

19/01063/FUL

Applicant Linden Limited

Location Land South Of Meadowcroft Flawforth Lane Ruddington Nottinghamshire

Proposal Demolition of existing buildings, construction of 56 dwellings, creation of new vehicular and pedestrian access and provision of associated public open space, landscaping, drainage and highways infrastructure.

Ward Ruddington

THE SITE AND SURROUNDINGS

1. The application relates to a 2.6 hectare site located to the east of Ruddington, situated to the south of Flawforth Lane and to the east of Flawforth Avenue. A rectangular area to the north is omitted from the site, this encompasses a residential dwelling (Meadow Croft). The site abuts a residential property and paddock to the east at Nursery House. Outline planning permission has been granted for around 180 homes on land immediately to the south of the site (planning reference 19/00535/OUT).
2. The site is in use as a horticultural nursery and is partly occupied by a two storey office/commercial building and a series of greenhouses and polytunnels. The site is largely open in character with the exception of a previous nursery tree plantation to the south west corner of the site. The site is an adopted housing allocation and has been removed from the Green Belt through the adoption of the Local Plan Part 2. The boundary of the Ruddington Conservation Area abuts the south west corner of the site.

DETAILS OF THE PROPOSAL

3. The application seeks full planning permission for the erection of 56 dwellings including access, landscaping and public open space following the demolition of the existing structure. The housing mix would comprise 30% (17) affordable units, the breakdown of units would be 7 intermediate, 8 affordable rent and 2 social rent. The affordable mix would include four 1 bedroom units. A new site access would be created from Flawforth Lane to the north east corner of the site, the existing access would be closed.
4. The development would be set back from the Flawforth Lane frontage with additional tree planting proposed to the front of the site. An attenuation area is proposed to the north west corner. A 320m² children's play space (LEAP-Local Equipped Area of Play) would be located to the south west corner of the site. A footpath connection to the adjacent site, which benefits from outline planning permission, is proposed.
5. The application also proposes a scheme of highway improvements including an improved footpath on the southern side of Flawforth Lane to improve connectivity between the site and the A60 and contributions towards the improvement of the A60 junction.

6. The submission includes the following documents:
- Planning Statement and Design and Access Statement
 - Landscape Baseline Report
 - Landscape Baseline Report and Green Belt Summary
 - Phase 1 Geo- Environmental Desk Study
 - Arboricultural Implications Assessment and Method Statement and plan
 - Statement of Community Involvement
 - Ecological Appraisal
 - Utilities and foul drainage assessment
 - Flood Risk Assessment and Surface Water Drainage Strategy
 - Transport Assessment
 - Energy Statement
 - Heritage Statement

SITE HISTORY

7. 8/K1/78/D/551- Erect two detached bungalows and garages. Refused in 1978. Appeal dismissed.
8. 93/00018/ADV- Retain hanging sign. Granted in 1993.
9. 05/01166/FUL- Use of land as builder's compound (for 18 months). Refused in 2005

REPRESENTATIONS

Ward Councillor(s)

10. One Ward Councillor (Cllr Walker) objects on the basis that the application is premature. The land is still part of the Green Belt and the Local Plan Part 2 has not yet been finalised. They agree with The Parish Council and the Highways response to the consultation and the Environmental & Sustainability Officer recommendation that any trees and hedges on site should be retained, barring any identified adversely in the Tree Survey. Following adoption of the Local Plan Part 2, clarification regarding Cllr Walker's position on the application was sought and she confirmed that, as she opposed adoption of the Plan, her objection still stands.

Town/Parish Council

11. Ruddington Parish Council object to the application on the basis that it is premature, the land is still part of the Green Belt as (at the time of their comment) the Local Plan Part 2 has not been finalised. They agree with the Highways response to the consultation and the Environmental Sustainability Officer recommendation that any trees and hedges on site should be retained, barring any identified adversely in the Tree Survey. A greater character and diversity of house types would be welcomed. In the event of planning permission being granted, the Parish Council seek a request for Section 106 funding for improvements to the infrastructure within Ruddington as detailed in the consultee response (and detailed in the Section 106 table attached to this report).

Statutory and Other Consultees

12. Nottinghamshire County Council as Highway Authority submitted comments on 12 June recommending that the application be deferred until the 13 points raised in their consultee response had been addressed. Discussions have taken place between the agent/highway engineer and the Highway Authority to overcome the points raised. Highways subsequently confirmed (via email on 10 October) that the majority of these highway matters have now been addressed. The only outstanding matter relates to the provision of controlled pedestrian crossings at the A60 junction. They have received a cost estimate from their signals team, and have passed this onto the applicant's highway engineer to consider.
13. Nottinghamshire County Council Planning seek planning contributions towards Transport and Travel via a Section 106 agreement for Bus Stop Improvements/installations to the value of £20,000; £202,704 towards Primary education and £216,447 towards secondary education. A library contribution of £1,976.00 is sought. Memorandum of Understanding (MOU) contributions may be sought in relation to major road network improvements, the Borough Council administer the development contributions strategy and Highways England will collect the contribution.
14. NHS Nottingham West CCG request a contribution of £51,520 based on £920 per dwelling for 56 dwellings all 2+ beds. Any contribution for this development would be put towards extending Ruddington Medical centre further or increasing capacity at neighbouring practices.
15. The NHS West – Nottingham Universities Trust whilst not a consultee commented on the application, requesting a contribution to be secured by S106 agreement of £43,550.00 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.
16. The Environment Agency has no comments to make, the application should be referred to the LLFA.
17. Nottinghamshire County Council as Lead Local Flood Authority (LLFA) do not object, subject to a condition requiring a detailed surface water drainage scheme to be submitted to and approved by the Local Planning Authority in consultation with the LLFA prior to commencement. Requirements of the scheme are detailed in the full consultee response.
18. Sport England comment that the proposal does not fall within their remit. Standing advice is provided in their consultee response.
19. Historic England have no comments to make.
20. Highways England do not object.
21. Nottinghamshire County Council Rights of Way Officer notes there are no public rights of way within/adjacent the site.

22. Severn Trent note that a sewer modelling assessment may be required. The foul connection to the public sewer would be subject to a formal sewer connection approval under the relevant legislation.
23. The Trent Valley Internal Drainage Board commented that the site is outside of the Board's district but within their catchment. There are no Board-maintained watercourses in close proximity to the site. No development should be commenced until the Local Planning Authority, in consultation with the Lead Local Flood Authority, has approved a scheme for the provision, implementation and future maintenance of a surface water drainage system. The Board's requirements for any such scheme are detailed in their consultee response.
24. The Borough Council's Environmental Sustainability Officer notes that an Ecological Appraisal has been supplied, the supporting surveys are in date and appear to have been carried out in accordance with best practice. No protected/ priority species were identified on site, however there is the potential for amphibians and reptiles, badgers, hedgehogs and brown hare. It is unlikely that there would be a material impact on the conservation status of a European protected species if developed sensitively. The development provides opportunities for ecological enhancement, it should be demonstrated that this development as proposed will provide a net gain for biodiversity. A number of recommendations are detailed in the full consultee response.
25. The Borough Council's Conservation Officer initially commented that a geophysical survey of the adjacent site identified some targets in the north section nearest the application site and, therefore some archaeological potential to the southern corner of the application site. Following the receipt of further information however, the Conservation Officer provided revised comments, noting that the targets in the geophysical survey are actually a former field boundary. Furthermore, given the previous development of the northern 2/3rds of this site, and areas likely disrupted by tree roots, he concluded that no further archaeological assessment of this site was justified and no condition should be applied.
26. With regard to impacts upon the setting of listed buildings and the conservation area, the setting back of the development from the northern end of the site helps to mitigate any minor impact on the setting of Easthorpe House (grade II listed) the semi-natural parkland (undesigned) of which extends to the northern side of Flawforth Lane. The proposal would have no impact on the setting of the conservation area, screened by intervening modern development to the west and south and the frontage set back helping to mitigate against any impacts to the northwest. The proposal would achieve the heritage objectives described as being desirable in sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. In addition to the above, the Conservation Officer also made comment on the layout of the scheme and house types, his recommendations are detailed in the full consultee response available on the Council's website.
27. The Borough Council's Design and Landscape Officer commented that the Arboricultural report is an accurate reflection of the trees of site. The important trees in terms of public amenity are located on the Flawforth Lane frontage and are shown to be retained, including a mature oak tree. The silver birch tree belts to the south west corner of the site are understood to be important to local

residents, however they have little wider public amenity value and are not visible from public vantage points. These trees appear to be nursery stock planted too close together, requiring thinning out. Given that the group of silver birch trees would be located within the middle of the gardens of the proposed development, it would not be conducive for future occupiers to retain them. It is considered that the best course of action is to remove the trees and condition a landscape plan to ensure suitable replacement tree and hedgerow planting takes place on this boundary. The landscaping plan appears largely appropriate but the extent of the hedgerow on the western boundary is unclear, more boundary planting should be considered to the western boundary/western half of the southern boundary. The proposed trees on the open space in the north east corner of the site could be large growing species. Tree protection should be conditioned in accordance with BS5837

28. The Borough Council's Environmental Health Officer does not object. The Phase I Desktop Study recommends that a Phase II Ground Investigation be undertaken, this investigation should include the elements detailed in the consultee response. Conditions are proposed, requesting a Phase II Investigation; an asbestos survey; a method statement for demolition and construction; and prohibiting the burning of waste.
29. The Borough Council's Strategic Housing Manager commented that the site lies within the 'Ruddington' housing submarket area. Under Policy 8 (Housing Size, Mix and Choice) of the Rushcliffe Local Plan Part 1: Core Strategy they would therefore seek the provision of 30% affordable housing on the site. This would equate to 17 affordable units on a scheme for 56 units overall. The level of provision is evidenced in the Nottingham Core Strategic Housing Market (SHMA) Needs Update (2012). As indicated by the SHMA update, Core Strategy paragraph 3.8.9 states that 42% should be intermediate housing, 39% should be affordable rent and 19% should be social rent. This equates to 7 intermediate units, 7 affordable rent and 3 social rent units.
30. The proposed provision of bungalows in the housing mix is welcomed, however the application fails to provide for smaller units, specifically 1 bed maisonettes/bungalows. It is suggested that the plans are amended to provide four 1 bedroom maisonettes, and a bungalow in place of a 3 bedroom house, to provide a more a more balanced affordable housing mix. The plans should be amended to show the different tenures, defining which are affordable rent, social rent and shared ownership. 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 through another appropriate mechanism, which ensures that the dwellings remain affordable.
31. The Borough Council's Planning Policy Manager provided comments prior to the adoption of the Local Plan Part 2 and therefore these comments refer to assessing whether very special circumstances exist to outweigh the inappropriateness of the development in the Green Belt. The application falls to be considered under LPP2 policies: 1 (Development Requirements), 6.2 (Housing Allocation Land South of Flawforth Lane Ruddington), 18 (Surface Water Management, 32 (Recreational Open Space), and 39 (Health Impacts of Development).

32. Both this application and the outline planning application to the south of the site (planning reference number 19/00535/OUT) identify either a pedestrian connection or possible pedestrian connection between the two sites. It is considered that the linkage would ensure connectivity between the two sites, to the village centre and to the business park and country park. In order to ensure compliance with policy 14 of the Core Strategy (in promoting sustainable travel by non-car modes), it is recommended that some form of planning condition is used in order to secure this linkage.
33. The Borough Council's Community Development Manager commented that the plans meet the criteria for on-site children's play provision although the provision of a junior as well as infant swing is requested. 0.0704 ha of unequipped play/amenity public open space is expected. Contributions of £22,712 towards sports halls and £24,121 towards swimming are requested. A total sports pitch provision of £33,404 is requested. The Rushcliffe Borough Council Leisure Facilities Strategy 2017-2027 requires 0.4 hectares of provision for allotments per 1,000 population.

Local Residents and the General Public

34. Fourteen representations have been received objecting to the proposals on grounds which can be summarised as follows:
- a. Concerns regarding overlooking from the east facing properties adjacent to Flawforth Lane, these should be south facing instead.
 - b. Seek safeguards regarding hours of work, noise, dust, use of chemicals.
 - c. Plans ignore the dwelling within the site at Meadow Croft.
 - d. Style of proposed dwellings to rear of Meadow Croft are not appropriate and not in keeping with surrounding properties.
 - e. Concerns regarding overlooking of Meadow Croft from the proposed 6 houses to the rear, it would be more appropriate to have similar style and sized dwellings in this space. Consideration should be given to exchanging plots 47-52 with plots towards to the top of the site (such as plots 20, 18 and 19, or plots 30 and 31).
 - f. Seek assurance that the proposed footpath is not going to be immediately adjacent to Meadow Croft, and that there will be shrubs and plants between the footpath and boundary.
 - g. Concerns regarding overshadowing, loss of light and loss of privacy to 9 Flawforth Avenue.
 - h. Concerns regarding adequacy of parking/loading/turning areas and noise as a result of use.
 - i. Initial proposal for the RUD5 site was for 40 homes, now it is 56 representing an 40% increase.
 - j. Site is within the Green Belt.

- k. 22 more properties are being constructed on the same area of land as that built on for Flawforth Avenue, therefore suggesting that the site is over-populated.
- l. None of the houses are affordable and village does not need more 4+ bed dwellings.
- m. Adverse impact on rural nature of village.
- n. Loss of Green Belt and current horticultural use.
- o. Application is premature, should await adoption of LPP2. The LPP2 considers the site for 50 houses not 56 as proposed, the number should be reduced accordingly.
- p. Concerns regarding additional road traffic, impact on Flaworth Lane and surrounding Trunk Roads.
- q. Inadequacy of Flaworth Lane to act as a relief road during closure of A52.
- r. Proposal will exacerbate traffic issues on Flaworth Lane. Safety hazard regarding egress from site onto Flaworth Lane.
- s. No acknowledgement in the application of the need for a pedestrian crossing at the Kirk/Flaworth Lane crossroads, it should be made easy for residents to walk into the village given the parking issues, currently the crossroads are unsafe. Safe family access to the village needs to be prioritised.
- t. The application should include improvements to the Kirk Lane/A60 junction to allow easy crossing of the A60 by pedestrians and filter lanes for turning traffic.
- u. Cumulative impact of sites on local services. Impact on local services i.e. medical facilities, schools and parking within the village.
- v. Proposal would result in an additional 112 cars and 110 children, schools are already at capacity. At 4 people per house, this would require 226 doctors places.
- w. Concerns regarding removal of sycamore tree, no 4817 on the tree plan, the trees that have already been removed have impacts on wildlife, concerns about this being denuded further.
- x. An apple tree adjacent to 11 Flaworth Avenue was shown on the first plans from Landmark Planning, this has now disappeared from the plans.
- y. No root protection show on the plan for the trees at the rear of No. 11.
- z. Landscaping scheme shows a substantial gap from numbers 9 to 15 Flaworth Avenue, seek assurance of a strong buffer to these properties. Concern regarding proximity to trees at No. 9.

- aa. The site is on the rural edge of Ruddington. Existing trees should be retained even if they are not specimen quality as new planting takes years to establish.
- bb. The planted perimeter to the east of the site will not give sufficient screening as it is too narrow towards the south. The width should be increased to at least 6 metres for the full length of the east boundary.
- cc. Concerns regarding the loss of mature trees including a cluster of 30-40 birch trees to the south west corner of the site. Environmental impact and loss of an important screen for Flawforth Avenue residents.
- dd. Concerns regarding impact of waste water and drainage as a result of the development.
- ee. Concerns regarding impact on the openness of the adjacent conservation area.
- ff. Flawforth Churchyard and Ruddington Hall c. 1km from site.
- gg. Consideration should be given to sensitive lighting.
- hh. Concerns regarding impact on protected species and the presence of bats.

PLANNING POLICY

- 35. The Development Plan for Rushcliffe consists of The Rushcliffe Local Plan Part 1: Core Strategy (referred to herein as 'core strategy') and the Local Plan Part 2: Land and Planning Policies, which was adopted on 8 October 2019. Other material considerations include the National Planning Policy Framework (NPPF) (2019), the National Planning Practice Guidance (the Guidance), and the Rushcliffe Residential Design Guide (2009).

Relevant National Planning Policies and Guidance

- 36. The relevant national policy considerations for this proposal are those contained within the 2019 National Planning Policy Framework (NPPF) and the proposal should be considered within the context of a presumption in favour of sustainable development as a core principle of the NPPF. 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.
- 37. 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.”
- 38. 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.
- 39. 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.”*
- 40. 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.”*
- 41. The proposal falls to be considered under section 12 of the NPPF (Achieving well- designed places) and it should be ensured that the development satisfies the criteria outlined under paragraph 127 of the NPPF. Development should function well and add to the overall quality of the area, not just in the short term but over the lifetime of the development. In line with paragraph 130 of the NPPF, permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 42. 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.
- 43. In accordance with the Planning (Listed Buildings and Conservation Areas Act) 1990, Local Planning Authorities shall have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses (section 66). Special attention should

also be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas (section 72). Considerable importance and weight should be attached to any harm to these heritage assets or their setting. The courts have held that this creates a negative presumption (capable of being rebutted) against the grant of planning permission where harm will be caused and that the balancing exercise must begin with this negative weight/presumption even where the presumption in favour of sustainable development is engaged under the Framework.

Relevant Local Planning Policies and Guidance

44. Policy 1 of The Rushcliffe Local Plan Part 1: Core Strategy reinforces the need for a positive and proactive approach to planning decision making that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. The proposal falls to be considered under Policy 10 of the Core Strategy (Design and Enhancing Local Identity). The development should make a positive contribution to the public realm and sense of place, and should have regard to the local context and reinforce local characteristics. Section 2 of this policy sets out the design and amenity criteria that development shall be assessed against.
45. The proposal falls to be considered under the design and amenity criteria listed under Policy 1 (Development Requirements) of the Local Plan Part 2: Land and Planning Policies (LPP2). As set out in paragraph 3.70 of the LPP2, Land south of Flawforth Lane has been removed from the Green Belt. The site is allocated under Policy 6.2 (Housing Allocation – Land South of Flawforth Lane, Ruddington).
46. Other relevant policies from the LPP2 are as follows:
 - 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 - Tress 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

APPRAISAL

47. 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.

48. The application relates to an edge of settlement site, which previously fell within the Green Belt. Through the adoption of the Local Plan Part 2 (LPP2), the site has now been allocated for residential development and has been removed from the Green Belt. Under LPP2 Policy 6.2 (Housing Allocation – Land South of Flawforth Lane, Ruddington) the site is identified as a housing allocation for around 50 houses. Under this policy, the development will be subject to the following requirements:
- a) the trees and hedgerows which form the boundary of the site should be retained;
 - b) the setting of the Conservation Area and Grade II Listed Easthorpe House should be preserved;
 - c) a financial contribution to a package of improvements for the A52(T) between the A6005 (QMC) and A46 (Bingham); and
 - d) it should be consistent with other relevant policies in the Local Plan.

Compliance with Policy 6.2 of the LPP2.

49. In considering criteria a) of this policy (retention of boundary trees/ hedgerows), the application proposes the retention of the tree cover on the Flawforth Lane frontage. The landscaping plan proposes the reinforcement of the tree cover on the highway frontage and the retention of the existing hedgerow on the eastern and western boundaries. A hedgerow would run along approximately half the width of the southern boundary. The hedgerow would be removed at the point at which the site abuts the adjacent Local Plan Part 2 site at Land East of Loughborough Road which was recently granted outline planning permission for a residential development.
50. The concerns regarding the proposed removal of the silver birch trees to the south west corner of the site are noted. The Design and Landscape Officer notes that these trees are former nursery stock that has been allowed to mature, the trees are too close together to be viable without work to thin-out the trees. The trees are set off the boundary located within the middle of the proposed gardens of the dwellings, the retention of the trees would not be conducive to future occupiers. The trees are not visible from the public realm and it is not considered that they possess a high amenity value that would justify their retention. A public open space and LEAP is proposed to the south west corner of the site. The application plans show additional planting around this public open space.
51. Criteria b) of LPP2 Policy 6.2 requires consideration to be given to the Impact on Ruddington Conservation Area and the Grade II listed Easthorpe House. As the site is adjacent but not within the conservation area, the statutory duty under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is not engaged. However, in accordance with policies within the NPPF, Core Strategy and Local Plan Part 2, it is necessary to have regard for the impact of the proposal on the setting of the conservation area. Part of the southern site boundary abuts the adjacent Ruddington Conservation Area. The south west corner of the site, abutting the conservation area would comprise a LEAP/ public open space. This area would not be visible from the public realm.

The proposal would not impact upon or harm the setting of the conservation area given the adjacent relatively modern properties to the west on Flawforth Avenue, and the set-back frontage helping to mitigate against any impacts to the northwest. It is therefore considered that the proposal complies with the relevant policies which seek to ensure that development does not have an adverse impact on the setting of the conservation area.

52. The Grade II listed Easthorpe House is located approximately 240 metres to the north of the application site, with intervening mature tree cover to the south of Easthorpe House providing a degree of screening. The setting back of the development from the northern end of the site helps to mitigate any potential harm on the setting of this listed building. The proposal would, therefore achieve the heritage objective described as being desirable in sections 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
53. Criteria c) of LPP2 Policy 6.2 (Financial contributions to the MOU) states that financial contributions will be sought for A52 and A46 highway improvements. Comments were, however provided by Highways England, based on the most up-to-date information, confirming that MOU contributions would not be sought from the Flawforth Lane scheme, due to the scale of the proposal. This approach, potentially in conflict with criteria c) of LPP2 Policy 6.2 is justified in an email from Highways England dated 18 July 2019 which states: "The MoU only relates to developments which have an impact of 30 or more trips on a junction in any peak hour (see para 3.3). The Flawforth Lane site of 56 dwellings, when examined does not generate this level of impact and as such does not need to comply with the requirements of the MoU". It is, therefore considered that a departure from criteria c) of this policy is justified.
54. Criteria d) requires that the proposal is consistent with other relevant policies in the Local Plan. These matters are discussed further in the following paragraphs.

Other relevant policies in the Local Plan

Design and Amenity

55. In considering the design and amenity criteria listed under Policy 1 of the LPP2, the main consideration is the impact upon the residential amenities of Meadow Croft to the front of the site, the properties on Flawforth Avenue to the west, and Nursery House to the east.
56. In respect of Meadow Croft, the application site abuts this dwelling on three sides, although the bulk of the residential development would be situated to the rear (south) of this dwelling with the exception of the proposed dwellings on Plots 55- 56, which would be situated to the east of Meadow Croft. The closest dwelling on plot 56 would be set 4.9 metres from the side boundary with Meadow Croft. The proposed dwellings to the south (rear) of Meadow Croft would be 12.9 metres from the boundary with this neighbour at the closest point. The adjacent dwellings on plots 51 and 52 would be bungalows. It is not considered that there would be an undue overlooking, overbearing or overshadowing impact on this neighbour.
57. The application site abuts the rear gardens of the dwellings on Flawforth Avenue to the west. The development would retain a good separation distance.

The closest dwelling would be set 5 metres from the western boundary. This property would side on to the boundary with no habitable room windows in the side elevation. The separation distance between the closest dwelling on the application site and the closest adjacent dwelling on Flawforth Avenue (building to building distance) would be c. 25 metres. Given the set-back position of the proposed dwellings on plots 35- 42 from the western boundary and the separation distance from the neighbouring dwellings on Flawforth Avenue, it is not considered that these dwellings would give rise to an excessive or unacceptable overlooking impact on the existing neighbouring properties. The closest properties on plots 32 and 46 would be orientated broadly side on to the western boundary and thus the main front and rear windows would not directly overlook the neighbouring properties on Flawforth Avenue.

58. In terms of the relationship with Nursery House to the east, the access road would be set around 13 - 15 metres from this boundary. The boundary hedgerow would be retained and supplementary planting is proposed between the access road and the boundary with this neighbour. Given the distance from the boundary, and the position of this neighbouring dwelling set back from the site boundary, it is not considered that the development would adversely impact upon the amenities of this neighbour.
59. The layout of the scheme would ensure that there would not be any excessive or unacceptable overbearing, overshadowing or overlooking impacts on neighbouring properties due to the positioning, scale and layout of the dwellings in relation to the adjacent properties.
60. The proposed dwellings would be set back a minimum of 9 metres from the eastern side boundary with the adjacent open countryside. The set back of the built form from this boundary, coupled with the retention of the boundary hedgerow would limit the prominence of the dwellings from the adjacent open countryside.
61. It is therefore considered that the application accords with Policy 10 of the Core Strategy, 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

Landscaping

62. The application site comprises a privately owned nursery with no public rights of way across the site. The landform within the site runs on a gradual, consistent gradient with no notable features. Public views of the site are from Flawforth Lane on the eastern approach into Ruddington. The residential development would be set back from the highway frontage and the frontage tree cover would be retained.
63. The application is supported by a Landscape Baseline Report which recommends, in summary the following:
 - The retention of tree and hedgerow cover at the northern boundary of the site fronting Flawforth Lane.

- Respecting the existing development setback from the highway so as not to make new development any more prominent within the setting of Flawforth Lane.
 - Locate any requirement for storm water attenuation at the northern boundary of the site (low-point).
 - Reinforce the treed setting alongside the southern boundary of the site to protect the wider open character of the surrounding countryside.
 - Development should be set back from the adjoining Conservation Area at the south-west boundary.
64. The Landscape Baseine Report states that these recommendations have been adopted in the submitted scheme. The proposed retention of the existing boundary trees and hedgerows as far as possible (with the exception of where the site abuts the Land East Of Loughborough Road site) coupled with the proposed supplementary planting would retain the landscaping setting of the site.

Strategic Housing

65. The application proposes the provision of 30% (17) affordable units in line with the Borough Council's strategic housing requirements. The originally submitted scheme did not include any one bed units and subsequently amendments were sought to provide a more balanced affordable housing mix to meet the appropriate needs of the population as required by the evidence base. The application plans were subsequently revised to include four 1 bedroom units within the affordable mix.

Highways

66. Policy 1 (Development Requirements) of the LPP2 requires that a suitable means of access to the development is achieved without detriment to the amenity of the adjacent properties or highway safety, and the provision of parking is in accordance with the advice provided by the Highways Authority.
67. The application is supported by a Transport Assessment, details of site access and layout. This concludes that the proposal can achieve a safe and suitable access by all modes of travel and the proposal would not result in a severe impact. Therefore, the proposed development would accord with the aims of the NPPF.
68. Nottinghamshire County Council as Highway Authority submitted comments recommending that the application is deferred until the 13 points raised in their consultee response had been addressed. Discussions have taken place between the agent/highway engineer and Highways to overcome the points raised. A revised layout plan was provided by the applicant to incorporate the measures recommended by Highways, this was accompanied by a tracking plan for refuse vehicles and a revised access plan. Highways subsequently confirmed that the matters had been addressed, the only outstanding matter relating to the provision of of controlled pedestrian crossings at the A60 junction, which is a matter to be agreed between the applicant and the Highway Authority.
69. With regards to the Kirk Lane/A60 junction, Highways initially commented that: *"There is no proposal to improve pedestrian facilities at the Kirk Lane/Flawforth*

Lane/Loughborough Road signalised junction. However, as all pedestrians from this development will use the Kirk Lane signals to get to Ruddington for schools and shopping etc. we would require that this development should model the installation of the pedestrian crossings at this junction and proposed appropriate improvements to create a safe facility for pedestrians to reach the nearby facilities and not be vehicle dependant.” With respect to this matter, the applicant has provided a technical note which recommended the applicant pay a contribution towards highways to add a pedestrian control to the implementation of the works required at the crossroads. Detailed technical approval would be required to be agreed with NCC Highways, however such improvements would improve pedestrian connectivity with Ruddington centre.

70. It is considered that with the imposition of suitable conditions and S278 agreements to both secure financial contributions to assist in 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 paragraph 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.

Air Quality

71. 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.
72. 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.

Ecology

73. 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.
74. The application is accompanied by a Phase 1 Ecological Appraisal, which identify no protected or priority species, although there is potential for amphibians and reptiles, badgers, hedgehogs and brown hare. It is unlikely that there would be a material impact on the conservation status of a European protected species if developed sensitively. The development provides opportunities for ecological enhancement, it should be demonstrated that this development as proposed will provide a net gain for biodiversity
75. To ensure that the proposed development is undertaken in a way that will minimise adverse impacts on biodiversity and secure future long-term management to retain biodiversity and deliver biodiversity gain, a range of mitigation measures would be required and secured by the imposition of suitable planning conditions. The proposal would, therefore, accord with the aims of Paragraph 174 of the Framework and the provisions of Policy 17 of the Core Strategy.

Waste

76. 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.”
77. 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 with 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.
78. 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 our kerbside collection service, e.g. glass and textiles. It is considered 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 ensures that adequate provision for servicing of the development is achieved.
79. 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.

80. Taking into account the above comments and suggested conditions, it is considered that waste management is adequately considered alongside other spatial planning concerns, and 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

Noise

81. 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.”*
82. With regard to the potential impact upon nearby residential properties, Environmental Health request a method statement including details for the control of noise to be secured by way of a condition, and a limitation of work to reasonable daytime hours as detailed in their consultee response. In the event that a crusher is required, this shall be sited as far as possible from nearby properties and operated in accordance with its process permit. Environmental Health have not raised concerns regarding the impact upon future occupants of the development from any nearby sources of noise.

Contamination

83. 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. In relation to contaminated land, the Environmental Health Officer reviewed the Phase I Desktop Study from BRD Environmental Ltd dated February 2019 and recommend a Phase II Ground Investigation be undertaken.
84. The Phase I report identified potential contamination risks and therefore set out a number of recommendations as detailed in section 3.7 of the report, to be considered in a Phase 2 Contamination Assessment. A Phase 2 report was subsequently provided, based on the recommendations of the Phase I report. The report identifies the presence of contaminated soils and groundwater. Thus, in line with the recommendations of the Environmental Health Officer, a remediation report and validation statement will be required. The submission of these statements can be secured at the appropriate time by a condition of any planning permission.

Health and Wellbeing

85. 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.
86. The provision of open space and green space including an equipped play area would support these policy ambitions. Modifications took place during the course of the application to address an identified shortfall in play equipment provision. The Community Development Manager confirmed that the plans meet the criteria for on-site children's play provision.
87. The application proposes a footpath linkage with the adjacent residential site to the south, which would ensure connectivity between the two sites, to the village centre and to the business park and country park. An equipped play area would be provided on the neighbouring development, the details of will need to be provided to satisfy a condition of the permission and to ensure that the facility compliments that to be provided on the current application site, and to ensure that the overall provision addresses the needs of a wide age group.

Drainage

88. 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.
89. A site specific Flood Risk Assessment and Drainage Strategy has been submitted with the application. This identifies that the site is within Flood Zone 1 and at a low risk from all sources of flooding. It is concluded that the surface water discharges generated from the development of the site would not exceed the greenfield rate. Attenuation features have been designed to accommodate the 1 in 100 plus 40% climate change storm event without flooding from surface water.
90. The Lead Local Flood Authority, having reviewed the submitted Flood Risk Assessment (FRA) and Drainage Strategy, April 2019, by Glanville Ltd, have no objection subject to a condition requiring the submission and approval of a detailed surface water drainage scheme based on the principles of the FRA. A condition is recommended to secure the appropriate details.

91. 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 will be undertaken by Severn Trent under their separate legal obligations.

Archaeology

92. A Geophysical Survey of the adjacent application site (19/00535/OUT) identified some targets close to the boundary the Flawforth Lane application site. As such, it was initially considered that there could be some archaeological potential to the southern corner of the application site. It was, however clarified that the identified targets related to a former field boundary rather than archaeological remains. The south west corner of the site is likely to have been disrupted by tree roots and given the development of the northern two thirds of the site, it is not considered that a further archaeological assessment of the site is justified.

Contributions

93. 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.
94. The Rushcliffe Borough Council Community Infrastructure Levy (CIL) Charging Schedule, including the associated instalment policy and payment in kind policy came into force on 7 October 2019. The total CIL liability for the development is estimated to be £212,520, with potential for Social Housing Relief reducing the notional receipt to around £171,300.
95. 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. In light of the adoption of CIL, the table has been updated with details of those infrastructure requirements to be covered by the CIL.

Conclusion

96. 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 Local Plan Part 2 identifies that Ruddington has scope to sustain around 525 dwellings in total. Through the adoption of the LPP2, the application site has been allocated for residential development of around 50 dwellings and removed from the Green Belt, thus removing a significant policy constraint to the delivery of housing. For the

reasons set out above, the proposed development would comply with relevant policies in the Development Plan, in particular the site specific policy 6.2 which sets out the requirements for any development of the site, and the NPPF. It is considered that the proposal satisfies criteria a) (retention of boundary trees/hedgerow) and b) (preserving the setting of the Conservation Area and Grade II Listed Easthorpe House). Having sought technical advice on criteria c) (financial contributions to A52/ A46 improvements), Highways England have confirmed, based on up-to-date information, that the development falls below the threshold at which MOU contributions would be sought. It is considered that in line with criteria d), the proposal is consistent with other relevant policies in the Local Plan.

97. Negotiations have taken place during the consideration of the application to address concerns raised in letters of representation submitted in connection with the proposal. Amendments have been made to the proposal, addressing the identified adverse impacts, thereby resulting in a more acceptable scheme and the recommendation to grant planning permission.

RECOMMENDATION

It is RECOMMENDED that the Executive Manager – Communities is authorised to grant planning permission subject to the prior signing of a Section 106 agreement and the following condition(s)

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

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

2. The development hereby permitted shall be implemented in accordance with the following plans and documents:

- Planning Statement
 - Site Location Plan
 - Landscape Baseline Report
 - Landscape Baseline Report and Green Belt Summary
 - BRD1661-OR2-A Phase 1 Geo- Environmental Desk Study
 - Arboricultural Implications Assessment and Method Statement
 - Arboricultural Implications Plan
 - Design & Access Statement
 - Ecology Report
 - Utilities And Foul Drainage Assessment
 - Flood Risk Assessment & Surface Water Drainage Strategy
 - Transport Assessment
 - Energy Statement
 - Heritage Statement, received on 24 April 2019; and
-
- 1237-003 (Planning Layout - Flawforth Lane)
 - 16462 B (Playspace layout)
 - Geo-Environmental Site Investigation
 - 1237-007 REV A (Revised Affordable Plan)
 - 1237-006 REV C (Revised Boundary Treatments)

- 1237-005 REV D (Revised Materials Plan)
- 1237 A22-01 HT A22 (Revised A22 House Type)
- ADC 1658 051 (Swept Path Analysis)
- ADC 1658 002 (Access Junction Layout Option 2)
- 1237 TPG Triple Garage (Triple Garage Elevations)
- 1237 TG REV A Double And Twin (Double & Twin Garages)
- 1237 SG Single Garage (Standard Garages);
- and the following revised house types: PEM REV B –Pembroke, 1237 NAS – Nash, 1237 MYL REV A – Mylne, 1237 MOU REV A – Mountford, 1237 MOU D – Mountford, 1237 LEV – Leverton, 1237 KNI – Knightley, 1237 HAR – Harcourt, 1237 GRA REV B – Grainger, 1237 GOO – Goodridge, 1237 EVE02 - Eveleigh V2, 1237 EVE – Eveleigh, 1237 EMM – Emmett, 1237 ELL – Elliott, 1237 A30-01 HT A30, 1237 A26-01 HT A26, and 1237 A10-01 HT A10, and BRD1661-OR3-A, received on 11 September 2019.

[For the avoidance of doubt and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

3. The facing and materials shall be in accordance with drawing number 1237-005 Rev D Materials Proposals Drawing received on 11 September 2019 unless otherwise agreed in writing with the Borough Council.

[To ensure the appearance of the development is satisfactory and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

4. No development shall take place above damp course level until the technical approval under S38 (or equivalent) has been agreed with Nottinghamshire County Council for the construction of the roads and associated works within the site. The development shall thereafter be implemented in accordance with the approved details and no dwelling shall be occupied until the roads necessary to serve that property have been constructed to at least base level.

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

5. No part of the development hereby approved shall commence until a detailed surface water drainage scheme based on the principles set forward by the Flood Risk Assessment (FRA) and Drainage Strategy, April 2019, Glanville Ltd., has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall be implemented in accordance with the approved details prior to completion of the development. The scheme to be submitted shall:

- 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 to 9.5 l/s for the developable 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.
- If appropriate, 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.

[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. To prevent the increased risk of. This is a pre commencement condition to ensure that flood risk is mitigated and the measures can be incorporated in to the build phase].

7. The development shall be undertaken in accordance with the landscaping scheme as shown on plans 16505 Rev B Sheet 1 of 2 and 16505 Rev B Sheet 2 of 2 received on 11 September 2019.

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, unless the Borough Council gives written consent to any variation

[To make sure that a satisfactory landscaping scheme for the development is implemented in the interests of the appearance of the area and to comply with policy 16 (Green Infrastructure, Landscape, Parks and Open Space) of the Rushcliffe Local Plan Part 1: Core Strategy].

8. No development shall take place until details of the means of protection of existing hedgerows and trees whilst construction works are being undertaken have been submitted to the Local Planning Authority. All existing trees and/or hedges which are to be retained are to be protected in accordance with the approved measures and that 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 existing trees and hedgerows are adequately protected during the development and to comply with policy 16 (Green Infrastructure, Landscape, Parks and Open Space) of the Rushcliffe Local Plan Part 1: Core Strategy. This is a pre commencement condition 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].

9. No development, including any demolition and site clearance, shall take place until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- a. the means of access for demolition and construction traffic;
 - b. the erection and maintenance of security hoarding;
 - c. wheel washing facilities (including full details of its specification and siting);
 - d. measures to control the emission of dust and dirt during construction;
 - e. a scheme for recycling/disposing of waste resulting from and construction
 - f. works;
 - g. the days and times of construction activity and of materials delivery and disposal activity; and
 - h. A scheme for temporary signage and other traffic management measures, including routing and access arrangements.

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

[To protect the amenities of neighbouring residential properties and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

10. 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 Citb 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 of the Rushcliffe Local Plan Part 1: Core Strategy. This is a pre-commencement condition because recruitment and employment takes place prior to commencement].

11. No dwelling shall be occupied until the driveway and parking areas associated with that plot have been surfaced in a bound material 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 an adequate form of development in the interests of highway safety and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

12. Prior to the occupation of any dwellings, a remediation report and validation statement shall be submitted to and approved by the Borough Council and the appropriate measures shall be carried out in accordance with the details as approved.

[To protect the amenities of neighbouring residential properties and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

13. Prior to occupation of any dwelling, a scheme for external lighting shall be submitted to and approved in writing by the Borough Council, the lighting shall be implemented prior to the occupation of the dwellings in accordance with the approved scheme and maintained for the lifetime of the development

[To protect the amenities of the area and to comply with and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

14. In the event that the planning permission is not implemented 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 Borough Council. Any mitigation measures required shall be implemented in accordance with the approved details to the satisfaction of the Borough 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].

15. No removal of hedgerows, trees or shrubs shall take place between 1st March and 30st 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 such 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 paragraph 174 and 175 of the NPPF and Policy 17 of the Local Plan Part 1: Rushcliffe Core Strategy].

16. Prior to first occupation, a Landscape & Ecology Management Plan (LEMP) is submitted to and approved in writing by the local planning authority. The LEMP shall include:

- Details of habitat creations and enhancement of hedgerows
- Vegetation clearance shall not occur during the bird nesting season, which runs from March to September inclusive
- Ongoing management of the SUDS for wildlife

- The plan will detail the formal management agreement, aftercare and monitoring of the retained and newly created habitats on the site and shall their the ongoing maintenance
- Details of connectivity to the neighbouring site at Land East of Loughborough Road.

The development shall be undertaken in accordance with the approved LEMP.

[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 due to the need to ensure adequate mitigation and management is in place before any intrusive site works take place].

17. Prior to the occupation, each dwelling shall be provided with ducting to enable the connection to high speed fibre optic Broadband.

[To assist in reducing travel demand by enabling working from home initiatives in accordance with the aims of Policy 24 of the Rushcliffe Local Part 1 - Core Strategy].

18. Prior to the construction of any dwelling proceeding above foundation level, a scheme for the provision of electric vehicle charging points shall be submitted to and approved by the Borough Council. The scheme shall provide details of the provision of electric vehicle charging points to serve each dwelling on the site. If any plots are to be without provision then it must be demonstrated why the positioning of such apparatus to the external fabric of the dwelling or garage, or the provision of a standalone vehicle charging point would be technically unfeasible or would have an adverse visual appearance on the street-scene. Thereafter, no dwelling shall be occupied until such time as it has been serviced with the appropriate electric vehicle charging infrastructure, where practicable, in accordance with the agreed scheme and the apparatus shall be retained for the lifetime of the development.

[To comply with and to comply with policy 41 (Air Quality) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

19. No part of the development shall be occupied until the footway improvements on Flawforth Lane have been completed as indicatively shown on the submitted plan Drawing title: ADC1658/002 Rev P5 (Access Junction Layout Option 2), received on 11 September 2019, design and layout of which shall be agreed by the Highway Authority subject to a Section 278 agreement.

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

20. Prior to the occupation of more than 50% of the dwellings, the equipped outdoor play area shall be completed in accordance with drawing 16462 Rev B (Playspace layout), received on 11 September 2019.

[To ensure the provision of the equipped play area and to comply with policy 16 (Green Infrastructure, Landscape, Parks and Open Space) of the Rushcliffe

Notes to Applicant

This permission 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.

Please be advised that all applications approved on or after the 7th October 2019 may be subject to the Community Infrastructure Levy (CIL). The Borough Council considers that the approved development is CIL chargeable. Full details of the amount payable, the process and timescales for payment, and any potential exemptions/relief that may be applicable will be set out in a Liability Notice to be issued following this decision. Further information about CIL can be found on the Borough Council's website at <https://www.rushcliffe.gov.uk/planningandgrowth/cil/>.

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.

Section 38 Agreement (Highways Act 1980) - The applicant should note that notwithstanding any planning permission that 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. Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the Highway Authority as early as possible.

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

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

Section 278 Agreement (Highways Act 1980) - 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 Jan Witko on telephone number 0115 9774364.

Highway works to deliver the alterations to the speed limit requires a Traffic Regulation Order. The developer should note that the Order can be made on behalf of the developer by Nottinghamshire County Council at the expense of the developer. This is a separate legal process and requires public consultation. The Applicant should contact the Highway Authority as soon as possible to discuss how best this is achieved.

Severn Trent note that a sewer modelling assessment may be required. The foul connection to the public sewer would be subject to a formal S106 sewer connection approval under the Water Industry Act.

A Precautionary Method of Working (PMW) as recommended by the consultant ecologist should be followed for amphibians and reptiles.

A horsetail removal strategy is required to avoid the spread of this native, but invasive plant species.

A landscaping buffer should be implemented along the eastern and southern boundaries and this should include native species of local provenance

An ecology and landscape management plan should be produced and agreed with the means to implement this plan in perpetuity.

Permanent artificial wild bird nests and bat boxes should be installed within buildings and on retained trees (including Swallow/swift and sparrow cups / boxes) and amphibian and reptile refugia within any green infrastructure and hedgehog corridors.

New wildlife habitats should be created where appropriate, including wildflower rich neutral grassland/ wet grassland / pond / wetland / native woodland and native hedgerows.

Any existing trees / hedgerows should be retained and enhanced, any hedge / trees removed should be replaced.

Where possible new trees / hedges should be planted with native species (preferably of local provenance and including fruiting species). See <https://www.rushcliffe.gov.uk/conservation/treeshedgesandlandscaping/landscapingandtreeplanting/plantingonnewdevelopments/> for advice including the planting guides (but exclude Ash (*Fraxinus excelsior*))

The use of external lighting (during construction and post construction) should be appropriate to avoid adverse impacts on bat populations, see http://www.bats.org.uk/pages/bats_and_lighting.html for advice and a wildlife sensitive lighting scheme should be developed and implemented.

Good practise construction methods should be adopted including:

- Advising all workers of the potential for protected species. If protected species are found during works, work should cease until a suitable qualified ecologist has been consulted.
- No works or storage of materials or vehicle movements should be carried out

- on or adjacent to sensitive habitats.
- All work impacting on vegetation or buildings used by nesting birds should avoid the active bird nesting season, if this is not possible a search of the impacted areas should be carried out by a suitably competent person for nests immediately prior to the commencement of works. If any nests are found work should not commence until a suitably qualified ecologist has been consulted.
 - Best practice should be followed during building work to ensure trenches dug during works activities that are left open overnight should be left with a sloping end or ramp to allow animal that may fall in to escape. Also, any pipes over 200mm in diameter should be capped off at night to prevent animals entering. Materials such as netting and cutting tools should not be left in the works area where they might entangle or injure animals. No stockpiles of vegetation should be left overnight and if they are left then they should be dismantled by hand prior to removal. Night working should be avoided.
 - Root protection zones should be established around retained trees / hedgerows so that storage of materials and vehicles, the movement of vehicles and works are not carried out within these zones.
 - Pollution prevention measures should be adopted

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

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

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

The 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.

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.