plan Part 1: Core Strategy) is relevant to this application. ENV15 (as amended by Policy 4), defines the extent of the Green Belt within Rushcliffe. The application site lies within the Green Belt as defined by these policies and indicated on the policies map.
19. The Local Plan Part 2 was submitted for examination on 10 August 2018 with the hearing sessions taking place during November and December 2018. Although the Inspector appointed to examine the plan has not yet issued his final report, he has issued his initial findings in a letter to the Borough Council (dated 6 February 2019) which states that he is of the view that, subject to

main modifications, the Plan is likely to be capable of being found legally compliant and sound. Considerable weight should therefore be attached to the policies contained within this draft plan. Consultation on the main modifications closed on 5 July 2019.

20. The Planning policy Manager identifies the following policies that are of relevance to this proposal that are subject to main modifications:

- Policy 1 (Development Requirements) - additional requirement in relation to a proposal requiring to demonstrate net gains in biodiversity (this is also proposed as an amendment to Policy 36) and in relation to consideration of BMV agricultural land in terms of a sequential approach;
- Policy 6.3 (Housing Allocation Land opposite Mere Way) – inclusion of an additional criterion to the policy that requires a financial contribution to a package of improvements for the A52 (T) between the A6005 (QMC) and A46 (Bingham);
- Policy 12 (Housing Standards) – deletion of requirement for M4 (2) standards. The requirement for at least 1% of dwellings on sites over 100 are built to M4 (3) (a) standard remains;
- Policy 18 (Surface Water Management) – additional wording in part 1 of the policy stating that the choice of drainage systems should comply with the drainage hierarchy;
- Policy 32 (Recreational Open Space) – amendments to recreational open space policy, including incorporation of a threshold of over 10 dwellings and clarification that provision and/or enhancement of existing facilities will only be sought where there are identified deficiencies;
- Policy 39 (Health Impacts of Development) – deletion of requirement for proposals to complete a Health Impact Assessment but amended text requiring proposals to address health impacts.

21. Draft policy 6.3 of LP2 allocates the application site for residential development for around 170 homes. The site is currently located in the Green Belt. Paragraph 143 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It is considered that the following matters are pertinent when assessing whether very special circumstances exist in assessing the planning balance of the proposal:

- The principle of greenfield development at Ruddington has been established upon the adoption of Local Plan Part 1, Rushcliffe Core Strategy (LP1). Policy 3 (Spatial Strategy) establishes Ruddington as a key settlement, and that provision will be made for a minimum of 250 dwellings through Part 2 of its local plan.
- Policy 4 establishes the need to review the Green Belt. Policy 4 (part 5) identifies the need to review inset boundaries in order to accommodate development requirements until 2028.

- The site is proposed for allocation within Policy 6.3 of the Draft LP2, and the application complies with the criteria contained within the policy.
 - The proposed allocation is supported by evidence produced by, or on behalf of the Borough Council.
 - The site is available now, has a housebuilder involved and can provide for a mix of market and affordable housing.
 - The planning permissions at Shelford Road, Radcliffe on Trent and at the two sites at Keyworth establish the principle of granting planning permission for residential development on land that is currently in the Green Belt where there is a minimum target set for a key settlement and where there are no technical constraints. The appeal decision at Asher Lane, Ruddington, also provides such a steer. In addition, the applications at Radcliffe on Trent and Keyworth were all referred to the National Planning Casework Unit. None of the applications were called in by the secretary of state for him to determine.
22. Having regard to the above, and subject to other material planning considerations, the Borough Planning Policy Manager considers that there are enough grounds which amount to very special circumstances in respect of this particular planning application. He does not therefore have a planning policy objection to the proposal.
23. The Borough Council Strategic Housing Officer confirms that the site lies within the Ruddington housing submarket area and under Policy 8 of the Core Strategy the provision of 30% affordable housing on the site should be sought. This would equate to 54 affordable housing units on a scheme of 180 units overall. The level of provision is evidenced in the Nottingham Core Strategic Housing Market (SHMA) Needs Update (2012). As indicated by the SHMA update, Cores Strategy para 3.8.9 states that 42% should be intermediate housing 39% should be affordable rent and 19% should be social rent. This equates to 23 intermediate units, 21 affordable rent and 10 social rent units.
24. When the reserved matters application is submitted, it will be necessary to ensure that the affordable units are pepper potted in small groups across the site. The flats should be no higher than two storeys with each unit having their own entrance. The bungalows (for elderly needs) should also be clustered together and located close to the main access roads, preferably close to public transport corridors to ensure that the elderly residents have good access to services and facilities to ensure they do not become isolated.
25. The intermediate dwellings should be sold at 50% or less of the open market value to ensure that they are affordable having regard to local incomes and prices. The dwellings should be provided through a Registered Provider or other appropriate mechanism, which ensures that the dwellings remain affordable.
26. The Borough Environmental Health Officer does not object but recommends the imposition of 4 conditions relating to Environmental Noise, land contamination, air quality and construction management.

27. The officer notes noise from the A60 may impact properties to the site frontage (south west). The officer therefore notes that properties should be no closer than shown indicatively on the masterplan, and that detailed designs will require review to ensure that front rooms on the dwellings can be adequately ventilated without undue noise and disturbance to the internal environment occurring. A condition requiring a further noise assessment including design mitigation as identified as required to be submitted and approved prior to the commencement of development.
28. With regard to contamination, the officer confirms the geo-environmental survey was appropriate and that the site is not known to have been used for any historical use that are likely to have given rise to a significant possibility of significant harm occurring as a consequence of contamination or gassing. A condition requiring notification of unexpected contamination being found is therefore requested.
29. In relation to air quality the officer identifies that occupation of the development is not expected to have any significant adverse impacts on air quality either locally or in the Borough's air quality management areas. The officer however recommends that in line with the NPPF's principle of minimising and mitigating impacts on the environment, the development should be provided with the necessary infrastructure to enable residents to charge and use electric vehicles and adequate facilities should be provided to enable residents to travel by public transport and active means.
30. The officer also recommends a condition requiring the submission of a construction management statement to protect the amenities of surrounding and future residents.
31. The Borough Community Development Officer has advised that, based on 180 dwellings and an average of 2.3 residents per dwelling, this equates to 414 new residents which will create additional demand for leisure/recreational activities which can't be met by existing provision.
32. Children's play – “*For Children’s play on site provision of equipped play space equivalent of 0.25 hectares per 1,000 = 0.1035 hectares in size. With regards the siting and location of the play area proposed I would draw attention to The Fields in Trust National Playing Fields Association General Design Principles Guidance (attached). 6.1.9 states that play areas should be sited in open, welcoming locations and visible from nearby dwelling or well used pedestrian routes. I would request that the sighting and design of this play area is done in consultation with the 19/01063/FUL - Flawforth Lane application. This play facility should provide for a progression in age and challenge which compliments the adjacent development with good path linkages between both sites.*”
33. Unequipped play/amenity public open Space – “*Unequipped play/amenity public open space equivalent for unequipped children’s play/amenity open space provision as a new site we would expect on site provision of unequipped play space of at least 0.55= 0.2277.*”
34. Indoor Leisure - the Rushcliffe Borough Council Leisure Facilities Strategy 2017-2027 and associated Strategic Assessments of provision for sports halls and swimming pools identifies the need for modernised facilities which would

serve Ruddington. The Sport England Facility Calculator provides the following commuted sums; Sports Halls - £70,438 and Swimming Pools - £75,824. The contributions would be used to support the nearby Keyworth Leisure Centre.

35. Sports Pitches - the Rushcliffe Playing Pitch Strategy 2017 identifies a current shortfall of pitch provision that this development would worsen. The nearby sports pitches at Loughborough Road playing fields and Jubilee (Elms Park) playing fields, which caters for football and cricket, is identified by the Rushcliffe Playing Pitch Strategy (2017) and the Football Foundation Rushcliffe Local Football Facilities Plan (2019) for support.
36. The Sport England Playing Pitch Demand Calculator (with Rushcliffe specific data) provides the following commuted sum for offsite provision; Total = 0.63 pitches at a capital cost of £67,879 and a total life cycle cost per annum of £13,387 which would be sought for 3 years to ensure the pitches establish.
37. Allotments - Ruddington Parish Council are currently operating a waiting list for allotments. The new development would impact upon current provision and therefore the new development needs to mitigate this by providing 0.1656 hectares for allotments. If an onsite provision is unachievable an offsite contribution would be sought. Funding would be requested at £73 per dwelling, and made available to the parish council for allotment improvements and expansion.
38. The Borough Environmental Sustainability Officer notes an Ecological Assessment has been supplied in support of the application. This appears to have been produced mainly according to best practice, although records from the Nottinghamshire Biological Records Centre were not obtained (harvest mouse records are found locally), surveys were completed in July, September and December 2018 for phase 1, which is within the optimum surveying season. The survey is in date.
39. The officer identifies the site consist of arable fields, hedgerows (species poor and species good), semi improved grassland, ruderal habitats, and adjacent farmland and woodland. The officer notes surveys which found Badger setts and signs on site, but that no other protected or priority species were found. Bats are likely to forage on the site and birds and small mammals are likely to forage and inhabit the site. The conservation status of European Protected Species is unlikely to be impacted by this development.
40. The officer made a number of recommendations including the following:
 - An Ecological Mitigation Strategy should be developed (including badger and harvest mouse mitigation) and approved.
 - An ecological and landscape management plan should be developed (covering all public open space, ecological enhancement areas and Green Infrastructure) with the means to implement this plan in perpetuity.
 - An update badger survey should be undertaken for the detailed design stage and at pre-commencement to construction, with any recommendations incorporated.

- A Construction Ecological Management Plan (CEMP) should be developed and approved containing Method Statement for badgers and reptiles.
- Permanent artificial wild bird nests and bat boxes should be installed within buildings and on retained trees (for example Swallow/swift and sparrow cups / boxes).
- New wildlife habitats should be created where appropriate, including wildflower rich neutral grassland / wet grassland / pond and woodland, hedgehog habitat and harvest mouse habitat.
- The existing hedgerow should be retained and enhanced (gapped up), any hedge removed should be replaced.
- Trees should be planted into hedgetines and any trees required to be removed should also be replaced.
- New trees and hedges should be planted with native species (preferably of local provenance and including fruiting species).
- The use of external lighting (during construction and post construction) should be appropriate to avoid adverse impacts on bat and badger populations.
- Good practise construction methods should be adopted.
- Consideration should be given to energy efficiency, alternative energy generation, sustainable travel (including, cycle storage, electric vehicle charging and travel planning), water efficiency, management of waste during and post construction and the use of recycled materials and sustainable building methods.

41. The Borough Conservation and Design Officer comments that in terms of impact on above ground heritage assets, the site wraps around the southeast corner of the Ruddington Conservation Area and borders areas shown as positive open spaces to the west. There is also a key view across the open space to the west, however opportunities for this view are limited by robust boundary treatments alongside Loughborough Road and after the first area of open space there is a second robust hedge along the boundary of the site shown on the indicative plans as being further reinforced with planting as part of the proposal.
42. The officer notes that it is important that 'minor' harm on the setting of the conservation area not be misinterpreted as being acceptable. The masterplan has taken opportunities to minimise or mitigate adverse impact, such as the proposal for improved boundary screening, and as such the officer is of the view that the proposal has complied with the 4th thread of best practice guidance for the setting of heritage assets ("Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets" (Dec '17); Step 4 being "Explore ways to maximise enhancement and avoid or minimize harm" by doing so.

43. The officer moves to conclude that whilst there would be some residual harm arising from the proposal it is minor, certainly less than substantial, and the officer would not be surprised if it was concluded that the wider public benefits of the proposal outweigh that harm via the test in NPPF paragraph 196. Furthermore the officer considers that all nearby listed buildings are significant distances from the site, are highly screened by intervening development and none have any direct links with the site such that it could be considered to form part of their settings and contribute towards their special significance.
44. From a design perspective the officer notes that the illustrative layout proposals show how the site could be developed whilst retaining public open space, buffer planting for screening and enhancement of biodiversity and a setback landscaped site entrance to compliment the entrance to the country park opposite which is accessed from the same traffic roundabout as the proposed development.
45. The Borough Archaeological Advisor first commented that the limited archaeological context for the site derives as much from a lack of prior investigation as from a lack of archaeology. As such the officer considered the information which feeds into the heritage assessment is simply insufficient to arrive at a firm conclusion that the site lacks archaeological interest, or even to have particular certainty that this is the case.
46. The applicant submitted a Geophysical Survey and report on 17th April 2019. The Borough Archaeological Advisor confirmed on review that some investigation of the central northern portion of the site would be warranted via condition due to a concentration of potential features in this part of the site. The officer however considered the features would unlikely be of such significance so as to impact the layout of future reserved matters.
47. Later discussions found evidence that the features of interest in the geophysical surveys aligned with historic field boundaries. On review the Archaeology Advisor found that given this evidenced understanding of the features, there would be no need for any further archaeological investigation works, and as such no requirement for any further archaeological condition.
48. The Borough Landscape and Design Officer does not object. The officer noted some boundary planting had already taken place, which was considered a positive step. The officer has no concerns with the submitted Landscape Visual Impact Assessment (LVIA) and agrees with its conclusions, whilst the tree survey was considered accurate, with tree and hedge protection plans to be secured by condition.
49. The officer notes how the illustrative masterplan identifies how a landscaped buffer can be provided around the periphery of the site, which should soften views towards the site where the new housing will be seen in the context of the existing settlement edge.
50. The officer also considered that whilst the existing field entrance access from the Mere Way roundabout would be widened, the hedge and trees along the frontage could be retained, with the proposed storm water attenuation to the rear of the road allowing the houses to be set back with space around the attenuation for some form of landscaping to enhance the entrance to the site.

51. Of particular note the officer identifies that the hedge and line of trees at the front of the site will need to be managed. The officer is not against the hedge being reduced in height to 1m to allow views into the site and would be open to discussing the future of the trees within the hedge with the applicant. The officer suggest the trees will need to be thinned out at some point before they start to suppress each other and that with Ash dieback spreading, it would be prudent to try and thin out the trees and add some different species to make the row more resilient.
52. Nottinghamshire County Council (Strategic Planning) makes general policy comments in relation to Minerals, Waste, Ecology, Transport, Education provision, healthy communities and concludes:
 - a) Minerals - There are no current or permitted minerals sites close to the application site and, therefore, the County Council does not wish to raise any objections to the proposal from a minerals perspective.
 - b) Waste - There are no existing waste sites within the vicinity of the site whereby the proposed development would cause an issue in terms of safeguarding existing waste management facilities. The development should be designed, constructed and implemented to minimise the creation of waste, maximise the use of recycled materials and assist the collection, sorting, recycling and recovery of waste arising from the development. In accordance with Policy WCS2 as the proposal is likely to generate significant volumes of waste through the development or operational phases, it would be useful for the application to be supported by a waste audit.
 - c) Transport - Attention is drawn to the Memorandum of Understanding between RBC, Highways England and NCC regarding improvements required to the A52 and A606 for which financial contributions are taken from qualifying development in Rushcliffe.
 - d) In view of the size of the proposed development it is not envisaged that contributions towards local bus service provision will be sought. A Sustainable Transport Contribution of £40,000 is requested via a Section 106 agreement to provide new occupants with a 2-month smartcard bus pass (or equivalent) for use on the existing local bus network to encourage use of sustainable modes of travel, or to support other sustainable transport measures to serve the site. Contributions via a Section 106 agreement for bus stop improvements to the value of £45,000 are also sought be used towards the installation of new bus stops within the vicinity of the site, or improvements to the following bus stops to promote sustainable travel: RU0814 Mere Way; RU0860 Mere Way; RU0695 Scout Hut; RU0166 Scout Hut. This would include the provision of real time bus stop poles & displays including associated electrical connections, bus shelters and solar lighting, raised boarding kerbs and Enforceable Bus Stop Clearways.
 - e) Education - A development of 180 dwellings will generate 38 primary school places. There is a deficiency in primary places available in the planning area. Additional education provision will be required and it is currently proposed that funding be attained to extend St Peter's Junior

in order to transform it into a primary school. A contribution of £723,824 (38 x £19,048) will be sought.

- f) In relation to secondary school places the site is located in the catchment of The Rushcliffe School and will generate 29 additional secondary places. There is a deficiency in places available. The need for additional secondary places in West Bridgford has already been established, as both local schools are at capacity. The County Council is currently devising a strategy to address this, with a new secondary provision the favoured option. The County Council would therefore seek a contribution, based on build cost of £552,392 (29 places x £19,048 per place).
53. Nottinghamshire County Council as Lead Local Flood Risk Authority (LLFA) do not object to the principles of the suggested surface water drainage scheme. They request a condition requiring the submission, agreement and implementation of a detailed drainage strategy, in accordance with a number of detailed parameters.
54. Nottinghamshire County Council as Local Highway Authority (LHA) have, following the submission of additional and revised information, commented raising no objection to the application.
55. The LHA's initial response dated 8th April suggested that application be deferred to allow the applicant to consider a number of issues that had been raised with regard to the submitted traffic assessment and highway safety matters. An advisory note on internal layout was also made.
56. Revised information was submitted on 17th May 2019 in response to these concerns. The LHA responded to this on 12th July 2019, confirming that the original concerns had been overcome.
57. The LHA note that the highway improvements are shown for indicative purpose only on the submitted plans and that these details will be subject to a Section 278 Agreement under Highway Act 1980 (as amended) which is a separate procedure to planning. These comments relate more specifically to the following drawings:
- i. Drawing title: Site Access Preliminary Layout, Project no. A109368, drawing no. P01 rev. D, dated 16.05.19
 - ii. Drawing title: Proposed Junction Improvements Loughborough Road/Flawforth Lane, Project no. A109368, drawing no. 001, dated: 04-01-19
58. The LHA further note the concept plan showing indicative site layout includes proposed pedestrian only routes connections to Loughborough Road and adjacent potential development off Flawforth Lane to the North of the site. The LHA consider that these pedestrian links should be safeguarded and shown on the future plans including reserved matters submission drawings.
59. In the submitted Transport Assessment, the applicant also proposes to upgrade current Footpath FP17 between the A60 and Stevenson Gardens in terms of surface upgrade to semi-bound or hard bound material and improved way marking on the A60 via Section 106 or 278 agreement. This improvement

is welcomed by the Highway Authority who support this proposal. In accordance with the submitted plans, the applicant also proposes to widen the existing footways along A60 to connect with the Footpath FP17. As at present there should be no cycle movements on the footpath, but the connection from A60 to Stevenson Gardens would improve interconnectivity and provide safe cycle route to and from the village. The Highway Authority would be keen to convert the Footpath FP17 to a footway/cycleway, which will require a formal footpath conversion order. The Highway Authority would therefore seek the funds to be secured via Section 106 agreement for the order to commence and necessary footway upgrades to be carried out.

60. The LHA have also approved the Travel Plan ref. RT109368-02 – Revision 1 (May 2019) dated January 2019. The LHA suggest the travel plan monitoring fee for a single-phase development of up to 200 dwellings amounts to £1,500 + VAT per annum for five years, which equates to £7,500 + VAT. Given that the build out rate suggests completion within five years, the final amount would be £7,500 + VAT. Funding would be payable for five years from 50% completion of the development. This payment should be safeguarded in a Section 106 Agreement.
61. Whilst the LHA acknowledge the concept masterplan is indicative, they would like to highlight the requirement for connected streets within the development and its advantages. They therefore recommend for future submissions (i.e. reserved matters) that the LHA would wish to see streets south and east of the Primary Route connected in better way to provide alternative routes for traffic to reroute in the event of a blockage or accident on the Primary Route.
62. The LHA have recommended a series of 6 conditions requiring the completion of highways improvements prior to occupation, travel plan co-ordinator updates and reserved matters.
63. The Environment Agency (EA) noted the site falls in flood zone 1, and that the Lead Local Flood Risk Authority should therefore be consulted on surface water disposal from the site. The EA confirmed they had no comments to make on the proposal.
64. Highways England confirm that no assessment of traffic impacts or delivery of improvement on the Strategic Road Network will be required, but in line with the Memorandum of Understanding in relation to the improvements necessary to support growth on the A52, a developer contribution will be required (presently agreed at £1,550.02 per dwelling) and this should be secured by way of a S278 agreement.
65. NHS Greater Nottingham Clinical Care Commissioning Group request a financial contribution based on their standard formula. For the 180 dwellings proposed the number of bedrooms is unknown, and so it is assumed all will be 2+ and they would request £920 per dwelling, amounting to a contribution of £165,600.
66. It is envisaged that all new patients would register with Ruddington Medical Centre, Church Street or Church House, Shaw Street, both in Ruddington. Ruddington Medical centre is a purpose built facility extended several years ago by adding an additional floor to the building to cope with the rapid expansion of the village. Since then further additional housing developments

have taken place, which have put pressure on the extended facility to the point that it is now at capacity. The Church House branch surgery (part of East Leake Medical Group), is at capacity with no opportunity to develop further space as it is constrained by existing buildings. Any contribution would therefore be put towards extending Ruddington Medical Centre further or increasing capacity at neighbouring practices.

67. Sport England stated the application fell outside their statutory remit, and that, therefore they would not be providing a detailed response. There general guidance however identified that where a proposal involves the provision of additional housing, then it will generate additional demand for sport. If existing sports facilities do not have the capacity to absorb the additional demand, then new and/or improved sports facilities should be secured and delivered in accordance with any approved local policy for social infrastructure, and priorities set out in any Playing Pitch Strategy or Built Sports Facility Strategy that the local authority has in place.
68. They further identified that in line with the Government's NPPF (including Section 8) and PPG (Health and wellbeing section), consideration should also be given to how any new development, especially for new housing, will provide opportunities for people to lead healthy lifestyles and create healthy communities.
69. Severn Trent Water raise no objection to the scheme, noting the foul sewerage will connect to the public sewer for which a formal sewer connection approval will be required. They also note that surface water would discharge to a ditch, for which they have no comment.
70. The NHS West – Nottingham Universities Trust, whilst not a consultee commented on the application, requesting a contribution to be secured by S106 agreement of £139,983 to provide capacity for the Trust to maintain service delivery during the first year of occupation of each unit, not provided through standard NHS funding mechanisms.

Local Residents and the General Public

71. The comments below represent summaries of the full comment which for the sake of clarity, can be found on the public record (available online).
72. 19 public comments were received on the application, 16 objecting to the proposed scheme and 3 neither objecting to nor supporting the application.
73. The 3 comments neither supporting nor objecting to the development can be summarised as follows:
 - a. The pedestrian crossing for the A60 and the footpath/cycleway improvements would be welcome.
 - b. There are many minor undocumented incidents at the Kirk Lane/A60 junction, and the A60 is so heavily congested at peak times it is difficult for residents who have driveways directly off the A60 to access/egress their property.

- c. Village infrastructure such as schools, medical centre and parking provision will require improvements and appropriate funding.
- d. The site must maintain the 'Sylvan' entrance to the village.
- e. Some concerns remain regarding wildlife on the site.
- f. Of all the green belt sites around Ruddington, this one makes the most sense, has least impact on residents and has best access to the main route through the area, rather than relying on the smaller village roads.
- g. This site represents the 'least worst' option of those proposed around Ruddington.

74. The 16 comments objecting to the scheme can be summarised as follows:

- a. The development would add to congestion to the A60. The A60 is already heavily congested in morning and evening peak hours, and added traffic will add to pollution of the environment.
- b. What provision will be made for children's school places, with existing schools already oversubscribed?
- c. The development would put added pressure on existing community facilities such as health care, parking and schools, which are already oversubscribed.
- d. Why are we proposing to build on green field land when there is so much underused brownfield land in the city?
- e. The site may cause overlooking of 295 Loughborough Road.
- f. The proposed transport improvements would be inadequate.
- g. The scheme proposes no broadband improvements to the area, which would be required to serve the development.
- h. Ruddington is buckling under the increased housing and resident numbers, with no sign of improved road sizes, accesses or footpaths. Houses are not needed, amenity improvements are.
- i. The Mere Way roundabout is overwhelmed and is not suitable for additional traffic or pedestrian crossings.
- j. Housing should be directed together to create new settlements with appropriate amenities, rather than drowning and stretching existing settlements and amenity provisions.
- k. The site could not be developed in accordance with the Rushcliffe residential Design Guide best practice as the site is detached from Ruddington, on the opposite side of the A60.
- l. How can very special circumstances be demonstrated when the application is outline only?

- m. The scheme should include access through the adjacent allocation on Flawforth Lane to provide a better distribution for traffic.
- n. The application is premature and should not be determined until the Local Plan Part 2 (LP2P) has been adopted.
- o. Concerns regarding the Local Plan making process, and the LPP2 modifications.
- p. The Borough Council should not be supporting the development of green belt and should be resisting this type of development at all costs.
- q. The Trees and hedges on site should be protected and new habitat created locally.
- r. Future residents would be isolated from Ruddington, rather than integrated, due to the A60 barrier.
- s. There is no mitigation for pressures on village infrastructure.
- t. The pedestrian link to the village should ensure paths are widened along full length of the A60 and via Elms Park to the village centre.
- u. The signalised pedestrian A60 crossing should be secured.
- v. A slip road should be added to the Kirk lane/A60 junction allowing traffic to slip off of Kirk Lane.
- w. The front boundary hedge to the site should not be reduced in height and acts as a screen to the development site.
- x. High quality design should be for all houses not just the prominent plots as identified in the design and access statement plans.
- y. The depth of planting to the south and eastern boundaries should be increased.
- z. Houses should be on no greater than 2 storey height.
- aa. Greater onsite parking should be provided.
- bb. A 30mph speed limit on the A60 between Kirk Lane and Mere Way junctions should be implemented to discourage use of the car and encourage sustainable trips to the village centre.
- cc. 170 houses should be the maximum figure as with the emerging policy document.
- dd. Ruddington requires its own secondary school provision.
- ee. If the site is not to be used as a park and ride site as currently suggested, a new arm from the Mere Way roundabout should be provided to allow for neighbouring land to be accessed, so a future use could be considered.

- ff. The traffic would impact the safety of users of the playing fields, Country Park and youth centre to the opposite side of the A60.
- gg. The bus stop to Nottingham is on the wrong side of the A60 to the development, which would discourage users.
- hh. A safeguard should be put in place to prevent any future road access to the Flawforth Lane allocation site.
- ii. Sensitive lighting should be used.
- jj. Heritage impacts of the scheme must be considered.

PLANNING POLICY

- 75. 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).
- 76. The publication version Local Plan Part 2 (LPP2): Land and Planning Policies is also a material consideration, although the policies within this document do not currently carry as much weight as those that are adopted as whilst they have been the subject of an examination, they have not been yet been adopted. The Inspector's interim letter was received by the Council on the 5th February 2019 with consultations on additional modifications expiring on 5th July 2019. The Borough Council are awaiting the Planning Inspectorates final report.
- 77. Other material considerations include the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG) and the Rushcliffe Borough Non-Statutory Replacement Local Plan (2006). The recent appeal decision at Asher Lane Ruddington ref: 16/03123/OUT for outline planning permission for 175 dwellings, which is located within the Green Belt and which was granted permission on 23rd May 2018 is also of material note, whilst in addition, a recent outline planning permission for up to 400 dwellings, which is in the Green Belt and identified in the emerging Local Plan Part 2 on land off Shelford Road, Radcliffe on Trent (13/02329/OUT) was granted permission on 27th November 2018, following referral to the National Planning Casework Unit. Similarly outline permission for 151 homes and full permission for 187 homes on green belt land within proposed allocations adjacent to Keyworth reference 18/02524/OUT & 18/02412/FUL have also been subject to recommendations to grant permission subject to S106, with neither application called in by the Planning Casework Unit.

Relevant National Planning Policies and Guidance

- 78. The National Planning Policy Framework (NPPF) (updated in 2019) 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.

79. 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."*
80. 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.
81. 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."*
82. 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.*"
83. 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.
84. Paragraph 143 states that, "*Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.*"
85. 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.”

86. Paragraph 145 makes clear that the construction of new buildings in the Green Belt is inappropriate development and lists the exceptions.
87. Paragraph 193 identifies that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Relevant Local Planning Policies and Guidance

88. Saved Rushcliffe Borough Local Plan 1996 Policy ENV15 states that; “*A Green Belt is proposed as defined on the proposals map.*” This plan defines the extent of the current Nottinghamshire – Derby Green Belt.
89. Other than Rushcliffe Borough Local Plan 1996 Policy ENV15, which establishes the Nottingham and Derby Green Belt, none of the other saved policies of the Rushcliffe Local Plan are relevant to this application.
90. 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.
91. The following policies in the Rushcliffe Local Plan Part 1: Core Strategy are relevant:
 - Policy 1 - Presumption in Favour of Sustainable Development;
 - Policy 2 - Climate Change;
 - Policy 3 - Spatial Strategy;
 - Policy 4 - Nottingham – Derby Green Belt;
 - Policy 5 – Employment Provision and Economic Development;
 - Policy 8 - Housing Size Mix and Choice;
 - Policy 10 - Design and Enhancing Local Identity;
 - Policy 11 - Historic Environment;
 - Policy 12 - Local Services and Healthy Lifestyles;
 - Policy 13 - Culture Tourism and Sport;
 - Policy 14 - Managing Travel Demand;
 - Policy 15 - Transport Infrastructure Priorities;
 - Policy 16 - Green Infrastructure, Landscape, Parks and Open Space;
 - Policy 17 – Biodiversity;
 - Policy 18 – Infrastructure; and
 - Policy 19 - Developer Contributions
92. Policy 3 outlines the distribution of development in the Borough during the plan period. It ensures the sustainable development of Rushcliffe will be achieved through a strategy that promotes urban concentrations by directing the majority of development towards the built up area of Nottingham and the Key

Settlements identified for growth of Bingham, Cotgrave, East Leake, Keyworth, Radcliffe on Trent and Ruddington

93. 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. Policy 3 acknowledges that exceptional circumstances exist to review the boundaries of the Green Belt in Rushcliffe to enable the level of development that needs to be delivered.
94. The Rushcliffe Borough Non-Statutory Replacement Local Plan (RBNSRLP) is a material consideration. Whilst not part of the Development Plan, the Borough Council has adopted the RBNSRLP for development management purposes in the determination of planning applications and Policy GP2 (Design and Amenity) is used frequently. Bearing in mind the nature of the application, i.e. seeking outline planning permission, and the presence of detailed design and amenity policies, it is not considered necessary to consider these policies within this application.
95. The emerging Local Plan Part 2 has undergone its necessary preparation including the identification of preferred housing sites and extensive consultation and is supported by various evidence based documents including a Green Belt review, which is of particular relevance to Ruddington bearing in mind this is an inset village. This has now been submitted for examination and an initial view from the Inspector has been received suggesting minor changes to some of the policies. Consultation has now ended on the proposed modifications and the Borough Council await the Inspector's final report. Some weight should therefore be given to this emerging policy document, in particular site specific policy 6.3 which relates to a proposed housing allocation – Land Opposite Mere Way Ruddington. One modification was proposed to this policy, relating to the inclusion of an additional criterion to the policy that requires a financial contribution to a package of improvements for the A52 (T) between the A6005 (QMC) and A46 (Bingham).
96. POLICY 6.3 Housing Allocation – Land Opposite Mere Way, Ruddington:

"The area, as shown on the policies map, is identified as an allocation for around 170 homes. The development will be subject to the following requirements:

 - a) *the existing roundabout at the Mere Way/A60 junction will provide road access;*
 - b) *the setting of the Conservation Area should be preserved;*
 - c) *development along the Loughborough Road frontage, at the junction with Mere Way and which borders the open countryside should provide a visually attractive gateway and boundary to the village;*
 - d) *a financial contribution to a package of improvements for the A52(T) between the A6005 (QMC) and A46 (Bingham); and*
 - e) *it should be consistent with other relevant policies in the Local Plan."*
97. Other relevant policies include:
 - Policy 12 - Housing Standards

- Policy 13 - Self-Build and Custom Housing Provision
 - Policy 18 - Surface Water Management
 - Policy 19 - Development affecting Watercourses
 - Policy 20 - Managing Water Quality
 - Policy 21 - Green Belt
 - Policy 28 - Conserving and Enhancing Heritage Assets
 - Policy 29 - Development affecting Archaeological Sites
 - Policy 32 - Recreational Open Space
 - Policy 37 - Trees and Woodlands
 - Policy 38 - Non-designated Biodiversity Assets and the wider Ecological network
 - Policy 39 - Health Impacts of Development
 - Policy 40 - Pollution and Land Contamination
 - Policy 42 - Safeguarding Minerals
 - Policy 43 - Planning Obligations Threshold
98. 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.

Other Legislation/Regulations

99. Conservation of Habitat and Species Regulations 2017, and the Wildlife and Countryside Act (as amended) 1981 - These regulations/legislation 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 provides 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.
100. The Council as local planning authority is obliged in considering whether to grant planning permission to have regard to the requirements of the Habitats Directive and Habitats Regulations in so far as they may be affected by the grant of permission. Where the prohibitions in the Regulations will be offended (for example where European Protected Species will be disturbed by the development) then the Council is obliged to consider the likelihood of a licence being subsequently issued by Natural England and the "three tests" under the Regulations being satisfied. Natural England will grant a licence where the following three tests are met:
1. There are "imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment"
 2. there is no satisfactory alternative; and
 3. the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

101. 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.
102. 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.'
103. 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.
104. The Community Infrastructure Levy Regulations 2010 (As amended) places the Government's policy tests on the use of planning obligations into law. It is unlawful for a planning obligation to be a reason for granting planning permission when determining a planning application for a development, or part of a development, that is capable of being charged CIL, whether or not there is a local CIL in operation, if the obligation does not meet all of the following tests:
 - a) necessary to make the development acceptable in planning terms;
 - b) directly related to the development; and
 - c) fairly and reasonably related in scale and kind to the development.
105. 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.
106. 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.
107. Environmental Impact Assessment Regulations – The proposed development was screened under the Environmental Impact Assessment Regulations on submission and it was determined that any effects of the proposal would be of a local nature which would be dealt with under the normal development management process and a formal Environmental Impact Assessment was not required in this instance.

APPRAISAL

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

should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

109. It is considered that the main planning considerations in the determination of this application relate to the principle of development in this location, including any conflict with Green Belt Policy and whether 'very special circumstances' have been demonstrated, and then whether the application accords with other policies of the development plan, together with the specific site requirements as set out in the emerging site specific policy 6.3 (Housing Allocation – Land opposite Mere Way, Ruddington) of the Local Plan Part 2, together with any other material planning considerations.
110. 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.

Principle of Development

111. 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. Paragraph 11 of the NPPF advises that there is a presumption in favour of sustainable development and for decision-making this means approving development proposals that accord with the development plan without delay. The NPPF is a material consideration in planning decisions.
112. NPPF paragraph 15 states that the planning system should be genuinely planned. Succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for addressing housing needs and other economic, social and environmental priorities; and a platform for local people to shape their surroundings.
113. Section 5 - 'Delivering a Sufficient Supply of Homes' states that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old.
114. However, in considering this application, it has to be borne in mind that the Council does not currently have a 5 year housing land supply. Consequently, in accordance with footnote 7 of the NPPF, Policy 3 of the Core Strategy, which is a policy for the supply of housing, is not up to date. In such circumstances, paragraph 11 of the NPPF and the so-called 'tilted' balance is engaged.
115. Paragraph 11 explains that the presumption in favour of sustainable development requires that, where the development plan is out of date, permission is granted unless:

- The application of policies in the framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed; or
 - Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
116. As the application site is currently in the Green Belt, there is a specific policy identified in the NPPF that indicates development should be restricted. Residential development of this nature constitutes inappropriate development which is, as set out in para 143 of the NPPF, by definition, harmful to the Green Belt and should not be approved except in ‘very special circumstances’ (VSCs). 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. Very special circumstances must, therefore, be able to be clearly demonstrated to justify a support of planning permission on this site.
117. The applicant acknowledges that the proposal scheme would be inappropriate development in the Nottingham-Derby Green Belt and should not be approved except in VSCs, as per NPPF paragraph 143. The applicant has set out what they consider are the very special circumstances which are outlined above (under Details of the Proposal).
118. As set out above, at the present time the Borough Council is unable to demonstrate a five year supply of housing sites and, as with the Asher Lane Inspector the shortfall is identified as significant and justifies considerable weight to the proposed development. Whilst this on its own is not a very special circumstance, in itself consideration needs to be given to the following matters.
119. The Rushcliffe Core Strategy (CS) identifies the need for a minimum of 13,150 new homes between 2011 and 2028 with approximately 7,650 homes in or adjoining the main built up area of Nottingham. The adopted Core Strategy allocates strategic sites and the emerging Local Plan Part 2 document (LPP2) will be used to allocate non-strategic sites. CS Policy 4 (Nottingham-Derby Green Belt) subsections 3 and 5 confirm that inset boundaries will be reviewed through the LPP2. Subsection 7 of Policy 4 states that when reviewing GB boundaries consideration will be given to a number of factors including the statutory purposes of the GB, in particular the need to maintain openness and prevent coalescence of settlements; establishing a permanent boundary which allows for development in line with the settlement hierarchy and/or to meet local needs; and retaining or creating defensible boundaries.
120. The Core Strategy identifies Ruddington as a key settlement where housing growth is required and anticipated, and sets a target of a minimum of 250 new homes that need to be built on greenfield sites within the existing Green Belt surrounding Ruddington up to 2028. The Local Plan Part 2 is proposing site allocations in Ruddington for around 525 dwellings, including the current application site. This application is, therefore, considered to accord with the spatial strategy as set out in the development plan. The fact that the proposal is in accordance with the agreed spatial strategy of the adopted Core Strategy

and allocations in the emerging Local Plan Part 2, weighs substantially in favour of the proposal.

121. One of the key issues that the Local Plan Part 2 is required to do is to identify enough land as suitable for housing development in order to help meet Rushcliffe's housing target of a minimum of 13,150 new homes between 2011 and 2028. The evidence supporting this work suggests that it is necessary to deliver new housing above the minimum targets for key settlements in order to ensure that enough housing is available to meet both the Boroughs short and longer term housing targets. Consideration has, therefore, been given to increasing the number of houses within the key settlements and identifying other settlements that could accommodate some level of housing growth above that expected by infill development. Ruddington is a key settlement where increased housing provision is considered appropriate, justified and supported by substantial evidence considered during the plan making process.
122. In balancing sustainability, Green Belt, settlement capacity, the availability of suitable sites for development and other relevant planning considerations, 4 sites are proposed to be allocated for housing development surrounding Ruddington, which would deliver around 525 new homes. The site, subject to this application, is one of the sites identified as a preferred housing site in the emerging Local Plan Part 2 (LPP2) document. This weighs substantially in favour of the proposal.
123. Whilst Part 2 of the Local Plan has not yet been adopted and, as such, full weight is unable to be given, it is at a very advanced stage and has gone through extensive examination and scrutiny as part of the identification of preferred sites documents. Whilst the Green Belt south east of Ruddington scores 'medium-high' within the strategic Green Belt review document due to its role in restricting urban sprawl to the south east of the Loughborough Road, this site specifically scores low-medium in the site specific green belt review when considered and assessed at plan making stage against the 5 purposes of the green belt.
124. The landscape analysis conducted in support of the emerging local plan site allocation concluded the land was of medium landscape value and low visual sensitivity. To address the Core Strategy's Spatial Strategy, Green Belt release at Ruddington is inevitable. No issues with this approach have been identified in the Inspectors Initial response to Local Plan Part 2.
125. The Council's assessment of the site is that it has a medium GB value. Of the 16 sites considered around Ruddington in the site selection report published in 2018, 9 other sites had green belt scores greater than or equal to that of this proposed allocation, with 3 of the sites with lower values also allocated, and the other 3 sites with lower scores suffering from significant other constraints, including heritage, or being of such limited size (5-10 units) so as not to make any significant contribution to housing or land supply.
126. The Inspector at the Asher Land Inquiry acknowledged that the latest Rushcliffe Green Belt Review is a comprehensive document that scores each possible GB site against the five purposes of the GB contained in NPPF paragraph 80 (now paragraph 134 in the 2019 NPPF). It does not itself determine whether or not land should remain within the GB but is a technical document that will be used to aid decisions on where the GB may be amended

to accommodate future development requirements. The Inspector used this document in the consideration of that appeal and, therefore, it is considered appropriate that weight can be attached to this document in the consideration of this application. The conclusions of this review document weigh in favour of this development.

127. CS Policy 4 (Nottingham-Derby Green Belt) subsections 3 and 5 confirm that inset boundaries will be reviewed through the LPP2. Subsection 7 of the Policy states that when reviewing GB boundaries, consideration will be given to a number of considerations including the statutory purposes of the GB, in particular the need to maintain openness and prevent coalescence of settlements; establishing a permanent boundary which allows for development in line with the settlement hierarchy and/or to meet local needs; and retaining or creating defensible boundaries.
128. Whilst it is considered that full weight cannot be attached to the LPP2, as set out above the Core Strategy's Spatial Strategy acknowledges Green Belt release at Ruddington is inevitable and the evidence base supporting the Core Strategy and LPP2, and the Council's reasons for its preferred allocation sites at Ruddington, are issues that are relevant to this application and to which considerable weight can be attached. This approach was a view expressed again by the Inspector for Asher Lane. The Core Strategy Policy 3 and 4, and the evidence base supporting the proposed Green Belt review, and proposed allocation of the site in Local Plan Part 2, again weigh in favour of the development.
129. Further to the above, and in demonstrating the deliverability of the site, the applicant has agreed to accept a reduced time limit to submit a reserved matters scheme, accepting a 1 year time limit instead of a 3 year limit as normally set out. This again weighs in favour of the site, evidencing how the sites progress could quickly move to help address the Boroughs 5 year land supply deficit, and quickly start to bring about the associated economic, social and environmental benefits to the area.

Emerging Local Plan Part 2 Policy 6.3

130. As set out above, whilst the final Inspector's report for the LP Part 2 examination has not been issued, it does carry considerable weight in the determination of this application and, therefore, consideration is given to the policy within this report that sets out the specific site requirements for this site under policy 6.3, which proposes this site as an allocation for around 170 homes. The policy sets out that any development will be subject to the following requirements:
 - a) the existing roundabout at the Mere Way/A60 junction will provide road access;
 - b) the setting of the Conservation Area should be preserved;
 - c) development along the Loughborough Road frontage, at the junction with Mere Way and which borders the open countryside should provide a visually attractive gateway and boundary to the village;

- d) a financial contribution to a package of improvements for the A52(T) between the A6005 (QMC) and A46 (Bingham); and
 - e) it should be consistent with other relevant policies in the Local Plan.'
131. With regards to criterion 'a', the proposed development includes detailed means of access, showing the existing field access from the Mere Way/Loughborough Road roundabout being upgraded to facilitate access to the site. The LHA have reviewed the access design, and supporting assessments and have raised no objection to the works or access as submitted, confirming that detailed highways technical approval will be required through the formal section 278 process.
132. Criterion 'b' requires the setting of the conservation area to be preserved. The Borough Conservation and Design Officer notes that the development, and any development of this parcel of land, would by its very nature cause some harm to the setting of the Ruddington Conservation Area, given the shared boundary, and the identification of a panoramic view (medium to long distance) from the edge of Loughborough Road looking east across a paddock towards the northern section of the site.
133. In considering this, the nature of this view must also be considered, with a tall mature hedgerow limiting any views as suggested to a single gated field access, and views to the application site beyond the paddock screened by a further notable hedgerow. Beyond this, the submitted framework plan shows additional structural landscaping to this western site boundary, retaining open space between this boundary and any built development.
134. The disruption of the identified panoramic view would, by definition cause harm to the setting of the Ruddington Conservation Area. However in context, given the development framework and existing site circumstances, the degree of harm is considered to be less than substantial and at the lower end of the sliding scale.
135. Paragraph 194 of the NPPF states inter alia, that any harm to, or loss of, the significance of a heritage asset, whether that be from alteration, destruction or as with this application, development within its setting, should require a clear and convincing justification. Paragraph 196 further identifies that where any harm is identified as less than substantial, the harm should be weighed against the public benefits of the proposal.
136. The social benefits of the scheme include increased access to a range of house types and tenures including a 30% affordable housing provision on site, as well as the benefits from the onsite green and blue infrastructure offering opportunities for social mobility and interaction, including facilities such as children's play. From an economic perspective, the development would provide direct and indirect employment benefits supporting new jobs and creating economic growth resulting in expenditure to the benefit of the settlement and local area, supporting local retail and leisure services. From an environmental perspective, the site creates the opportunity for a net gain in biodiversity, with integrated blue and green infrastructure and a landscape led design. Features such as electric car charging points are to be integrated within the design of all homes, whilst the applicant has also submitted details of the environmental credentials of the homes they build, suggesting they are within

the top 1% of UK housing stock for Energy Efficiency Ratings (EER) and Environmental Impact Ratings (EIR).

137. Given the considerations as set out above, the public benefits of the scheme are considered in this instance sufficient to outweigh the limited level of harm caused to the setting of the Ruddington Conservation Area.
138. The policy requirement to ‘preserve’ the setting of the Ruddington Conservation Area is not considered to be readily achievable whilst bringing forward a development of around 170 dwellings, with the requirement to preserve likely to sterilise the northern, and largest part of the site. The justification to the policy requirements state that the hedgerows should be retained and development set back from the boundaries to ‘protect’ the panoramic view and setting of the conservation area. The scheme as proposed achieves these aims with enhanced planting and setbacks, and overall, whilst not achieving the policy wording of directly ‘preserving’ the setting of the conservation area, the scheme and development as proposed is considered to achieve the fundamental aims of the policy in respecting the setting of the conservation area.
139. Criterion ‘c’ requires development along the Loughborough Road frontage at the junction with Mere Way, and development which borders the open countryside to provide a visually attractive gateway and boundary to the village. The submitted development framework plan shows how the site frontage the Mere Way roundabout would be landscaped with water retaining balancing ponds to provide an enhanced and notable site gateway, taking visual cues from the entrance to the Mere Way Business Park opposite the entrance. Furthermore, the framework plan identifies how the site boundaries would gain additional landscaping to strengthen them, with development positively addressing but set back from the site boundaries with the fundamental aim of not screening the site, but strengthening boundaries to retain glimpsing views into/out of the site to ensure understanding of setting is retained.
140. Detailed design, layout and landscaping is not for consideration at this stage, however the framework plan is considered to show that achieving the aims and requirements of this criterion would be achievable in a future scheme.
141. The development would contribute to the A52/A606 improvements through the Memorandum of Understanding, with conditions agreed to ensure the developer enters a relevant Section 278 Agreement with Highways England to fund the associated proportion of the works, in this case akin to a contribution of £1550.02 per dwelling. This would achieve the requirements or criterion ‘d’.
142. It is therefore considered that, in relation to the specific site requirements set out in the Emerging Local Plan policy 6.3 this application accords with this policy and, therefore, this weighs in favour of the proposal.

Other Material Planning Considerations

Highway Implications

143. In considering applications, Policy 1 (Development Requirements) of the Core Strategy requires that a suitable means of access can be provided to the development without detriment to the amenity of adjacent properties or

highway safety and the provision of parking is in accordance with advice provided by the Highways Authority. Means of access to the site is a matter that is not reserved for subsequent approval and needs to be considered at this stage.

144. The application is supported by a Transport Assessment (TA), a Travel Plan and the details of the access to the site. These documents were revised in May 2019 through the submission of a revised travel plan, a revised access drawing and an addition Technical Note document on A60/B680 Signal Junction. The revised documents were submitted in order to address initial comments made by the Highways Authority.
145. The application has been assessed by the relevant technical consultees in relation to its potential impact on both the local and strategic road network. In addition, the proposal has looked at walking, cycling and bus proposals and Travel Plan measures to encourage alternative modes of transport to the private car.
146. Whilst concerns have been raised in public comments relating to highway safety issues, it is considered that, with the submission of the additional technical and other supporting information, a robust assessment of the application on highway grounds has been undertaken, and with the imposition of suitable conditions and S278 agreements to both secure financial contributions to assist in the proposed upgrading of the strategic road network and the provision of localised highway improvements, there are no highway safety reasons to refuse the planning application. In particular, the NPPF makes it clear in para 109 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.
147. Consideration has also been given to the impact of the access arrangements on the amenity of nearby residents and the visual amenity of the area. The location and design of the main access, utilising the existing Mere Way/Loughborough Road roundabout would not directly impact any existing residents given the location of the access and site. The design of this access would result in some visual change with the additional 4th arm to the roundabout, however in the context of the existing feature, any change would not have any notably urbanising impact, particularly given the presence of an existing field entrance. It is acknowledged that the access arrangements onto the roundabout would result in some visual change, the provision of the access and associated visibility splays will be short lived and landscaping is proposed, with no highway concerns raised by the County Council, and the Landscape and Design officer has raised no objections.
148. The scheme of highway improvements includes the provision of a toucan crossing to the A60 Loughborough Road and the widening of the existing footways along the A60 to 3m to act as joint cycle ways. A connection to FP17 and funding to upgrade FP17 to a hard surfaced joint cycleway has also been proposed and would be secured through a S106 contribution, with the link through to Stevenson Gardens considered a positive and important link to the village centre for future users. These improvements as proposed meet broadly with the comments of Ruddington Parish Council, who sought improvements to FP17 and a crossing for the A60 as important improvements to help

integrate any future development and promote sustainable trips to the village centre.

149. Highway improvements to the Mere Way roundabout layout, and Kirk Lane/A60 junction are also included to improve junction capacities. Whilst detailed technical approval would be required to be agreed with NCC Highways, such improvements would be proposed to improve junction capacity, and would again meet the aims of the comments submitted by the Parish Council.

Design and Amenity

150. It is 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 achieve high quality design and, therefore, is in accordance with the Framework. The gateway landscaped frontage and treatment of the site boundaries is particularly noted and emphasises a design reaction to the site's sensitive context. The internal layout would also follow good design principles, such as perimeter blocks, and includes green courtyards and green corridors through the site. The framework plan therefore demonstrates how the site could provide for around 180 dwellings whilst following principles of 'good design'.
151. 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 development framework details and the information within the Design and Access Statement (Section 5 – Design Proposals) relating to development and design principles would ensure that the amenity of neighbouring properties is not unduly and unacceptably affected.
152. Thus it is considered that the application accords with Policy 10 of the Core Strategy, emerging Policy 6.3 of the Local Plan Part 2, 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.

Air Quality

153. The NPPF (Section 15) confirms that planning decisions should sustain compliance with and contribute towards EU limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and the cumulative impacts on air quality from individual sites in local areas. The site is not located within an Air Quality Management Area but to assist in meeting national and local objectives it is recommended that provision of electric charging points is secured by way of condition.
154. The National Planning Practice Guidance (NPPG) contains guidance on air quality. It requires local planning authorities to consider whether development would expose people to existing sources of air pollutants, and/or give rise to

potentially significant impact (such as dust) during construction for nearby sensitive locations. A condition is recommended requiring the submission and approval of a construction management plan to help minimise construction nuisance from dust.

Noise

155. The NPPF (Section 15) advises that planning decisions should also ensure that new development is appropriate for its location, taking into account the likely effects of pollution on health, living conditions and the natural environment. In doing so they should; "*Mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and the quality of life.*"
156. The principal noise sources associated with the development post construction are anticipated to be related to road traffic from the A60 Loughborough Road. Some noise could also be generated by the recreational uses on the site. The illustrative masterplan proposes the residential development to be set back from the A60 by a wide buffer of public open space, including significant elements of landscaping and attenuation ponds which could help provide noise mitigation to the noise generated by roads users of this busy and key transport route.
157. A noise assessment established the noise environment at the development site and considered the potential noise impacts associated with the proposed development on the surrounding area. This assessment highlighted how the majority of the site was at low/negligible risk categories for noise impact, however that the south western most properties would be in the medium/high risk categories. The report followed by setting out good design principles that would mitigate any noise impact to acceptable levels, whilst deferring the detailed consideration and design requirements for future consideration, in collaboration with the detailed site submissions. No objections were raised from the Borough Environmental Health Officers. It is considered that noise matters at construction stage can be adequately considered by way of the Construction Management Plan. However, in the absence of a detailed layout, noise mitigation for future occupants with regards to the impact of the road will need to be considered at the reserved matters stage in order to inform the detailed design of these proposals and a mitigation strategy if required. Reserved matters applications will also enable adequate assessment of set back and layout including plot orientation, internal room layouts, bunding/buffer landscaping requirements and building methods to minimise noise impact.

Contamination

158. 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. The site is not known to have been used for any historical uses that are likely to have given rise to a significant possibility of significant harm occurring as a consequence of contamination or gassing. As such, the Borough EHO is content with the conclusions and recommendations of the Phase 1 Geo-Environmental Desk Study document, with a recommended condition regarding the investigation and submission of details of any unexpected contamination. This is not an

unusual circumstance and it is not considered that this prevents residential development on the site, and will ensure compliance with the requirements of emerging Policy 14 (Environmental Protection) of the Local Plan Part 2 Land and Planning Policies, and with paragraph 178 of the NPPF.

Landscaping

159. The application is supported by a Landscape and Visual Impact Assessment and a tree survey has been undertaken to assess the trees present on the site and this has informed the parameters plan and emerging masterplan. The LVIA has raised no objections from the Borough Landscape and Design Officer, and this document has been used to inform the landscape led approach to place making which has been taken for this site, which includes multi-functional green spaces which have been designed to ensure the retention and enhancement of key landscape features.
160. The proposal incorporates the provision of 2.42 ha of public open space/green infrastructure including a gateway frontage, courtyard parks and green corridors within the development, a LEAP site and green buffers to the site boundaries. The LVIA identifies that public perception of the site is limited due to the limited number of PROW around the site, but that the site does have local sensitivity in the area. This document considers that the built form of the proposed development when complete would be a permanent component in the landscape and that the impacts would be considered to be long term, negative and not reversible. In the long term however, with the landscape mitigation established, the report identifies that the impacts would be considered to be long term, positive and not reversible.
161. The submitted tree survey identifies that the current masterplan indicates all trees can be retained on site and integrated into the development, and identifies opportunities for integrated green buffers and strengthened soft landscaping to further reduce construction impacts to retained trees and hedgerows. Notwithstanding the above there may need to be some alteration to the frontage hedgerow and trees adjacent the proposed access to ensure adequate width, however given the existence of the current access point, any loss would be of limited scale and appropriate to the access requirements. The tree survey report, LVIA recommendations and proposed masterplan are considered to be fully compatible in their aims and results.
162. In general there are no arboricultural features of any great interest within the site, with existing planting located to site boundaries only, whilst the scheme suggests that all boundaries will be substantially retained and appropriately managed with additional planting and maintenance measures.
163. Overall the development proposals provide an opportunity for a significant increase in tree cover across the site. Trees and landscaping represent an integral part of the wider redevelopment of this site, and as outlined above are important elements within the larger landscaping plans. It is considered that once all the proposed landscaping works and tree planting have been carried out, the quality of tree cover and general landscape amenity value across the site would be enhanced.

Ecology

164. An ecological assessment of the site has taken place, which assesses the likely effects of the development on the ecology and nature conservation of the site and its surroundings. It describes the methods used to assess the likely effects, and presents the baseline conditions currently existing at the site and the value of the features. Detailed surveys have been undertaken to confirm the presence of species protected under the Wildlife and Countryside Act 1981(as amended), The Protection of Badgers Act 1992 and the Conservation of Habitats and Species Regulations 2010 (as amended). The report has been considered by the Borough Council's Sustainability Officer.
165. The submitted assessment finds that arable habitats dominate the Survey Site and notes that this habitat type is abundant and ubiquitous across the UK and is considered to be of negligible ecological value as a habitat in its own right. The boundary hedgerows are identified as species poor, with the exception of the boundary hedge alongside the A60, but that the hedgerows including sporadic trees create a network of green corridors which provide ecological value in their structure, shelter and foraging resource. The nature of the development focusses on the arable land and seeks to retain and strengthen the hedgerows, therefore avoiding impacts on the more ecologically sensitive boundary habitats. The surveys did not find any suitable habitat for roosting or foraging bats.
166. The woodland to the north east of the site (but outside the site boundary) is established broadleaf woodland and is considered to be of moderate ecological value at the local level. The ecological assessment identifies this feature should be strengthened through a green buffer and identifies that in the absence of mitigation, there is the potential for negative impacts to the woodland through activities such as general construction works, or permanent artificial light spill negating benefits of green connectivity.
167. The ecological report recommends the future design and submission of an ecological mitigation strategy for the site, an Artificial Lighting Strategy to negate/minimise light spillage onto boundary habitats and green buffers, and a Construction Ecological Management Plan (CEMP) to cover protection of birds, reptiles and retained habitats during construction. These recommendations align with the comments of the Borough Environmental Sustainability Officer.
168. The application was also supported by a Badger Report and Impact Assessment, maintained on the confidential records. This report identifies that the Illustrative Landscape Masterplan provides appropriate green buffers and corridors to protect badger setts and maintain foraging and commuting resources, in adherence with Natural England best practice guidance. The report concludes that it is considered that the majority of identified impacts to badgers can be mitigated through an appropriately designed Landscaping Strategy or minor additions to the site layout during the detailed design stage. Recommendations for an Ecological Mitigation Strategy, Artificial Lighting Strategy and Construction Ecological Management Plan have been outlined within the submitted LSC Ltd Ecological Assessment.
169. Core Strategy policy 17 requires development to contribute towards the conservation, enhancement or restoration of biodiversity and ecological

networks throughout the landscape. 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.

170. 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. Whilst the application is in outline only the Ecological Mitigation recommendations within the ecological reports provide for ecological enhancement on the site, particularly within the proposed on site green infrastructure. The appropriate design and management of these enhancements are considered to be able to be achieved by way of the reserved matters applications and secured by planning condition.
171. The applicant has undertaken a comprehensive range of ecological surveys and proposed mitigation measures, which after careful consideration and review are considered appropriate in the context of the Framework and CS Policy 17 (Biodiversity). As set out above, ecological information has been carefully assessed by the Ecologists in various organisations and no objections to the proposals are raised. It will be important that the mitigation measures are fully implemented and these will be secured by attaching appropriate planning conditions, should planning permission be granted.
172. As there will potentially be a need for a license from Natural England under the Conservation of Habitat and Species Regulations 2010, Rushcliffe Borough Council are obliged under the Habitat Regulations, to consider whether a license is likely to be issued and the 3 tests under the Regulations (set out earlier in this report) are satisfied. Information has been submitted to allow the tests to be undertaken. With regard to the first two tests it is considered that the provision of market and affordable housing are an overriding public interest and that Ruddington is identified as a key settlement to take a substantial level of growth. The site has been identified as a preferred option in the emerging local plan where ecological issues were considered and this site, along with other sites, are required to come forward to provide the level of housing needed for the Borough which suggests little alternative to meet the required need without the development of this site.
173. The final test requires that 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. The submitted ecological reports all identify how the proposed masterplan includes buffers and green corridors that would maintain and strengthen foraging and commuting resources in accordance with Natural England guidance. It further identifies where possible construction and operational phase impacts could occur to negate the advantages of the scheme, and recommends the use of planning conditions to attain additional measures incorporated into the site-wide Ecological Mitigation Strategy, Artificial Lighting Strategy and Construction Ecological Management Plan to negate possible impacts. Given the above, it is considered that the scheme would meet the requirements of the third part of the test.

Waste

174. The National Planning Policy for Waste advises that, when determining planning applications for non-waste development, local planning authorities should, to the extent appropriate to their responsibilities, ensure that; "*The likely impact of proposed, non-waste related developments on existing waste management facilities, and on sites and areas allocated for waste management, is acceptable and does not prejudice the implementation of the waste hierarchy (prevention - preparing for reuse - recycling, other recovery – disposal) and/or the efficient operation of such facilities.*"
175. New non-waste development makes sufficient provision for waste management and promotes good design to secure the integration of waste management facilities with the rest of the development and in less developed areas within the local landscape. This includes providing adequate storage facilities at residential premises ,for example by ensuring that there is sufficient and discrete provision for bins, to facilitate a high quality, comprehensive and frequent household collection service. The handling of waste arising from the construction and operation of development maximises reuse/recovery opportunities and minimises off-site disposal.
176. The National Planning Guidance follows this advice and suggests that, for proposals that are likely to generate significant volumes of waste through the development or operational phases, it will be useful to include a waste audit as part of the application. This audit should demonstrate that, in both construction and operational phases of a proposed development, waste will be minimised as far as possible and that such waste as is generated will be managed in an appropriate manner in accordance with the Waste Hierarchy. Bearing in mind the relative size of this site, it is not considered that a waste audit is essential on this site to ensure consideration of the waste hierarchy is achieved. It is considered that waste matters can be adequately considered by way of planning conditions as set out below.
177. Consideration has been given to waste matters in the application and it would be normal practice for the construction management plan to include a requirement for a scheme for recycling/disposal of waste resulting from site clearance and construction works. On a development on this size it is not considered necessary for the site to achieve appropriate provision to allow for the recycling of waste for items which are not covered by the Borough Council's kerbside collection service, e.g. glass and textiles. Reserved matters applications would ensure that adequate provision for storage facilities at residential premises are achieved by ensuring that there is sufficient and discrete provision for bins. The road layout would ensure that adequate provision for servicing of the development is achieved.
178. Before granting planning permission the local planning authority will need to be satisfied that the impacts of non-waste development on existing waste management facilities are acceptable and do not prejudice the implementation of the Waste Hierarchy. It is noted that the County Council as the Waste Authority are satisfied that there are no existing waste sites within the vicinity of the site whereby the proposed development could cause an issue in terms of safeguarding existing waste management facilities.

179. Taking into account the above comments and suggested conditions, it is considered that waste management is adequately considered alongside other spatial planning concerns, and reserved matters application will be able to ensure the design and layout of new residential properties complements sustainable waste management, including the provision of appropriate storage and segregation facilities to facilitate collection of waste.

Economic Impact

180. The application provides information on the potential economic benefits of the scheme and it is suggested that a development provides direct and indirect employment benefits supporting new jobs and creating economic growth resulting in expenditure to the significant benefit of the settlement and local area, supporting local retail and leisure services.
181. In line with policy 5 (7) of the Core Strategy, during the construction phase of the development the Council will work with the developer to implement and deliver employment and training opportunities for local residents and a planning condition is recommended to achieve this. Taking into account the above it is, therefore, considered that the application satisfies the requirements of Policy 5 of the Core Strategy and satisfies the aims of the NPPF in relation to the economic role of planning, and the corporate priority of supporting economic growth to ensure a sustainable, prosperous and thriving local economy. Such matters are given significant weight in the determination of applications and appeals by the Secretary of State.

Health and Well Being

182. 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.
183. The provision of open and green space, including an equipped area of play is proposed as part of the development, which would support these policy ambitions, as well as the development's proximity to existing countryside. Improvements to the existing bus stop infrastructure and services also supports the ability of less mobile members of the population visiting community facilities and to access facilities within the Village Centre. Improvements to footpaths in the vicinity of the site, including the provision of a pedestrian crossing to the A60 are sought by NCC Highways to improve sustainable access to the village centre, whilst contributions towards improvements to bus stops are also sought to encourage access to alternative sustainable modes of transport to the car.
184. The scheme also proposes to deliver 30% affordable housing with a mix in accordance with the requirements of policy 8 of the Rushcliffe Core Strategy. The provision of these facilities as part of the development would represent a

social benefit of the scheme, helping to meet the Borough's shortfall in market and affordable housing to the benefit of the population.

185. In accordance with the Planning & Health and Engagement Protocol between local planning authorities & health partners in Nottinghamshire 2017, the application has been assessed using the Rapid Health Impact Assessment Matrix and it is considered that this development is likely to have a largely positive health impact and no specific issues have been raised that need addressing at this stage. Any reserved matters applications will be assessed against this matrix and Building for Life Criteria.

Loss of Agricultural Land

186. The development comprises approximately 8.5 Hectares of agricultural land. A detailed Soil Resource and Agricultural Quality Survey was carried out in July 2018 and found the majority of the land (7.6 hectares) identified as Grade 2 land, with some areas (0.9 hectares) of Grade 3a land. A small 0.1 hectare part of the site was identified as an access track to an adjacent field and considered 'non-agricultural'. This pattern and grade of land is considered to represent the 'majority' of land around Ruddington by the report conclusions, owing to the geological makeup of the area. Soil profiles would be restored within those areas of the site that are covered by open spaces and gardens but the land use itself would no longer be classed as agricultural.
187. Paragraph 170 of the NPPF identifies that the economic and other benefits of the best and most versatile agricultural land (BMVAL) should be taken into account. Significantly, development of agricultural land, where demonstrated to be necessary, should utilise areas of poorer quality land in preference to that of higher quality. The land is BMVAL and the resultant loss of BMVAL is a matter that weighs against the scheme. BMVAL is a finite resource and the NPPF makes it clear that the economic and other benefits of such land must be weighed in the balance. The economic and social benefits of development at Ruddington are clearly set out in the Core Strategy. The loss of BMVAL would, at worst, be modest, taking into account the general quality of agricultural land across the country, the NPPF does not prohibit its loss and that a loss of less than 20 Hectares does not trigger consultation on this basis with Natural England. Nonetheless, it would be a dis-benefit of the proposal that must be weighed into the overall balance of the decision although, in these circumstances the growth that is envisaged in the Core Strategy at Ruddington to deliver the required housing provision would necessitate the loss of agricultural land and it should only be afforded limited weight. A requirement in relation to topsoil handling, stripping, stockpiling and reuse is proposed to be included in the suggested condition relating to the Construction Method Statement.

Heritage Assets

188. As previously identified, the site shares its western boundary with the edge of the Ruddington Conservation Area. In line with the Conservation and Design Officers comments, and as identified in the supporting heritage statement, no other designated heritage assets or their settings insofar as they contribute to the significance of the asset are located in any proximity to the site so as to be impacted by the development.

189. The Ruddington Conservation Area Appraisal was undertaken in 2009, which divided the Conservation Area into seven character areas and resulted in the extension of the Conservation Area to include portions of Kirk Lane and Loughborough Road. The sylvan character of Loughborough Road along with its positive buildings has resulted in its inclusion within the Conservation Area and the main roads into the village are identified as a key characteristic of the Conservation Area.
190. In the case of the south-eastern portion of the Conservation Area, the setting largely comprises open agricultural land to the east and south-east, which includes the proposed development site as viewed across the open paddock north of Balmore Country House. This character area is identified as a '*mixture of suburban properties set in a sylvan setting. Hedges dominate the frontages giving this area an attractive rural character.*' There is no direct mention of setting or the adjacent agricultural land to the southeast of the Conservation Area, which is largely screened by intervening trees and the established hedges. It is, however considered that, due to the 'rural character' of the area, the adjacent agricultural land does make a minor contribution to area's significance, having aesthetic value and historic illustrative value as part of the wider rural setting of Ruddington.
191. The comments from the Conservation and Design Officer are accepted, as is the assessment made within the heritage assessment, that the development of the site as proposed, would result in some minor 'less than substantial harm' to the setting of the Ruddington Conservation Area.
192. As identified in paragraphs 135 to 137 of this report, national policy requires any harm to, or loss of, the significance of a heritage asset, whether that be from alteration, destruction or as with this application, development within its setting, to have a clear and convincing justification. Paragraph 196 of the NPPF further identifies that where any harm is identified as less than substantial, the harm should be weighed against the public benefits of the proposal.
193. As identified in paragraph 136 of this report, in the site specific policy allocation assessment, the public benefits as set out would be considered in this instance sufficient to outweigh the limited level of harm caused by the proposed development to the setting of the Ruddington Conservation Area.

Archaeology and other non-designated historic assets

194. In relation to undesignated heritage assets, buried archaeological assets must be considered. In accordance with Para 197 of the NPPF, the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
195. An initial desk based investigation was undertaken, which found little evidence about the site, largely due to its undeveloped nature. A geophysical investigation and report was subsequently undertaken and submitted. This found a number of linear features to the central portion of the site, which were considered worthy of further investigation on first review. However, following this, evidence from historic mapping came to light to suggest these linear

features strongly correlated with former field boundaries. The Borough Archaeological Advisor found no objection to these conclusions and following this, did not consider the site warranted any intrusive investigations.

196. The Borough Conservation and Design Officer did not identify any other ‘non-designated heritage assets’ that may be impacted by the development of the site.

Drainage

197. Section 14 of the NPPF relates to ‘Meeting the challenge of climate change, flooding and coastal change’ and advises that Major development should incorporate sustainable drainage systems, unless there is clear evidence that this would be inappropriate. The systems should:
 - a) Take account of advice from the lead local flood authority;
 - b) Have appropriate proposed minimum operational standards;
 - c) Have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
 - d) Where possible, provide multifunctional benefits.
198. A site specific Flood Risk Assessment and Drainage Strategy has been submitted with the application. Whilst the site is within Flood Zone 1 (lowest risk of flooding) on the Environment Agency Flood Zone Maps, their surface water flooding maps indicate a small ‘high risk’ flood area to the south of the proposed site entrance where land levels for the site are at their lowest, and below levels for the adjacent highways verge levels for the A60. The majority of the site is, however at Very Low risk of surface water flooding.
199. The northern third of the site would have a surface water system that would discharge to a watercourse located within the adjacent field, which ultimately discharges to the Fairham Brook. Flow rates would be controlled by a hydrobrake flow control device, with a detention basin to be provided in the north east corner of the site to offer attenuation storage. The site would discharge surface water collected from impermeable areas of the development site at a greenfield equivalent rate.
200. The remaining two thirds of the site would drain towards the southern site boundary where there are no water courses. This part of the site is, therefore proposed to discharge to the surface water system in Mere Way with a hydrobrake control limiting flow rates from the site and two detention basins proposed to the site frontage. It has been confirmed that these two detention ponds will be designed to ensure water retention as part of the gateway landscape infrastructure. The site would discharge surface water collected from impermeable areas of the development site at a greenfield equivalent rate.
201. It is acknowledged that local authorities and developers should seek opportunities to reduce the overall level of flood risk in the area and beyond. This can be achieved, for instance, through the layout and form of development, including green infrastructure and the appropriate use of a

sustainable drainage system. Effectively managing run off also has a role to play in preventing pollutants entering waterbodies and in doing so supporting the aims of the Water Framework directive. The proposed surface water discharge rate will be limited to reduce fluvial flooding problems adjacent to or downstream of the site for the proposed lifetime of the development. The investigations carried out as part of this flood risk assessment and flood risk management measures proposed have demonstrated that the development will be safe, without increasing flood risk elsewhere and will where possible reduce risk of flooding to others. The information submitted with this application has been carefully considered by the appropriate statutory bodies who are satisfied that the principles set out in the drainage strategy can be implemented by way of a detailed design scheme to be achieved by planning condition.

202. With regard to foul water, as the site is green field in its predevelopment state, there is no current discharge of foul water from the site. It is, therefore, proposed that the foul water from the development would discharge to either the combined sewer in Loughborough Road or the foul sewer in Mere Way. The north east part of the site would be served by a pumping station due to the topography of the site with a discharge rate of 3.8L/S whilst the rest of the site would utilise a gravity based system with an unrestricted discharge to the existing foul/combined system in Mere Way/Loughborough Road. Severn Trent raised no objection to this, noting the requirements of their connection process.
203. It is acknowledged that Section 94 of the Water Industry Act 1991 imposes a continuing duty on all sewerage undertakers to provide, maintain and where necessary improve its systems for collecting and treating foul and wastewater drainage so as to effectually drain its areas and effectually deal with the contents of its sewers. The planning authority must also take into account that the developer has the absolute right to connect to the public sewerage system under section 106 of the Water Industry Act. Any improvements considered necessary to improve existing capacity at the pumping station or Sewage Treatment Works will be undertaken by Severn Trent under their separate legal obligations.

S106 Planning obligations

204. Planning obligations assist in mitigating the impact of 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 S106 table attached which sets out the contributions being sought by infrastructure providers or equivalent and the Borough Council's considered position on this. Where possible the triggers and potential phasing for the contribution are also set out within the table, however at this point a number of the triggers are still under negotiation. The applicants have, however agreed the Heads of Terms that have been put to them and a draft S106 Agreement has been received by the Borough Council.
205. 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 Heads of Terms Table. In relation to the S106 contributions sought, consideration has also been given to the potential pooling of contributions. It is, however of relevance now that as from 1st September 2019, updated legislation has come to force effectively removing pooling restrictions for contributions to a single piece of infrastructure.

206. The Borough Council is proposing to adopt a Community Infrastructure Levy (CIL) and associated charging schedule, which will cover certain contributions for infrastructure, including secondary education, health care provision and contributions for indoor and outdoor leisure. In the event that the CIL is adopted before the planning permission for this development is granted, this will need to be reflected in the final Section 106 agreement, with the omission of those contributions covered by the CIL and the associated obligations.
207. Nottingham University Hospitals NHS Trust has provided comments on the proposal and are seeking contributions, should the application be approved. A sum of £139,983 is being sought to deliver health care services, including acute and emergency care, to meet additional patient demand and to maintain service delivery during the first year of occupation of each unit, not provided for through standard NHS funding mechanisms. As the contributions being sought are for service delivery and not capital investment, the Council does not consider that they meet the relevant tests relating to planning obligations. As such, the requested contributions cannot reasonably be sought in association with the development proposal.
208. Ruddington Parish Council have also requested a contribution of £73,000 to support provision of a new community centre and parish offices on land to be acquired in Ruddington. The Parish Council have identified that their lease on the current facility has 5 years remaining, with the size of the building unfit for purpose and no opportunity to extend due to ownership and heritage constraints, with the building being grade II listed. The Parish Council identify that the population from this development would put further pressure on this facility. The funding proposed represents a figure calculated from the percentage population growth generated by the development for a demolition and build costing based on negotiations for the purchase of an alternative site within the centre of Ruddington. The funding therefore requested would be for capital works (not land purchase), and would be reasonably related in kind to the development proposed.
209. Contributions have also been requested, as set out in the attached S106 table for, inter alia, primary and secondary education to provide additional capacity, health contributions to increase capacity at local medical facilities, leisure contributions for sports hall and swimming pool improvements, sports pitch improvements for local facilities, allotment contribution to improve facilities, highway contributions including footpath improvements to FP17, and bus stop improvements in proximity to the site and a sustainable transport contribution to provide bus taster tickets for future occupants to encourage sustainable modes of travel.

Conclusion

210. The site is located within Ruddington, one of the Borough Council's key rural sustainable settlements identified for growth, where a minimum of 250 houses is proposed in the Core Strategy. The Core Strategy has been designed and found to be sound on the basis that it would achieve a sustainable distribution of development across Rushcliffe. As Ruddington is an inset Green Belt village, it was always envisaged that such development would necessitate development in the current Green Belt with the identification of sites to be formulated through Part 2 of the Local Plan. As set out above, Part 2 is well advanced with all the necessary supporting studies, consultation and preferred options explored and has been submitted for examination. Consultations on main modifications following the Inspectorate's initial letter have finished, and the Borough now awaits the Inspectorate's final report. To ensure the Borough Council is able to meet its housing delivery requirements, the number of homes that Ruddington is now proposed to deliver has been set at around 525 new homes. This site is identified as a preferred site and is recommended to be allocated in Local Plan Part 2. The delivery of this site would result in socio-economic benefits from the delivery of market and affordable housing in accordance with the Core Strategy and emerging Part 2 Local Plan Policy. This, as set out above, weighs substantially in favour of the development.
211. It is, therefore, considered that the proposed development on the application site would entirely accord with the spatial strategy and housing objectives in the extant and emerging Development Plan. Furthermore, the evidence base that underpins the Development Plan also highlights the sustainability of the settlement, its suitability for growth, and indeed, the need for more substantive development there as demonstrated by the suggested increase in housing numbers in the emerging Local Plan Part 2. This, as set out above, weighs in favour of the development.
212. For the reasons set out above, the proposed development would comply with relevant policies in the development plan, the emerging Local Plan Part 2 and the NPPF. There is harm to the Green Belt by reason of inappropriateness, loss of openness and incursion into the countryside and such harm must be given substantial weight as per NPPF paragraph 143. However, other considerations as identified in the report above and summarised below comprise the very special circumstances necessary to outweigh such harm. In undertaking the balancing to determine whether Very Special Circumstances exist, the benefits must clearly outweigh the policy harm by way of inappropriateness and any other actual harm. For the reasons set out in this report, it is concluded that this requirement is satisfied.
213. The proposed development would deliver a substantial amount of new housing including affordable housing in an area which has a significant under supply of deliverable housing sites and a severe need for additional affordable housing, as confirmed by the recent appeal decision at Asher Lane, Ruddington, which is located in the Green Belt and further appeal decision in East Leake at Lantern Lane. The delivery of this site would help the Borough Council to defend other parts of the Borough, in less sustainable locations, from predatory applications for housing development. This weighs in favour of the development.

214. The site is considered to be deliverable with a developer forming the applicant with first option on the site and keen to accelerate housing delivery on the site, assisting in improving the Borough Council's five year housing supply. To this extent, the developer has agreed to an accelerated 1 year condition for the submission of the detailed reserved matters application. Any future reserved matters applications could ensure that design, mix and density along with general material planning considerations in relation to amenity, ecology and highway safety also accord with the other general policies of the development plan. This weighs in favour of the development.
215. 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 the signing of a S106 agreement. As the proposed development is a major application located within the Green Belt and it constitutes inappropriate development, under the provisions of 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.
216. This application has been subject to pre-application advice. Further 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 S106 contributions to mitigate impacts of the proposal. This has ultimately resulted in a favourable recommendation to the Planning Committee.

RECOMMENDATION

It is RECOMMENDED that, in accordance with the Town and Country Planning (Consultation) (England) 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. Application for approval of reserved matters for phase 1 (which shall include a minimum of 100 dwellings) must be made no later than one year beginning with the date of this permission. In the case of phased development, all subsequent reserved matters applications must be submitted to the Local Planning Authority within three years of the date of this permission. The development must be begun not later than the expiration of two years from the date of approval of the associated reserved matters to be approved.

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

2. No development (other than for the access to Loughborough Road approved under this permission) shall take place within any phase of the development until details of the following within that phase having first been submitted to and approved in writing by the local planning authority:-
 - a. appearance
 - b. landscaping
 - c. layout and
 - d. scale

(hereinafter called the “reserved matters”). The application for approval of reserved matters shall be generally in accordance with the illustrative concept plan reference: ‘DRG: P17-0223_002 1 - Rev: H’ and design proposals outlined in section 5 of the Design and Access Statement.

The development shall thereafter be carried out in accordance with the approved reserved matters.

[To comply with Section 91 of the Town and Country Planning Act 1990 and in order to establish the parameters and design principles of the development in the interests of amenity and to accord Policy 10 (Design and Enhancing Local Identity of the Rushcliffe Local Plan Part 1: Core Strategy and with emerging Local Plan Part 2 policy 6.3].

Pre-Commencement Including Access:

3. No part of the development hereby approved (including access) 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 07-0036 February 2019, G30 Ltd, for the relevant phase has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority.

In the instance of a phased development, the detailed surface drainage scheme must be submitted (at least) so far as it relates to that phase and drainage zone, and must demonstrate how the scheme would not prejudice the future delivery of remaining phases in broad accordance with the approved surface water drainage strategy .

The scheme shall be implemented in accordance with the approved details prior to completion of the development (or relevant phase). The scheme to be submitted shall:

- Demonstrate that the development will use SuDS throughout the site as a primary means of surface water management and that design is in accordance with CIRIA C753.
- Limit the discharge rate generated by all rainfall events up to the 100 year plus 40% (for climate change) critical rain storm 19.9l/s for the total site area.

- Provision of surface water run-off attenuation storage in accordance with 'Science Report SCO30219 Rainfall Management for Developments' and the approved FRA
- Provide detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- For all exceedance to be contained within the site boundary without flooding new properties in a 100year+40% storm.
- Details of STW approval for connections to existing network and any adoption of site drainage infrastructure.
- Evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure long term operation to design parameters.

The reserved matters applications should build upon the submitted Flood Risk Assessment and should provide a more detailed layout plan clearly showing the provision for above ground drainage features in accordance with the submitted document and allow for the frontage ponds to be designed to achieve retention of a base water level, subject to LLFA requirements. The approved drainage strategy shall thereafter be implemented in accordance with these details and those approved under condition.

[To ensure the proper drainage of the site and to accord with the aims of Policy 2 (Climate Change) of the Local Plan Part 1 Rushcliffe Core Strategy. This is a pre commencement condition in ensure that flood risk is mitigated].

4. No development shall take place until the details of a Construction Method Statement for that phase has been submitted to and approved in writing by the Local Planning Authority. The Statement shall have regard to the 'CEMP' required by condition 7 and provide for;
 - i. Access and parking of vehicles of site operatives and visitors
 - ii. Loading and unloading of plant and materials
 - iii. Storage of plant and materials used on constructing the development
 - iv. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - v. Wheel washing facilities
 - vi. Measures to control the emission of noise, dust and dirt during construction
 - vii. A scheme for recycling/disposing of waste resulting from construction works
 - viii. Hours of operation
 - ix. A scheme to treat and remove suspended solids from surface water run-off during construction.

- x. An earthworks strategy to provide for the management and protection of soils.
- xi. 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

The approved Statement shall be adhered to throughout the construction period.

[In order to minimise the amount of mud, soil and other materials originating from the site being deposited on the highway; to prevent inadequate parking, turning and manoeuvring for vehicles; inadequate materials storage and to ensure adequate recycling of materials in the interests of highway safety, visual amenity and environmental management. This is a pre commencement condition to ensure that the amenity of existing occupiers are protected during construction and to ensure regard is had to the existing on-site wildlife].

5. Immediately prior to development commencing (including site clearance), a badger survey shall be undertaken by a competent ecologist and the Borough Council shall be provided with details of this survey. Should any evidence of badgers be identified work shall not commence until mitigation measures have been submitted to and agreed by the Council.

[To ensure that the proposed development contributes to the conservation and enhancement of biodiversity within the site and for the wider area in accordance with paragraphs 174-175 of the NPPF and Policy 17 of the Local Plan Part 1: Rushcliffe Core Strategy. This is a pre commencement condition to ensure that ecological matters including protected species are adequately protected].

6. No development shall take place until the existing trees and/or hedges which are to be retained have been protected in accordance with details to first be submitted and approved by the Borough Council. The approved scheme of protection shall be retained for the duration of the construction period. No materials, machinery or vehicles shall be stored or temporary buildings erected within the perimeter of the fence, nor shall any excavation work 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 protection during construction works of trees, hedges and hedgerows which are to be retained on or near the site in order to ensure that the character and amenity of the area are not impaired. This is a pre commencement condition to ensure the protection of vegetation].

7. No development shall take place (including demolition, ground works, vegetation clearance) until a construction ecological management plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP will build upon the recommendations of:

- Ecological Assessment – Section 6 – Landscape Science Consultancy Ltd dated February 2019;
- Badger Report and Impact Assessment – Section 6 – Landscape Science Consultancy Ltd dated February 2019 [Confidential]; and

- Extended Phase 1 Habitat Survey and Preliminary Protected Species Assessment – Section 6 – Landscape Science Consultancy Ltd dated July 2018

The approved CEMP shall be adhered to and implemented throughout the construction period in accordance with the approved details.

[To ensure that the proposed development contributes to the conservation and enhancement of biodiversity within the site and for the wider area in accordance with paragraphs 174-175 of the NPPF and Policy 17 of the Local Plan Part 1: Rushcliffe Core Strategy. This is a pre commencement condition to ensure that ecological matters are adequately considered at an early stage]

8. No development shall be carried out until a Phasing Plan including details of phasing for the approved development has been submitted to and approved in writing by the local planning authority. The phasing plan shall include details of:
 - a. the timing of the provision of infrastructure to serve the proposed development (including road improvements and drainage facilities) in relation to the provision of any new residential units;
 - b. the timing of biodiversity, SUDS and landscaping features; and
 - c. the timing of the provision of on-site recreation/open play space provision in relation to the provision of any new residential units.

The development shall be carried out in accordance with the approved phasing plan unless otherwise agreed in writing by the local planning authority.

[To ensure the proposed development is constructed in such a way to ensure that any new units provided are adequately served by infrastructure and recreation facilities and to promote biodiversity on the site and to comply with Policy 10 (Design and Enhancing Local Identity of the Rushcliffe Local Plan Part 1: Core Strategy. This is a pre-commencement condition to enable consideration to be given in a coordinated manner to all the key components of the scheme].

Pre-commencement Conditions (Main Development):

9. No development shall take place in the relevant phase (other than for the access to Loughborough Road approved by under this permission) until details of the following in respect of that phase have been submitted :-
 - i. A detailed layout plan of the proposed development
 - ii. The siting, design and external appearance of the proposed buildings;
 - iii. details of finished ground and floor levels in relation to an existing datum point, existing site levels and adjoining land
 - iv. Cycle and bin storage facilities;
 - v. Sections and cross sections of the site showing the relationship of the proposed development to adjoining land and premises;
 - vi. The means of enclosure to be erected on the site;
 - vii. The finishes for the hard-surfaced areas of the site;
 - viii. The layout and marking of car parking, servicing and manoeuvring areas;

- ix. Plans, sections and cross sections of any roads or access/service roads or pedestrian routes within the application site, and this shall include details of drainage, surfacing and lighting;
- x. The means of access within the site;
- xi. Details of the means of foul and surface water drainage;
- xii. The number and location of the affordable dwellings to be provided together with the mix of dwellings in terms of number of bedrooms and proportion of houses and flats and tenure;
- xiii. Details of how renewable/ energy efficiency, climate change proofing has been incorporated into the phased to include for the provision of electric charging points and measures to conserve and recycle water;
- xiv. A statement providing an explanation as to how the design of the development has had regard to the Design and Access Statement submitted with the application and include an assessment the development against the Building for Life Standards and will allow for a development which does not prejudice the delivery of the neighbouring site Flawforth Lane.
- xv. Details of connectivity to the neighbouring site on Flawforth Lane.
- xvi. Details of on-site recreation space/facilities to serve the proposed development. Details to be submitted shall include landscaping, planting and any equipment to be provided on the proposed amenity spaces with equipment for the proposed LEAP to generally accord with the aim to cater for children in the age bracket of 8 – 11 years unless evidenced otherwise.

The development shall thereafter be undertaken in accordance with those approved details.

[These details will help inform the Reserved matters details and will ensure a satisfactory development in accordance with the aims of Policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 6.3 of emerging Local Plan Part 2 Land and Planning Policies. This condition is pre commencement to ensure details are acceptable prior to work commencing on site].

10. No development shall take place in any relevant phase (other than for the access to Loughborough Road approved under this permission) until the details of the landscaping scheme for that phase, to include those details specified below, have been submitted to and agreed in writing by the Borough Council:
 - a) the treatment proposed for all ground surfaces, including hard areas;
 - b) full details of tree planting;
 - c) planting schedules, noting the species, sizes, numbers and densities of plants. Measure to provide habitat enhancements should be adopted including the use of native fruiting species within landscaping and retention and gapping up hedgerows, new hedgerows, retention of mature trees and the use of bat and bird boxes / tubes.
 - d) finished levels or contours;
 - e) all existing trees, hedges and other landscape features, indicating clearly those to be removed;
 - f) details of all boundary treatments including height, design, location, materials and finish; and
 - g) details of how the landscape proposals comply and compliment the ecological requirements under conditions 14 - 15.

The approved landscape scheme shall be carried out in the first tree planting season following the substantial completion of each phase of the development and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

[To ensure satisfactory landscape treatment of the site which will enhance the character and appearance of the site and the area in accordance with the aims of Policy 16 (Green Infrastructure, landscape, Parks and Open Space) of the Local Plan Part 1 Rushcliffe Core Strategy].

11. No development shall take place in any relevant phase (other than for the access to Loughborough Road approved under this permission) until a scheme to demonstrate that the internal noise levels within the residential units in that phase will conform to the guideline values for indoor ambient noise levels identified by BS 8233 2014 - Guidance on Sound Insulation and Noise Reduction for Buildings, has been submitted to and approved in writing by the Local Planning Authority. The report shall include detailed proposals for any mitigation that is required to avoid noise from giving rise to significant adverse impacts on health and quality of life of the future residents and for mitigating and reducing to a minimum other adverse impacts on health and quality of life arising from noise. The work specified in the approved scheme shall then be carried out in accordance with the approved details and be retained thereafter.

[To ensure that acceptable noise levels within the development and its curtilage are not exceeded in the interests of the amenity of future occupants in accordance with policy GP2 of the Rushcliffe Borough non Statutory replacement Local Plan. This condition is pre-commencement to ensure details are acceptable prior to work commencing on site, as alterations may impact fundamental positioning or design of buildings].

12. No development shall take place in any relevant phase (other than for the access to Loughborough Road approved under this permission) until the technical approval under S38 has been agreed with Nottinghamshire County Council for the construction of the roads and associated works within that phase of the site. The development shall thereafter be implemented in accordance with the approved details and no dwelling in that phase shall be occupied until the roads necessary to serve that property have been constructed to base level.

[To ensure an adequate form of development in the interests of highway safety and to comply with policy 10 (Design & Enhancing Local Identity of the Rushcliffe Borough Council Local Plan Part 1: Core Strategy)].

13. No development shall take place until an Employment and Skills Strategy for the construction phase of the approved development shall be produced in consultation with the Economic Growth team and submitted to and approved in writing by the Borough Council. This strategy will be based on the relevant Citi framework and will provide opportunities for people in the locality to include employment, apprenticeships and training, and curriculum support in schools and colleges. The strategy will be implemented by the developer

throughout the duration of the construction in accordance with the approved details and in partnership with relevant stakeholders.

[In order to promote local employment opportunities in accordance with Policies 1 and 5 and 24 of the Rushcliffe Local Plan Part 1: Core Strategy].

14. No development shall take place in any phase (except for the access to Loughborough Road approved under this permission) until an Ecological Mitigation Strategy (EMS) and Artificial Lighting Strategy (ALS) for that phase has been submitted to and approved in writing by the local planning authority. The EMS and ALS will build upon the recommendations of:

- Ecological Assessment – Section 6 – Landscape Science Consultancy Ltd dated February 2019;
- Badger Report and Impact Assessment – Section 6 – Landscape Science Consultancy Ltd dated February 2019 [Confidential]; and
- Extended Phase 1 Habitat Survey and Preliminary Protected Species Assessment – Section 6 – Landscape Science Consultancy Ltd dated July 2018

The EMS and ALS shall include specific consideration of Badger, Reptile and Harvest Mouse mitigation amongst the wider considerations whilst the approved EMS and ALS shall be adhered to and implemented in accordance with the approved details.

[To ensure that the proposed development contributes to the conservation and enhancement of biodiversity within the site and for the wider area in accordance with paragraphs 174-175 of the NPPF and Policy 17 of the Local Plan Part 1: Rushcliffe Core Strategy. This is a pre commencement condition to ensure that ecological matters are adequately considered at an early stage].

15. No development in any phase shall take place until a landscape and ecological management plan for that phase (LEMP) has been submitted and approved in writing by the Borough Council. This plan shall cover all public open space, ecological enhancement areas and Green/blue infrastructure. This shall build upon the details submitted for condition 14 (Ecological Mitigation Strategy and Artificial Lighting Strategy). The agreed mitigation and enhancements shall be implemented in accordance with the agreed works and timetable for implementation set out in the approved management plan and shall allow for the means to implement this plan in perpetuity.

[To ensure that the proposed development contributes to the conservation and enhancement of biodiversity within the site and for the wider area in accordance with paragraphs 174-175 of the NPPF and Policy 17 of the Local Plan Part 1: Rushcliffe Core Strategy. This is a pre commencement condition to ensure that ecological matters are adequately considered at an early stage].

Pre occupation

16. No part of the development shall be occupied until the highway improvements on Loughborough Road / Mere Way roundabout have been completed as indicatively shown on the submitted plan ref. Drawing title: Site Access Preliminary Layout, Project no. A109368, drawing no. P01 rev. D, dated 26.07.18 including provision of a new access into the site, footways widening,

new footways and footways/cycleways, new crossing points on the roundabout, and Toucan crossing on Loughborough Road. The improvements shall also include amendments to road markings on the roundabout, upgrades to street lighting, upgrades/provision of skidding resistance surface at pedestrian crossings which are not shown on the submitted plan but are required as part of the highway works.

[To make sure that a satisfactory means of access is provided, in the Interests of road safety to promote sustainable travel and to comply with policy 10 (Design & Enhancing Local Identity), Policy 14 (Managing Transport Demand) and Policy 15 (Transport Infrastructure Priorities) of the Rushcliffe Borough Council Local Plan Part 1: Core Strategy].

17. No part of the development shall be occupied until the highway improvements on Loughborough Road/Kirk Lane/ Flawforth Lane signalised junction have been completed as indicatively shown on the submitted plan Drawing title: Proposed Junction Improvements Loughborough Road/Flawforth Lane, Project no. A109368, drawing no. 001, dated: 04-01-19. These works shall include improvements shown in both blue and red line and shall include a provision of a traffic monitoring camera and appropriate infrastructure and connections.

[in the Interests of road safety to promote sustainable travel and to comply with policy 10 (Design & Enhancing Local Identity), Policy 14 (Managing Transport Demand) and Policy 15 (Transport Infrastructure Priorities) of the Rushcliffe Borough Council Local Plan Part 1: Core Strategy].

18. No dwelling shall be occupied until their respective driveways have been surfaced in a bound material (not loose gravel) for a minimum distance of 5 metres behind the highway boundary, and which shall be drained to prevent the discharge of surface water from the driveway to the public highway. The bound material and the provision to prevent the discharge of surface water to the public highway shall be retained for the lifetime of the development.

[To ensure adequate parking and servicing areas are provided to serve the development, to ensure appropriate drainage to prevent the discharge of surface water to the highway in the interest of highway safety and to comply with policy 10 (Design & Enhancing Local Identity) of the Rushcliffe Borough Council Local Plan Part 1: Core Strategy].

19. No dwelling shall be occupied 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 (the date of which is in force at the time of the commencement of development).

[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, in the interests of road safety].

20. The residential development shall not be occupied or be brought into use until the owner or the occupier of the site has appointed and thereafter continue to employ or engage a travel plan coordinator who shall be responsible for the

implementation, delivery, monitoring and promotion of the sustainable transport initiatives set out in the Travel Plan (WYG Ref RT109368-02 Rev 1 May 2019), or any subsequent update to be approved and whose details shall be provided and continue to be provided thereafter to the Local Planning Authority.

[To promote sustainable travel in accordance with the aims of Policy 14 of the Rushcliffe Local Plan Part 1: Core Strategy].

21. The travel plan coordinator shall submit reports to and update the TRICS database in accordance with the Standard Assessment Methodology (SAM) or similar to be approved and to the Local Planning Authority in accordance with the Travel Plan monitoring periods to be agreed. The monitoring reports submitted to the Local Planning Authority shall summarise the data collected over the monitoring period that shall have categorised trip types into new trips, pass-by-trips, linked trips, diverted trips, and transferred trips, and propose revised initiatives and measures where travel plan targets are not being met including implementation dates to be approved in writing by the Local Planning Authority.

[To promote sustainable travel in accordance with the aims of Policy 14 of the Rushcliffe Local Plan Part 1: Core Strategy].

22. The travel plan coordinator shall within 3 months of occupation of the final dwelling produce or procure a full travel plan that sets out final targets with respect the number of vehicles using the site and the adoption of measures to reduce single occupancy car travel to be approved by the Local Planning Authority. The Travel Plan shall be implemented in accordance with the approved timetable and be updated consistent with future travel initiatives including implementation dates to the satisfaction of the Local Planning Authority.

[To promote sustainable travel in accordance with the aims of Policy 14 of the Rushcliffe Local Plan Part 1: Core Strategy].

23. Prior to the occupation of each dwelling submitted as part of the planning application each dwelling shall be provided with ducting to enable the connection to high speed fibre optic Broadband and a dedicated electric car charging point.

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

General conditions

24. In the event that contamination that was not previously identified is found at any time when carrying out the approved development it must be reported in writing immediately to Rushcliffe Borough Council. An investigation and risk assessment must be undertaken to assess the nature and extent of the contamination and any risks to designated receptors and where remediation is necessary a remediation scheme must be prepared and submitted to Rushcliffe Borough Council for approval. Following completion of measures

identified in the approved remediation scheme a verification report must be prepared and submitted to Rushcliffe Borough Council for approval.

[To protect the health and quality of life of the future occupiers of the development].

25. In the event that the development has not commenced within 2 years of the date of the planning permission being granted a further protected species survey shall be carried out and submitted to the Local Planning Authority. Any mitigation measures or further surveys required shall be implemented in accordance with the approved details to the satisfaction of the Local Planning Authority

[To ensure that the proposed development contributes to the conservation and enhancement of biodiversity within the site and for the wider area in accordance with paragraphs 174-175 of the NPPF and Policy 17 of the Rushcliffe Local Plan Part 1: Core Strategy].

26. No removal of hedgerows, trees or shrubs shall take place between the beginning of March and the end of September inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and / or that there are appropriate measures in place to protect nesting bird interest on site. Any written confirmation should be submitted to the local planning authority.

[To ensure that the proposed development contributes to the conservation and enhancement of biodiversity within the site and for the wider area in accordance with paragraphs 174-175 of the NPPF and Policy 17 of the Local Plan Part 1: Rushcliffe Core Strategy].

27. The residential part of the development shall comprise no more than 190 dwellings.

[To clarify the extent of the development and in the interests of highway safety].

Notes to Applicant

This is subject to an Agreement made under the provisions of Section 106 of the Town & Country Planning Act 1990 (as substituted by the Planning & Compensation Act 1992) relating to provision of on-site affordable housing and contributions towards essential infrastructure. Any payments will increase subject to the provisions set out in the Agreement.

In relation to Condition 16 requiring soil management details you are advised to refer to DEFRA Construction Code of Practice for the sustainable use of soils on Construction sites

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

It is 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@nottsc.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 submitted protected species survey has confirmed that there is evidence of bats and barn owls and no work should, therefore, be undertaken until a licence has been obtained from Natural England

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

All correspondence with the Highway Authority should be addressed to:-
NCC Highways (Development Control, Floor 3)
Nottinghamshire County Council
County Hall
Loughborough Road
West Bridgford
Nottingham, NG2 7QP

The Borough Council and Nottinghamshire County Council are keen to encourage the provision of superfast broadband within all new developments. With regard to the condition relating to broadband, it is recommended that, prior to development commencing on site, you discuss the installation of this with providers such as Virgin and Openreach Contact details: Openreach: Nicholas Flint 01442208100 nick.flint@openreach.co.uk Virgin: Daniel Murray 07813920812 daniel.murray@virginmedia.co.uk

Your attention is drawn to the attached letter from Network Rail

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

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

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.

All workers/contractors should be made aware of the potential of protected/priority species being found on site and care should be taken during works to avoid harm, including during any tree works.

If protected species are found during works, work should cease until a suitable qualified ecologist has been consulted.

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.

The use of external lighting (during construction and post construction) should be appropriate to avoid adverse impacts on bat populations and a wildlife sensitive lighting scheme should be developed and implemented.

Best practice should be followed during building work to ensure trenches dug during work activities that are left overnight should be left with a sloping end ramp to allow animals that may fall in to escape. Also, any pipes over 200mm in diameter should be capped off at night to prevent animals entering. No stockpiles of vegetation should be left overnight and if they are, they should be dismantled by hand prior to removal. Night working should be avoided.

Where possible, new trees/hedges should be planted with native species (preferably of local provenance and including fruiting species) and existing trees/hedgerows should be maintained and hedgerows gapped up if necessary. If removal of trees is necessary, they should be replaced with new native trees (preferably of local provenance). 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 the zones.

Consideration should be given to energy efficiency, alternative energy generation, water efficiency, sustainable travel (including electric car charging points and cycle storage and improved cycle connectivity and green travel), management of waste during and post construction and the use of recycled materials and sustainable building methods.

Swifts are now on the Amber List of Conservation Concern. One reason for this is that their nest sites are being destroyed. The provision of new nest sites is urgently required and if you feel you can help by providing a nest box or similar in your development, the following website gives advice on how this can be done: <http://swift-conservation.org/Nestboxes%26Attraction.htm> Advice and information locally can be obtained by emailing : carol.w.collins@talk21.com

The applicant is encouraged to incorporate bird and bat boxes into the fabric of buildings where practicable.