

# 19/01287/FUL

**Applicant** Bloor Homes

**Location** Land North East Of Marl Close, Wilford Road, Ruddington, Nottinghamshire

**Proposal** Residential development of 167 new homes on land south of Packman Dyke together with associated infrastructure, including ground remodelling for flood compensation works, landscaping and public open space, and vehicular access via Wilford Road. Watercourse realignment, ground remodelling and other sustainable drainage measures, landscaping and public open space on land north of Packman Dyke.

**Ward** Ruddington

## THE SITE AND SURROUNDINGS

1. The site is located on the northern edge of the village of Ruddington, to the west of Wilford Road, and has two distinct but related parcels on either side of the Packman Dyke. The application site has a total area of approximately 17.65ha, with the gross developable area, that area allocated in Local Plan Part 2, of approximately 6.6ha located to the south of the Dyke.
2. The application site to the south of the Dyke is a single agricultural field bounded to the west by the gardens of relatively new properties located on Woodhouse Gardens and Marl Close, with the back gardens of properties on Brookside Gardens and Brookside Road adjoining the site to the south. The Parish Council's Sellar's recreation ground is located to the east, as is Wilford Road which connects Ruddington to the A52 and Nottingham to the north, and leads to the remainder of the village including the village centre to the south.
3. The remainder of the application site to the north of the Dyke forms part of a larger area of open countryside north of Ruddington, with the primary land-use being agriculture. This area of land is also designated as Green Belt.
4. The site itself is relatively flat and contains few features of note. Patchy hedgerows delineate the site's boundaries to the east, south and west, and there are also some established trees close to the western boundary.
5. The southern extent of the Ruddington Grange Golf Course is located to the east of the site on the opposite side of Wilford Road, with the northern edge of the built-up area of Ruddington extending further east from the boundary with the Golf Course, with existing properties located along the eastern side of Wilford Road, and on Ashworth Avenue beyond heading east.
6. The site is approximately 0.5 miles (850 metres) from the village centre to the south which accommodates many key services and shops, including a health/medical centre. A range of local and convenience retail outlets, and several pubs, are located along Wilford Road and Dutton's Hill heading south

from the site before the village centre focused on Church Street, and High Street.

7. The site is partly located in flood zones 2 and 3.

## **DETAILS OF THE PROPOSAL**

8. This application seeks full planning permission for; *Residential development of 167 new homes on land south of Packman Dyke together with associated infrastructure including ground remodelling for flood compensation works, landscaping and public open space, with vehicular access via Wilford Road, and including watercourse realignment, ground remodelling and other sustainable drainage measures, landscaping and public open space on land north of Packman Dyke.* Throughout discussions during the application process the proposed number of dwellings has been reduced from 174 units.
9. Around 12.6 hectares within the application site would be retained as public open space, including an area of open grassland to the north of the realigned watercourse, Packman Dyke, covering approximately 9.8 ha. which would be retained in the Green Belt.
10. The area to the South of Packman Dyke which is approximately 6.6ha would be developed for housing and has now been removed from the green belt following adoption of the Local Plan Part 2. This represents a gross density of approximately 25 dwellings per ha.
11. The site would be served by a single access off Wilford Road, which would be improved to incorporate a right hand turn lane for traffic approaching from the North, extension to the 30mph zone to beyond the developable extent of the site and extension of the 3m wide footpath/cycle route to past the site access.
12. The single spine road would serve 5 cul-de-sacs and a short circular route within the site, providing access to property frontages and private drives which would serve those dwellings.
13. The layout proposed provides 57 dwellings which have frontages overlooking directly onto the open spaces within and adjacent to the site and the green strip along the Wilford Road frontage, which should help integrate the development into the surroundings.
14. The proposal incorporates 18 Bungalows of mixed tenure located along the southern boundary adjacent to existing residential properties to limit the impact on the existing occupiers.
15. The mix of housing proposed is as follows:

Market sale housing	-	4 bed 2 storey detached - 51
	-	4 Bed 2.5 storeys detached - 7
	-	3 Bed 2 storey detached - 12
	-	3 Bed single storey detached - 2
	-	2 Bed single storey detached - 2
	-	3 Bed 2.5 Storey semi-detached - 12
	-	3 Bed 2 Storey semi-detached - 19
	-	2 Bed 2 storey semi-detached - 1

- 2 Bed Single Storey semidetached - 5
- 2 Bed 2 storey town houses - 6
- Total – 117 units

16. The following are a mix of detached, semi-detached, town houses and blocks

Affordable rent	-	4 bed 2 storey – 1
	-	3 bed 2 storey – 5
	-	2 bed 2 storey - 5
	-	2 bed single storey - 3
	-	1 bed single storey - 1
	-	1 bed in 2 storey blocks - 4
Shared ownership	-	3 bed 2 storey - 11
	-	2 bed 2 Storey - 8
	-	1 bed single storey - 2
Social rented	-	3 bed 2 storey - 2
	-	2 bed 2 storey - 1
	-	1 bed in blocks - 4
	-	2 single storey - 2
	-	1 bed single storey - 1
		Total - 50 units

17. The proposal incorporates a mix of house designs. The materials have been chosen to assist in the blending of the proposal into its surroundings and a proposed mixture of:

- a) Forticrete roof tiles - Slate grey, brown and Sunrise;
- b) Bricks Ibstock Balmora, Calderstone Claret, and Foreterra Clumber red;
- c) Detailing being Render and Tudor boarding both black and white with contrasting render insets.

18. The area of public open space to the north of Packman Dyke will incorporate ecological enhancements, including the attenuation pond for servicing the development, habitat creation in the form of, aquatic planting, creation of wetland, ballast areas to create habitats for butterflies, rough grasslands for reptile and hedge/tree planting to further enhance the appearance of the area and a habitat for foraging bats. It will also be open to the public with direct pedestrian links to the development.

## **SITE HISTORY**

## **REPRESENTATIONS**

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

19. One Ward Councillor (Cllr Gaunt) submitted comments on the proposal as follows (NB – these comments were made prior to the adoption of Local Plan Part 2):
20. Green Belt Land - The National planning policy (the NPPF) states that Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified This proposal is not justified and there are no exceptional circumstances.

21. Green Belt Housing Quota - With the Asher Lane Development approved at 175 homes, plus other more viable areas highlighted in the Local Plan, Ruddington does not require another large scale development in order to meet its housing quota. It can be more than met with the three other earmarked sites that will have less negative impact on the village.
22. Local Plan Part 2 - This is a premature application as this land is not available! RBCs Local Plan Part 2 has not yet been finalised and RUD01 has not been released for development and may not be at all. The Ward Councillor indicates an intention to work with residents to fight for the removal of this area during the Local Plan consultation at the Borough Council. Therefore, the proposal is premature. Additionally, the Local Plan Part 2 only allows for 130 homes on this site, whilst the application proposes 174 homes (with a distinct lack of actual affordable housing). Moreover, this can only be achieved by moving Packman Dyke northwards and developing half the former RUD02 (not in the Local Plan Part 2) into a balancing pond and flood plain/wet meadow meaning yet more Green Belt is developed and agricultural land is lost. The Borough Council needs to remove this application and site entirely from the Local Plan and return Ruddington's quota to the original 350 suggested.
23. Flooding - The area has a history of flooding. There are concerns that development could increase the risk of flooding for nearby properties and render Sellors Playing Field unusable for much of the year. Furthermore, the extended development plans offer limited flood prevention solutions.
24. Rural identity - This development is altering the Village's last Green gateway. Ruddington's rural look and feel is slowly being eroded away and this area is the last remaining true green gateway into the village so must be retained to preserve rural identity.
25. Traffic and Access - Increased traffic for an already busy route on top of the additional traffic travelling through the village and to the Asher Lane site would cause significant issues and danger to the area. An holistic survey needs to be carried out regarding the impact of traffic level increase from the development of Fairham Pastures, Edwalton, Asher Lane, Mere Lane, Flawforth Avenue and Wilford Road together. The Planning Inspector declared that levels would be almost severe with only the addition of Asher Lane and this is only 175 homes out of 525 planned in the village.
26. Limited Bus Service - The seven day a week Navy 3 bus service shown in the developers travel plan was significantly cut back in January this year (2019). It no longer runs on Sundays, early in the mornings nor in the evenings meaning many householders here would not realistically be able to use public transport. The only available public transport at those times would be 1 kilometre away.
27. Coalescence - The development of this Green Belt land would reduce the open space between the village and the City of Nottingham. This increases the risk of the two merging in the future.
28. Wildlife and Nature - An important wildlife habitat would be lost.
29. One Ward Councillor (Cllr Walker) objects to the proposal on the grounds that it is proposed on Green Belt, that it is exceeding the proposed housing in Local

Plan 2 from 130 to 174 and on the grounds of increased traffic through the village during building and after.

### **Town/Parish Council**

30. The Ruddington Parish Council object to this application on grounds that the proposal is premature for the following reasons:
  - a. Local Plan Part 2 is yet to be adopted;
  - b. The proposed number of properties exceeds the Local Plan by 34%;
  - c. The previous achieved by moving Packman Dyke, positioning the SUDs in the green belt, and raising the land potentially creating flooding issues for the neighbouring houses and Parish Council land – Sellors Field/Play Area;
  - d. The village does not have the infrastructure to cope with the increase in numbers including traffic, doctor's surgery and schools;
  - e. Only limited bus service increasing the reliance upon the car; and
  - f. Loss of undeveloped land around the village leading to coalescence with neighbouring settlements.
  
31. In the event of the application being approved the Parish Council would like to see:
  - a. Creation of footways and cycle paths to connect to the existing footways and cycle paths on Wilford Road to link the development with the village centre and schools;
  - b. A signalled pedestrian crossing over Wilford Road in the vicinity of the development. This is to allow parents and children to cross the road safely to access St Peter's Junior School;
  - c. The purchasing of land from Ruddington Grange Golf club and the funds to create a tarmacked path on the purchased land to create a footpath & cycle path leading from Wilford Road to St Peter's Junior School on Ashworth Avenue. This is to provide a safe and more direct walking/cycling route to the school, this will encourage more parents and children to walk or cycle to the school which will bring about benefits to health and increase safety and reduce congestion on the estate immediately surrounding the school;
  - d. The sum of £69,125 toward the provision of a community centre and Parish Office; and
  - e. The sum of £100,000 to enhance and improve the facilities and public open space at Sellors Field.

### **Statutory and Other Consultees**

32. Rushcliffe's Planning Policy Manager advises that the principle of Green Belt release is established within the adopted Core Strategy and confirmed within the emerging Local Plan Part 2 which has allocated this site. The precedent for the release of this site has also been confirmed within recent planning decisions at Asher Lane, Ruddington and Shelford Road, Radcliffe on Trent.
  
33. Policy 6.1 sets out development requirement criteria, which require housing avoids areas in flood zone 3. The proposal has addressed this by raising the land. Notwithstanding the site's proposed allocation and the flood risk

avoidance and mitigation measures proposed, until the plan is adopted, a sequential and exception test should be undertaken.

34. Policies 6.1, 19 and 35 within the emerging plan emphasis the requirement to provide significant multifunctional green infrastructure and net-gains in biodiversity within this location (within a green corridor and urban fringe location) and the majority of this infrastructure would be delivered outside the allocated area. Whilst this is contrary to the wording of Policy 6.1 (which requires it on site), a significant area of green infrastructure is proposed and it would, if delivered and managed long term, provide considerable benefits to wildlife and the local community. The delivery both on-site and off-site infrastructure is therefore considered acceptable.
35. The subsequent increase in housing numbers to 170, above the 130 proposed in the emerging plan, is however a concern as this may have implications for the design and layout of the development, and may conflict with policies that seek to protect the rural character of the area and the setting of Ruddington when approached on Wilford Road.
36. The provision of 30% affordable housing on this site will assist the Borough Council in meeting its strategic aims to address housing need in the Borough whilst reducing the number of households in temporary accommodation by increasing the supply of permanent affordable housing. The proposed affordable housing mix being put forward although not fully compliant with policy requirements is considered acceptable.
37. Since the submission of these comments, the Local Plan Part 2 has now been adopted and, as such, it is no longer necessary to undertake a sequential and exception test. Furthermore, the area of the site where the built development would be located has been removed from the Green Belt.
38. Nottinghamshire County Council as Highway Authority submitted comments in two parts, the initial comments and further comments following amendments to the scheme and are summarised as follows:
39. Following a safety audit it is recommended that street lighting is installed along the extent of the right turn lane. Other alterations include the following:
  - a. The existing village gateway and 30mph speed limit change will need to be relocated in advance of the site access. Again, this will need to be addressed within the submitted details.
  - b. It is noted that footway improvement is proposed to the south of the site, to provide a 2m footway linking to the existing provision, and this is welcomed.
  - c. A further point to note is that there is an existing shared use footway/cycleway running along Wilford Road to the front of the site. At present, the footway/cycleway crosses from the eastern side of the carriageway to the western side a short distance to the south of the proposed access. It is recommended that this transition is incorporated into the proposed access layout, with the crossing point to be provided at the proposed refuge, and a wider refuge provided.

40. Traffic Impact - The trip generation and distribution as set out within the Transport Assessment is accepted. It is concluded that the development impact on the local highway network will not be severe, and no mitigation measures are put forward.
41. Travel Plan - A Framework Travel Plan has been submitted as part of the submission. The Transport Strategy Team have reviewed the Travel Plan, and seek amendments.
42. Internal Site Layout - The Highway Authority reviewed the amended layout, making comments which are summarised as follows:
  - a. As there is a single point of access to the site, a carriageway width of 6.75m will be required for the initial stretch of road, to the point at which there is a choice of routes. This is to ensure that the development does not become blocked in the event of an incident.
  - b. Well-connected street networks will assist in providing alternative routes for traffic to reroute in the event of a blockage or accident on the primary route. It would also have advantages for service vehicles, reducing the number of reversing maneuvers required. A better-connected street network to the north of the primary route should be provided if achievable.
  - c. A 2m footway provision should be provided to the front of all properties and linking to any shared private drives.
  - d. Appropriate vehicular visibility splays at the internal junctions will need to be shown within the development in accordance with current HDG. Trees adjacent to some junctions, and if left unmaintained may impact on visibility.
  - e. 2.0m x 2.0m pedestrian visibility splays on both sides of each vehicular access that crosses a footway shall be shown on the plans with no planting or structures permitted within these visibilities over 0.6m high
  - f. Swept path analysis will be required to confirm a refuse vehicle can maneuver through the development.
  - g. The location of traffic calming features will be agreed as part of the detailed design.
  - h. Bin collection points will need to be provided at the entrances to all private drives and must not impact on the pedestrian visibility splays required.
  - i. All parking spaces should be provided with dimensions in accordance with HDG.
43. Following the receipt of amended details, the Highway Authority confirmed that the latest information submitted satisfies the issues previously raised, and the Highway Authority are satisfied that the access and proposed road layout is suitable to cater for the envisaged level and type of traffic associated with the proposed development.
44. It is noted that the road layout is proposed to be adopted under Section 38 of the Highways Act. This sits outside of the planning process and is subject to a separate technical checking process. The Highway Authority received a copy of the Travel Plan direct from the applicant and advise that the latest plan (WIE14515-101-R-4-3-3-Framework Travel Plan) includes the amendments previously requested, and is now acceptable.

45. The Highway Authority are willing to recommend approval of the application subject to conditions.
46. Highways England request that the applicant be aware that there is currently an improvement scheme being implemented along the A52, under the *A52/A606 Improvement Package Developer Contributions Strategy Memorandum of Understanding (May 2019)*. Highways England takes responsibility for delivering infrastructure improvements required to support growth on the A52 whilst seeking appropriate local contributions proportional to the scale of impact through a developer contribution strategy. This approach is supported in Rushcliffe Core Strategy Policy 18.
47. As part of the contribution strategy, for developments at Ruddington a sum of £1,550.02 on a cost-per-dwelling basis has been identified. However, HE confirm that no assessment of traffic impacts or delivery of improvements on the Strategic Road Network (SRN) will be required.
48. Contributions are index linked to the ROADCON Tender Price Index for February of 2016, and indexation shall be based on the most recent quarterly index figure at the point payment is due.
49. Highways England will seek staged payments of the agreed index linked contributions so that 20% of the contribution is paid on first occupation with the remainder (80%) payable anytime up to a maximum occupation of 75%. Therefore, Highways England has no objections to this application subject to a condition.
50. Following the reduction in the number of units proposed, Highways England commented that their comments remain the same but the contribution sought will now reflect the revised proposal.
51. Environment Agency comment *“The mitigation measures proposed in section 4 of the FRA are acceptable. To ensure that flood risk to others is not increased, the mitigation measures must be completed before any ground raising and construction of dwellings commences. This will ensure that capacity in the floodplain is maintained. (The works have been grouped together below, the lists aren’t a definitive order in which the works must take place)*
52. *Phase 1*
  - a. *Re-alignment of Packman Dyke*
  - b. *Construction of surface water runoff relief ditch*
  - c. *Construction of balancing pond*
  - d. *Ground re-profiling north of Packman Dyke and excavation of ecological wetland areas*
53. *Phase 2*
  - a. *Ground raising south of Packman Dyke to create development plateaus*
  - b. *Construction of dwellings*
54. *We will require assurance that the mitigation works will be completed prior to commencement of the second phase of work.*

55. *Ground raising is required to bring finished floor levels (FFL) of the dwellings to 600mm above the 1% annual exceedance probability (AEP) event plus climate change level. The FRA states that this is variable across the site. Until we have seen the detailed designs for the proposed re-profiling we are unable to make an assessment upon whether the development will be adequately protected from flooding. The finished floor levels should also consider the residual flood risk from all sources”*
56. Following the submission of a revised FRA the EA raised no objections to the proposal subject to the development being carried out in accordance with the FRA.
57. Trent Valley Internal Drainage Board advise that the site is within the Trent Valley Internal Drainage Board district. There are no Board maintained watercourses in close proximity to the site. The erection or alteration of any mill dam, weir or other like obstruction to the flow, or erection or alteration of any culvert, whether temporary or permanent, within the channel of a riparian watercourse will require the Board’s prior written consent. The Board’s Planning and Byelaw Policy, Advice Notes and Application form is available on the website - [www.wmc-idbs.org.uk/TVIDB](http://www.wmc-idbs.org.uk/TVIDB).
58. The applicant is advised that they are likely to have a riparian responsibility to maintain the proper flow of water in any riparian watercourse which borders or flows through land owned or occupied by them. Surface water run-off rates to receiving watercourses must not be increased as a result of the development. The design, operation and future maintenance of site drainage systems must be agreed with the Lead Local Flood Authority and Local Planning Authority.
59. A permanent undeveloped strip of sufficient width should be made available adjacent to the bank top of all watercourses on site to allow future maintenance works to be undertaken. Where the watercourse is under riparian control suitable access arrangements to the access strip should also be agreed between the Local Planning Authority, Lead Local Flood Authority and the third party that will be responsible for the maintenance.
60. All drainage routes through the site should be maintained both during the works on site and after completion of the works. Provision should be made to ensure that upstream and downstream riparian owners and those areas that are presently served by any drainage routes passing through or adjacent to the site are not adversely affected by the development. Drainage routes shall include all methods by which water may be transferred through the site and shall include such systems as “ridge and furrow” and “overland flows”. The effect of raising site levels on adjacent property must be carefully considered and measures taken to negate influences must be approved by the Local Planning Authority.
61. Nottinghamshire County Council as Lead Local Flood Authority raise no objection to the approval of the application subject to recommended conditions.
62. Nottinghamshire County Council Planning Policy advise that they do not have any strategic planning comments to make at this time, however the following contributions are sought.

63. Primary Education - A development of 167 dwellings would yield an additional 35 primary school places. Based on current projections there is insufficient capacity to accommodate the additional places generated. As a result the County Council would seek a primary education contribution of £609,910 (35 places x £17,426 per place). This would be used to provide additional primary provision in Ruddington.
64. Secondary Education - A development of 167 dwellings would yield an additional 27 secondary places. Based on current projections there is insufficient capacity to accommodate the additional places generated. The delivery of additional secondary education provision will be delivered through the Borough Councils Community Infrastructure Levy (CIL).
65. Public Transport - NCT service 3 which operates up to every 30 minutes on Mondays to Saturdays passes the front of the site along Wilford Lane. The Mondays to Saturdays service provision is adequate. The nearest current bus stops are approximately 380 metres from the centre of the site on Wilford Road, However, the proposed pedestrian access to Trent Avenue at the southern end of the site will mean that the furthest residents would have to walk is approximately 500 metres to the existing stops, slightly in excess of the Highway Design Guidance.
66. Other services, including Sunday and night services operate from stops approximately 750 metres from the centre of the site, which provide connectivity to other County destinations i.e. West Bridgford Centre, Gamston and Compton Acres for employment, education, shopping, health and leisure purposes. Whilst the walk distance to these stops exceeds the Highway Design Guide standard, the County Council's position in context with the size of the development, the likely take up of any additional service provision and the potential to efficiently divert a service to serve the development, was that a bus service contribution could not be justified for this development. A contribution is sought however for bus stop improvements to the value of £19,000. This would be used towards improvements at bus stops RU0566 and RU0888 Paget Crescent.
67. The Borough Council's Economic Growth Manager advises that this development will require an employment and skills plan if planning permission is to be granted.
68. The Borough Council's Community Development Manager seeks a contribution of £93,353.00. This contribution would be sought for improvements to the Parish Councils play provision to mitigate the impact of the new development and funding should be prioritised towards improvements to the adjacent Sellors Field.
69. Unequipped play/amenity public open - The proposal will be expected to provide unequipped play/amenity public open space.
70. The masterplan shows a large informal grassland area to the north of the new housing with two circular footpaths but doesn't provide any details on whether the areas in the lighter shade of green would be useable for recreation purposes or would be more of a long-grassland meadow. There is also an opportunity to create a woodland in this area and in particular point 5 and potentially point 15 without losing the sense of openness in views from the

Wilford Road corridor. In addition, a detailed ecology and landscape management plan should be produced and agreed with the means to implement this plan into the future prior to final approval. The open space footpaths should be 3 metres wide of crushed sand and gravel construction to allow for pedestrians and informal cycling, this footpath should link across the entrance of the site to Sellors Field. A link is also suggested to Sellors Field from the corner of the rear of Trent Avenue along the point 3 access road.

71. This site is liable for a CIL contribution towards indoor and outdoor sports provision.
72. Allotments - The Rushcliffe Borough Council Leisure Facilities Strategy 2017-2027 requires 0.4 hectares of provision for allotments per 1,000 population. Ruddington Parish Council are currently operating a waiting list. The new development will impact upon current provision and therefore the new development needs to mitigate this by providing 0.16 hectares for allotments. If an onsite provision is unachievable an offsite contribution of £12,191.00 would be sought.
73. The Recycling 2 Go Officer would like to see a swept path analysis carried out to show the Council's vehicle tracking.
74. The Borough Council Environmental Health Officer advises that there are no EH objections to the principle of developing this land, however the applicant has not considered the advice previously given by EH and their comments are summarised as follows.
75. Noise - It was anticipated that the application would include information regarding the likely traffic noise levels at the proposed facades and private amenity spaces nearest to Wilford Road and how noise levels have influenced the proposed design. It is noted that dwellings will be set off Wilford Road and the recreation ground which is a welcomed design feature.
76. Air Quality - Although the site is not close to any air quality management areas in Rushcliffe, the site is close to the Nottingham City boundary (Wilford & Clifton) so it may be necessary to consider impacts from associated transport emissions within the city boundary and any impacts on the city's air quality plan, especially as the city is likely to be a key destination for future residents.
77. It is recommended that the proposals should include the provision of electric car charging points and the associated infrastructure to encourage the use of electric/very low emission vehicles and to minimise the air quality impacts of the development.
78. There are no EH objections to the principle of the development, however, it is recommended that the above matters are considered prior to any consent being given and appropriate conditions are attached as necessary. The team would be able to assist with the formulation of any conditions.
79. The Borough Council's Environmental Sustainability Officer having considered the supporting information comments as follows:
  - a. Ecological Survey:

- i. Ecological Appraisal has been carried out within date and appears to have been carried out according to best practice.
  - b. Species and Habitats:
    - i. Grass Snakes were identified on site with Harvest Mouse records within 50m, however potential for amphibians, bat foraging and wild bird foraging and roosting exist.
    - ii. The site consist of Arable; Grassland Field Margins; Hedgerows; Scrub; Woodland and Trees; and Drainage Ditches/Watercourses, the site is bounded by village developments and open countryside. The proposed development is unlikely to have a material impact on the favourable conservation status of a European protected species if developed sensitively.
    - iii. The development provides opportunities for ecological enhancement, it should be demonstrated that this development as proposed will provide a net gain for biodiversity.
80. Recommendations (including recommendations provided by the supplied reports) which should be subject of conditions on any permissions:
- a. A Biodiversity Net Gain assessment should be supplied.
  - b. The line of the railway should be recreated using ballast and suitable wildflower rich planting to provide biodiversity and recreational benefits (including the proposed recreational links).
  - c. Precautionary Method of Working (PMW) for amphibians and reptiles should be supplied and followed.
  - d. An ecology and landscape management plan (including reptile and amphibian refugia and habitats, Harvest Mouse habitats and hedgehog habitats and corridors) should be produced and agreed with the means to implement this plan in perpetuity.
  - e. Permanent artificial wild bird nests and bat boxes should be installed within new buildings and on retained trees (including Swallow/swift and sparrow cups/boxes).
  - f. New wildlife habitats should be created where appropriate, including wildflower rich neutral grassland /wet grassland / pond / wetland / ditch enhancement/native woodland and native hedgerows (including under story planting and seeding).
  - g. Any existing trees/hedgerows should be retained and enhanced, any hedge/trees removed should be replaced.
  - h. 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*))
  - i. 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](http://www.bats.org.uk/pages/bats_and_lighting.html) for advice and a wildlife sensitive lighting scheme should be developed and implemented.
  - j. Good practice construction methods should be adopted including:

- i. 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.
  - ii. No works or storage of materials or vehicle movements should be carried out on or adjacent to sensitive habitats.
  - iii. 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.
  - iv. 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.
  - v. 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.
  - vi. 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.
  - vii. Pollution prevention measures should be adopted
81. 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.
82. Following the above comments an amended scheme was provided and the following comments were received.
83. *“The biodiversity metric supplied demonstrates a net gain in biodiversity, which is welcome and appears to be have been completed according to good practice satisfying the recommendation for a Biodiversity Net Gain assessment.*
84. *The Mitigation Plan, shows in outline where habitats are to be created and is welcome, however this will need to be supported by a detailed ecological and landscape Management Plan, providing management prescriptions for the site going forward and with the means to implement this plan in perpetuity.”*
85. The Borough Council’s Conservation Officer comments that, as advised at the pre-application stage, a Geophysical survey was undertaken and the report submitted with this application. The report notes that ‘apart from landscape elements that may have historic interested from a water management perspective, there is nothing of potential archaeological interest identifiable in the magnetic survey results’. A condition was suggested that no groundworks are to take place along the far western edge of the site.

86. The figures within the geophysics report would seem to indicate that the water features identified on the survey, including what is referred to as Channel 6, indicate human activity in regard to water diversion over time. It is noted from Plan 1230588 that the developer intends to use this historic waterway once again and also to construct a proposed balancing pond nearby.
87. Nottinghamshire Wildlife Trust accept that there would be a net gain in biodiversity (current habitats present are arable and of low biodiversity value). They are pleased to see habitat features included on the plan include wet grasslands, ponds, new hedgerows and trees and the creation of railway ballast habitats to benefit priority butterfly species. On earlier iterations of the plan, the dyke was to be re-profiled to improve its habitat value but, from looking at the current plan it is not clear if this is still proposed. If approved, they would recommend a condition be attached to secure the production of a grass snake translocation strategy, they are protected species and thus a material consideration. They would also recommend, if approved, a mechanism is put in place through the planning system to secure future long-term management, in line with the submitted ecology mitigation plan, which does contain some outline detail on future management requirements (reference to cutting regimes etc).
88. NHS Nottingham West CCG request financial contribution, for the 168 dwellings of 2+ beds they request £920 per dwelling = £149,040. For the 12 x 1 bed dwellings they request £600 per dwelling = £7,200. Total = 156,240.
89. 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.
90. 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 for this development would be put towards extending Ruddington Medical centre further or increasing capacity at neighbouring practices.

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

91. The application has attracted a total of 51 representations from local residents (some households submitting more than one representation), with one representation in support of the proposals, one representation neither supporting or objecting to the proposals and 49 representations objecting to the proposals. The comments and concerns raised are summarised as follows:
- a. Loss of Green Belt no exceptional circumstances.
  - b. Loss of flood plain passing problem on impact on existing properties.
  - c. Inner city sites available.
  - d. Impact on bio diversity.
  - e. Lack of facilities in the village.

- f. Impact on infrastructure.
- g. Highways already over capacity – further increase in traffic.
- h. Lack of public transport.
- i. Impact on wildlife – loss of habitat.
- j. Highway safety.
- k. Housing Quota already met – Asher Lane.
- l. Site should be used for a community facility.
- m. No justification.
- n. Lack of parking facilities in the village.
- o. Inappropriate expansion of a rural village.
- p. No availability at doctors, schools.
- q. Loss of rural gateway to village.
- r. Local Plan Part 2 not released for housing, the application is premature and 44 more houses proposed. Increase in number above the 130 allocated in the local plan.
- s. Balancing pond unacceptable.
- t. Overcrowding of the village.
- u. Detrimental to air quality and resultant impact on health.
- v. Urbanisation through additional street furniture.
- w. Joining up with Nottingham.
- x. Loss of view.
- y. Impact on quality of life and mental health.
- z. The plethora of environmental reasons.
- aa. Legal requirements for building on green belt not met.
- bb. Ruddington is becoming more like a town. Loss of village atmosphere.
- cc. The site is not in walking distance of the village.
- dd. Loss of agricultural land.
- ee. Do the homes take account of disabled access and make best use of renewable energy.

92. One representation containing neutral comments has been received from a resident of Ruddington involved in village life which make the following observations:

- a. Local schools are not full.
- b. GP appointments time have been getting worse due to NHS cuts and the lack of GPs. This situation is not unique in Ruddington.
- c. The lack of suitable and AFFORDABLE housing means that few families with young children are moving into the village. These people are the future lifeblood of the village.
- d. In order for the village businesses to survive, it needs more people on the streets.
- e. Would support the application if up to 50% of the houses were affordable.
- f. Local shops are closing because there is not enough custom.
- g. Traffic should be considered for existing and new residents.
- h. Consideration should be given to green spaces within the development.

## **PLANNING POLICY**

- 93. 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. The Rushcliffe Residential Design Guide is also relevant to the consideration of this application.
- 94. The whole of the Ruddington parish was designated as a Neighbourhood Area in October 2017. The Parish Council has recently completed the initial stage of consultation prior to the plan being submitted to the Borough Council for further consultation and examination.

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

- 95. The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England. It carries a presumption in favour of sustainable development and paragraph 11 states that planning permission should be granted 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; or
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”
- 96. Section 11 “Making Best use of Land” - Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or ‘brownfield’ land.

97. Section 12, 'Achieving well-designed places', states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development.
98. Paragraph 127 states that 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. It should also be visually attractive as a result of good architecture, layout and appropriate and effective landscaping and be sympathetic to the local character and history, including the surrounding built environment and landscape setting.
99. Section 13, Protecting Green Belt Land, sets out Green Belt policy and provides guidance on appropriate development within the Green Belt.
100. Paragraph 133 of the NPPF 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.
101. Paragraph 140 States *"If it is necessary to restrict development in a village primarily because of the important contribution which the open character of the village makes to the openness of the Green Belt, the village should be included in the Green Belt."*
102. Paragraph 143 states that *"Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances."*
103. Paragraph 144 states 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."*
104. Paragraph 145 of the NPPF makes clear that the construction of new buildings in the Green Belt is inappropriate development and identifies the types of development which are exceptions to this stance.
105. Paragraph 146 of the NPPF *"Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are,*
  - a) *mineral extraction;*
  - b) *engineering operations;*
  - c) *local transport infrastructure which can demonstrate a requirement for a Green Belt location;*
  - d) *the re-use of buildings provided that the buildings are of permanent and substantial construction;*
  - e) *material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and*
  - f) *development brought forward under a Community Right to Build Order or Neighbourhood Development Order."*

## Relevant Local Planning Policies and Guidance

106. The following policies of the Rushcliffe Local Plan Part 1: Core Strategy are considered to be relevant to the current proposal:

- Policy 1 - Presumption in Favour of Sustainable Development
- Policy 2 - Climate change
- Policy 3 - Spatial strategy
- Policy 4 - Nottingham-Derby Green Belt
- Policy 8 - Housing Size, Mix and Choice
- Policy 10 - Design and Enhancing Local Identity
- Policy 12 - Local Services and Healthy Lifestyle
- Policy 16 - Green Infrastructure, Landscape, Parks and Open Spaces
- Policy 17 - Biodiversity
- Policy 19 - Developer Contributions

107. The following policies of the Rushcliffe Local Plan Part 2: Land and Planning Policies are considered to be relevant to the current proposal:

- Policy 1 - Development Requirements
- Policy 12 - Housing Standards
- Policy 17 - Managing Flood Risk
- Policy 18 - Surface Water Management
- Policy 19 - Development Affecting Watercourses
- Policy 21 - Green Belt
- Policy 32 - Open Space and recreational Facilities
- Policy 34 - Green Infrastructure and Open Space Assets
- Policy 38 - Non-Designated Biodiversity Assets and the Wider Ecological Network
- Policy 39 - Health impacts of Development
- Policy 41 - Air Quality
- Policy 43 - Planning Obligations Threshold

108. Policy 6.1 Housing Allocation – Land west of Wilford Road, Ruddington, allocates the site for residential development and is particularly relevant to the current application. The area, as shown on the policies map, is identified as an allocation for around 130 homes. The development will be subject to the following requirements:

- a) vulnerable development should not be located within flood zone 3;
- b) a site specific flood risk assessment (FRA) should demonstrate that the development will be flood resilient and resistant and safe for its lifetime for its users and also ensure the site is not affected by current or future flooding and it does not increase flood risks elsewhere or overall;
- c) development on the Wilford Road frontage and which borders the open countryside should provide a visually attractive gateway and boundary to the village;
- d) on-site green infrastructure should deliver recreational open spaces, landscape buffers (including a buffer around Sellers Field Recreation Ground), net-gains in biodiversity and where necessary surface water flood mitigation. This should include a 10 metre buffer either side of the Packman Dyke;
- e) a financial contribution to a package of improvements for the A52(T)

- between the A6005 (QMC) and A46 (Bingham); and
- f) it should be consistent with other relevant policies in the Local Plan.

109. The above policies from the Core Strategy and Local Plan Part 2 are available in full along with any supporting text on the Council's website at: <https://www.rushcliffe.gov.uk/planningpolicy/localplan/>.

## **APPRAISAL**

110. The main consideration in determining this application are as follows;

- a. Principle of development
- b. Quantum of development
- c. Impact on Flooding
- d. Highways
- e. Green Belt
- f. Ecology
- g. Open Space provision
- h. Housing mix and Layout
- i. Air Quality
- j. Health
- k. Planning Obligations

### Principle of Development.

111. The development falls to be determined in accordance with the Development Plan for Rushcliffe, which comprises the Local Plan Part 1 - Core Strategy (LPCS) Local Plan Part 2 and in accordance with the National Planning Policy Framework (NPPF).

112. Policy 1 of the Core Strategy, has a Presumption in Favour of Sustainable Development:

1. When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.
2. Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.

113. Policy 3 of the Core Strategy- Spatial Strategy identifies Ruddington as location for sustainable development and as such the principle of development on this site is supported by that policy.

114. The developable area of the site, through the Local Plan Part 2 is an allocation as set out in Policy 6.1 of the plan. This identifies the site as being suitable for 'around' 130 dwellings. Although the proposed number of dwelling is greater than the 130 set out in the local plan, the principle of residential development is acceptable.

115. Part of the site is located within the green belt and this is considered later in this report.

### Quantum of Development

116. The local plan sets out what should be considered as a suggested number of dwellings for the site and that is 'around' 130, whereas the proposal is for 167 dwellings. However, Section 3 of Local Plan Part 2 provides supporting information on the approach to the supply of housing land within the Borough. Of particular relevance, paragraph 3.12 advises; *"The number of dwellings it has been estimated will be delivered on the sites allocated for development within this Local Plan Part 2 has been calculated on a site by site basis. As a starting point, for sites up to a hectare in size their capacity has been calculated on the basis of a gross density of 25 dwellings per hectare; for sites between 1 and 3 hectares a 23 dwellings per hectare gross density has been used and for sites in excess of 3 hectares a 20 dwellings per hectare gross density has been used. In the case of certain sites, because of particular specific circumstances, an estimated dwelling capacity figure has been identified which does not necessarily follow this standardised approach."* Of particular relevance to the consideration of any planning application, the text goes on to advise; *"However, in all cases, the final number of dwellings on each of the allocated sites will be established at the planning application stage, following consideration of site specific detailed design matters and any other relevant planning considerations."* Therefore, in considering the greater number proposed in this instance, consideration must be given to the detailed matters of layout and design of the proposal and amenities of future occupants, as well as other material considerations, including both other local and national policies.
117. Chapter 11 of the NPPF advocates the use of minimum densities and requires decision and policies to make effective use of land, the scheme proposed achieves this in a number of ways.
118. The re-contouring of the site enables an adjustment to the flood plain and when judged against the Councils "Residential Design Guide" the scheme, although not fully compliant with the guide in terms of garden sizes, is considered an acceptable departure, due to the amount of public open space provided as part of the development offsetting the need for larger areas of private garden areas.
119. The initial application sought permission for 174 dwelling and this was reduced to 167 to secure improvements to the scheme and it is now considered an appropriate scheme which meets aims/requirements of para 117 of the NPPF, which advises that decisions should promote the effective use of land, whilst generally complying with our own residential design requirements. That being the case it is considered that the increase in numbers beyond those set out in the local plan are justified and acceptable.

### Impact on Flooding

120. One of the main concerns raised in respect of the application is the fact that the proposal involves building on an area identified as being at risk of flooding, Flood Zone 3, an area of greatest risk of flooding. The site also includes areas

identified as Flood Zone 2 and Flood Zone 1, the latter being areas at lowest risk of flooding.

121. The Local Plan allocation, Policy 6.1 criteria a), identifies this and requires that vulnerable development should not be located within that area affected by the flood zone. The supporting text to the policy confirms that; *“As the land contains significant areas within flood zone 2 and also a smaller area within flood zone 3 (adjacent to Packman Dyke and Wilford Road), the allocation was subject to the sequential test during the plan making process. As part of the scheme the site is regraded and contoured to create a development plateau raising it above the flood plain.”* The supporting text goes on to confirm that; *“The sequential test determined that no reasonable alternative sites are preferable to this allocation (having compared the sustainability of the sites and determining they are not reasonable alternatives).”*
122. The proposal has given rise to concerns from existing residents that the flood plain would shift affecting existing properties. The application was accompanied by a Flood Risk Assessment (FRA) demonstrating how this would be managed to prevent this. This would include raising the ground levels within the developable area to provide finished floor levels 600mm above the 100 year plus climate change flood level, lifting the site out of the floodplain, along with flood mitigation measures to include the establishment of an allowable flood area through ground profiling of the public open space to the north of the site, in order to relocate the flood risk entirely to the north of the site. In effect, all surface water from the development would be directed to the north of the site into the attenuation feature and ultimately into the realigned Packman Dyke. The combination of the surface water management techniques ensure that the flood levels of Packman Dyke do not increase and the site for development is removed from Flood Zone 3.
123. The details of the FRA have been examined by the statutory bodies who consider that the proposed mitigation measures are acceptable and would not adversely impact on existing dwellings, subject to the development being phased in an appropriate manner.
124. It is acknowledged that there is and has been standing water on the site and this is not uncommon for agricultural land. With the development of the site surface water of this nature, generally rain fall, would be managed through the drainage strategy proposed.
125. It has been questioned as to whether there are any sequentially preferable sites. As stated above, as part of the Local Plan preparation the site was sequentially tested and was found to be an acceptable sustainable site for development, a view agreed with at the Local Plan examination.
126. The scheme incorporates measures to accommodate and manage surface water run off by means of a drainage strategy, which includes an attenuation pond located within the wider area of open space adjacent to Packmans Dyke, following the hierarchy for drainage set out in the NPPG. Subject to the measures proposed in the FRA it is considered that the proposal meets criteria a) and b) of Policy 6.1 and the criteria set out in Policies 17, 18 and 19 of the Local Plan Part 2.

## Highways

127. The initial design of the proposal was not considered to be acceptable by the Highway Authority and through negotiations an acceptable scheme has now been achieved. This includes improvements to the footpaths and cycleways leading to the site, and an extension to the 30 mph speed limit along Wilford Road, commencing at a repositioned gateway to the village.
128. The internal layout has been amended to ensure that it meets the current highway design standards, and specifically to ensure that larger vehicles can manoeuvre within the site, and adequate parking for the development is provided.
129. A transport assessment was submitted with the application which examined the impact of the proposal on the wider highway network, including the village centre and the Highway Authority concluded that there would not be any adverse impact which would warrant any mitigation measures. Following the initial comments from the Highway Authority, an amended travel plan was submitted addressing concerns of the Authority and is now considered acceptable.
130. All the highway elements of the proposal have been examined in detail and amended by the applicants where required and the Highway Authority are now satisfied that all their concerns have been addressed and that the proposal is acceptable in highway terms subject to conditions.
131. The site does fall within that part of the Borough covered by the *A52/A606 Improvement Package Developer Contributions Strategy Memorandum of Understanding (May 2019)* and as such, a contribution of £1,550.02 per dwelling would be sought in accordance with the agreed strategy. The recommended conditions include a requirement to enter into a section 278 agreement with Highways England and the contribution would be collected through this mechanism, addressing the requirements of criterion e) of Policy 6.1 of LPP2.
132. It is now considered that all elements and requirements to deliver a safe access and internal layout are acceptable and the requirements of Policy 1 of the Local Plan Part 2 are met.

## Green Belt

133. One of the main objections to the proposal is that the site is within the Green Belt. As part of the Local Plan Part 2, the developable area of the site was allocated for residential development and was removed from the Green Belt as part of the allocation process and this has been accepted by the Inspector at examination, therefore it does not involve built development in the green belt for that element of the proposal.
134. The northern part of the proposal site, currently in agricultural use, does include some impact on the Green Belt, therefore that needs to be examined against Policy 21 of the Local Plan Part 2 and the NPPF chapter 13, Protecting the Green Belt.

135. The Framework requires that “once Green Belts have been defined, local planning authorities should plan positively to enhance their beneficial use, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land.”
136. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 146 of the NPPF sets out that certain forms of development that are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it, these include:
- b) engineering operations; and
  - e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds);
137. The elements of the proposal in the green belt are the re-aligned Packman Dyke, an attenuation pond linked to the development, an informal recreation area including footpaths around the site, tree and hedge planting and formation of various wild life habitats. These changes involve engineering operations, namely the realignment of the Packman Dyke and provision of the attenuation basin, and a change of use of the land from agricultural to recreational purposes. Therefore, it is considered that this aspect of the development does not constitute inappropriate development in the Green Belt. Furthermore, it is considered that the area of the site within the Green Belt will remain open and its appearance would be enhanced through appropriate landscaping. It is not, therefore, considered that the proposal would result in harm to the Green Belt, either by definition or through impact on openness, and it is not necessary for ‘very special circumstances’ to be demonstrated in this instance. It is therefore considered that the proposal does not conflict with Policy 21 of LPP2 or the policies within the NPPF.

### Ecology

138. It is recognised that there is some limited ecological value in the application site due to it being in agricultural use and heavily cultivated. The value is in the water course crossing the site and along the field boundaries.
139. Following the initial submission of an ecological assessment comments from the Boroughs Environmental Sustainability Officer and Nottinghamshire Wildlife Trust identified a number of possible areas where the proposed mitigation measures could improve the scheme, creating new habitats and an overall bio diversity net gain.
140. This resulted in revised proposals relating to the proposed open space to the north of the site. This creates rough grassland habitats, which will support grass snakes and reptiles, wet grasslands, attenuation features to create an aquatic habitat and foraging for birds and bats and small mammals, additional hedgerows would be planted, creating nesting sites and among other habitats, ballast would be positioned against the former railway line to encourage Grizzled Skipper Butterfly, which has been identified as a locally important species.

141. Following consultation with the Boroughs Environmental Sustainability Officer (ESO) and Notts Wildlife Trust, both acknowledge the proposed scheme would enhance biodiversity and result in a net gain. Therefore, they support the scheme subject to conditions to ensure the scheme delivery, a strategy for the translocation of the grass snakes on site and the ongoing future maintenance of the area.
142. Paragraph 170 of the NPPF states planning decision should contribute to the natural and local environment by minimising the impact on and provide net gain for biodiversity and this proposal achieves this. There will be a net gain for biodiversity on the site and the proposals are supported by the statutory bodies and considered to meet the relevant parts of criterion d) of Policy 6.1 of LPP2, insofar as it relates to biodiversity, and the requirements of policies 17 of the Core Strategy and Policy 38 of LPP2.

### Open Space Provision

143. The proposal incorporates an area of open space to the north of the site which would be laid out as an informal recreational/leisure area. There would be public access to the site, to both residents of the development and the wider community though the proposed footpath links from the development and Sellors Fields, providing a facility which will provide opportunities to aid the health and wellbeing of Ruddington residents.
144. The proposals also include the creation of wildlife habitats within this area and presents opportunities for biodiversity and as set out above the area is being utilised for that purpose.
145. As part of the proposal there are various small areas of open space within the development, but due to the proximity of Sellors Field, immediately adjacent the site, it is not considered necessary to provide any onsite play facilities. However, it is acknowledged that there would be a need for children's play facilities and it is proposed that this would be provided for by improvements to the existing facilities to Sellors Field. This would be achieved through a financial contribution in the region of £93,353, which could be made available to the Parish Council.
146. In accordance with the Borough Council's Leisure Facilities Strategy, there is a requirement to make provision for 0.16 ha. of allotments. The scheme does not provide for this on site so it is considered that a contribution of £12,191 should be sought to improve the existing facilities in the parish.
147. The location of the area of open space with its hedges, open grasslands, water feature and intermittent tree planting, replaces arable fields and would help the with the transition from the development into the surround countryside, maintaining the rural feel surrounding the village.
148. It is there for considered that the creation of the opens spaces within and to the north of the site satisfy criterion d) of Policy 6.1 of LPP2 and the requirements of policies 10, 12 and 16 of the Core Strategy and Policies 32 and 34 of the Local Plan Part 2.

## Housing Mix and Layout

149. The area of the site to be developed, i.e. excluding the area north of the current alignment of Packman Dyke, equates to approximately 6.6ha and with the proposed number of dwellings (167) this equates to a density of around 25dph, slightly above the recommended density for a site of this size of 20dph. It is considered that the proposed layout broadly conforms to the Borough Council's Residential Design Guide and achieving the aim of Section 11, para 117 Making effective use of land off the NPPF, any decision to refuse the proposal based on density would be difficult to substantiate. The matter of number of dwellings and density of development, and the background to the figures in the LPP2 is discussed in more detail above in the section under the heading of 'Quantum of Development'.
150. As set out in para 15 and 16 above, there is a wide mix of house types ranging from 4 bedroom detached properties to single bedroom bungalows and apartments of mixed tenure, as required by policy 8 of the Core Strategy. For Ruddington the requirement for affordable housing is 30% which is to be provided on site in this case.
151. Policy 12 of the Local Plan Part 2 requires that developments of sites over 100 dwellings will be required to deliver dwellings to meet peoples changing needs of at least 1% of the total number of dwelling proposed. In this case that equates to 2 dwellings which would be provided in the form of bungalows as part of the affordable house element and it is therefore considered that the requirements of Policy 12 are met.
152. The site is laid out to take account of its surroundings by enclosing the developed areas with open space. This includes an open frontage onto Wilford Road incorporating a 22 metre grass verge which will incorporate a footpath link to the wider area of open space and some tree planting, which will retain an open aspect to the entry into the village, satisfying criterion c) of Policy 6.1 of LPP2.
153. All areas of open space will be fronted by dwelling which will have main aspects overlooking these areas giving natural surveillance and helping security.
154. The layout specifically incorporates single storey dwellings along the south side of the site, which would share a common boundary with properties on Brookside Gardens and Brookside Road, to lessen any impact on those existing properties, with a back to back distance in excess of that required by the Residential Design Guide.
155. During the processing of the application the number of proposed dwelling was reduced to ensure each property meets the requirements of the Residential Design Guide and specifically with respect to garden sizes. In the main this was achieved but there are some which do not meet this. As guidance and taking into account the amount of publicly accessible space on and around the site, it was considered that reduced private garden areas could be justified in this instance.
156. The highway layout and design have been considered by the Highway Authority and through amendments, a layout which meets the Highway Design Guide has been achieved and would be adopted through the Section 38

process. All dwellings, with the exception of those in apartment blocks, would have a minimum of 2 parking spaces. The finished materials for the highway would be a mixture of Tarmac for the main roads with block paved inlays, while private drives and parking areas would be blacktop tarmac drives edged with Charcon Woburn graphite blocks.

157. Where boundary treatments are required to enclose rear private garden areas and abut the highway along the main spine road these would be 1.8m high screen walls, away from the spine road and in less visible location these would be 1.8m high close board fencing and 1.8m high panel fencing will be used between private rear gardens.
158. The site would incorporate landscaping within it and it has been indicated indicatively on the layout plan. Landscaping will be subject to recommended conditions requiring full details to be submitted for consideration. Having regard to the factors discussed in this section, it is considered that the proposal complies with Condition 10 (Design and Enhancing Local Identity) of the Core Strategy and Policy 1 (Development Requirements) of the LPP2.

### Air Quality

159. Air quality has been raised as a concern by residents and the need for an air quality impact assessment raised. The site is not close to any air quality management areas in Rushcliffe, and it is anticipated that not all traffic using the site will travel to the City and as such it is unlikely that it would have an impact on air quality in the City. Notwithstanding this, air quality was a consideration during the Local Plan process, and the City council were consulted as part of that process on this allocation and did not raise any concerns in this respect. On that basis it is considered that there would be no impact on air quality, locally or in the wider area, or justification to seek an air quality impact statement.

### Health

160. It is acknowledged by the NHS Clinical Commissioning Group that there is pressure on existing health facilities due to the rapid expansion of the village and they are now at capacity. On that basis they seek a financial contribution to extend the Ruddington Medical Centre or for increasing capacity at neighbouring practices.
161. As eluded to above, there would be, as part of the scheme, provision of a large area of public open space, which in itself would encourage outdoor recreation and the associated health benefits, meeting the requirements of policy 12 of the Core Strategy.
162. The applicant is aware of the health requirements and is prepared to enter into a section 106 agreement to make the appropriate contributions. It is accepted that there is likely to be some impact on health facilities, but also that these can be mitigated against by appropriate contributions.

### Planning Obligations and Community Infrastructure Levy (CIL)

163. Planning obligations (also known as Section 106 Agreements or 'planning gain') are obligations attached to land that is the subject of a planning

permission. They are used to mitigate or compensate for the negative impacts of a development or to prescribe the nature of a development. They are intended to make acceptable developments which would otherwise be unacceptable by offsetting the impact by making local improvements. Because they apply to the land not the applicant, planning obligations transfer with the land to future owners of the site.

164. The Community Infrastructure Levy Regulations set out legal requirements for planning obligations which must be:
  - a. Directly relevant to planning;
  - b. Necessary to make the proposed development acceptable;
  - c. Directly related to the proposed development; and
  - d. Reasonable and in proportion to the development.
  
165. In this particular proposal contributions would sought for the following:
  - a. the provision of play equipment for Sellers Field, £93,353;
  - b. Allotment provision in the Parish £12,191;
  - c. Bus stop improvements £19,000;
  - d. Education, Primary School, £609,910;
  - e. A Travel plan monitoring fee of £1500 pa for 5 years; and £900 pa for subsequent years up to and including the year after the end of construction.
  - f. Contribution towards bus stop improvements of £19,000.
  - g. Monitoring fee, amount to be determined by final number of obligations in the Section 106 agreement.
  
166. In addition to the above a further contribution of £1,550.02 per dwelling (£258,853.34) would be sought in accordance with the *A52/A606 Improvement Package Developer Contributions Strategy Memorandum of Understanding*, which will be sought through an appropriate condition.
  
167. Further details of the section 106 obligations is set out in the table attached to this report.
  
168. The Borough Council adopted a Community Infrastructure Levy on 7 October 2019. CIL liable developments will be required to make payments, based on the charging schedule, for expenditure on the types of infrastructure set out in the Infrastructure List. Based on the most up-to-date layout plan (Rev W) for this development, the total CIL liability, assuming that all the affordable units are eligible for social housing relief, would be a provisional figure of £524,772.45. The Parish Council would receive 15% of the total figure, £78,715.87 (based on the provisional figure). The Parish Council would be able to spend this money on projects within the Parish. It is not considered appropriate to seek the contribution requested by the Parish Council, for a community centre and parish office, through the Section 106, however, the Parish Council could obviously use any CIL receipts for this purpose.
  
169. The Parish Council also requested a contribution of £100,000 to enhance and improve the facilities and public open space at Sellors Field. However, a similar request was received from the Community Development Manager, for a sum of £93,353, calculated using an established formulaic approach. This contribution would be sought through the Section 106 contribution and the

Parish Council would be entitled to bid for this money for proposals to improve the play equipment at Sellers Field.

170. Whilst the CCG has requested a contribution based on their standard formulaic approach, contributions for health care are now included in the Infrastructure List and would not, therefore, be the subject of an obligation within a section 106 agreement associated with any permission for the development of this site but would be secured through the CIL payments due from the development.

### Planning Balance

171. The Local Plan Part 2 was adopted in October 2019 and as such the relevant development plans against which this application should be assessed are the Local Plan Part 1: Core Strategy and Local Plan Part 2: Land and Planning Policies, along with the National Planning Policy Framework and any other material planning consideration.
172. The site is allocated in the Development Plan for residential development at Policy 6.1 of part 2 of the Local Plan and this should be given substantial weight when considering the proposal. The second element to the proposal is the creation of area of public open space, which would result in the creation of bio diversity net gain while giving public access to the site with its health and wellbeing benefits, this too is given substantial weight in the planning balance. The development site does include development within a an area at risk of flooding (Zone 2 and 3) which would weigh against the development, but a flood mitigation scheme has been proposed, which the relevant bodies have accepted as appropriate and therefore this becomes a neutral element in the planning balance. The quantum of development exceeds that proposed within the local plan, however with the element relating to flooding being mitigated against and the delivery of the biodiversity net gain as part of the scheme should be given appropriate weight in the planning balance. Chapter 11 of the NPPF requires decision and policies to make effective use of land, the scheme proposed achieves this in a number of ways and this should be given appropriate weight in the planning balance.
173. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that *“where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise.”* Given the matters discussed in this report and the planning balance described above, the application should be determined in accordance with the development plan and it is not considered that there are any adverse impacts or factors that outweigh the policy position.
174. The application was subject to pre-application discussions and further negotiations have taken place during the consideration of the application in order to address any adverse impacts identified by officers or in responses from consultees. As a result, improvements have been made to the scheme, which is considered to be compliant with the policies of the Core Strategy and Local Plan Part 2.

### **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 approved shall be implemented in accordance with the following plans and documents:

- a. Site Layout and house types as set out on that plan and submitted with the application. MI133-SL-001W - received 22 January 2020;
- b. Surface Materials MI133-SL-003G - received 22 January 2020;
- c. Materials Layout MI133-SL-002H - received 22 January 2020;
- d. Means of Enclosure MI133-SL-004E - received 31 October 2019;
- e. Site Access Design WOE14515-SA-03-001-AO7 received 4 December 2019;
- f. Misc. Engineering Refuse Vehicle Tracking MI133-EN-035A - received 12 December 2019;
- g. Flood Risk Assessment WM11065 - FRA & DS V3.0 - received 31 October 2019;
- h. Combined Report Ground conditions 15 May 2019;
- i. Report of Community and Stakeholder Engagement 15 May 2019;
- j. Landscape Masterplan DEF\_063C.002 Rev C - received 24 January 2020;
- k. Arboricultural Assessment - received 15 May 2019;
- l. Geophysical Survey - received 15 May 2019;
- m. Landscape and Visual Impact Appraisal - received 15 May 2019;
- n. Design and Access Statement - received 15 May 2019;
- o. Planning Statement, Oxalis Planning 15 May 2019;
- p. Transport Assessment Addendum - received 15 May 2019;
- q. Framework Travel Plan - received 15 May 2019;
- s. The biodiversity Metric - received 3 October 2019
- t. Ecological Mitigation measures DEF\_063C.003 - received 3 October 2019

[For the avoidance of doubt and to comply with Policy 1 (Development Requirements) and Policy 6.1 (Housing Allocation – Land West of Wilford Road, Ruddington) of the Rushcliffe Borough Local Plan Part 2: Land and Planning Policies, in the interests of amenity, and to accord Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy].

3. No development hereby permitted shall take place until an appropriate agreement under Section 278 of the Highways Act 1980 has been entered into with Highways England to facilitate improvements to A52 junctions in accordance with the provisions of the A52/A606 Improvement Package Developer Contributions Strategy Memorandum of Understanding May 2019.

[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 interest of road safety. The agreement is a

pre-commencement requirement due to the need to design an appropriate scheme for the site to ensure a comprehensive development and to avoid abortive works by the applicant(s)].

4. No development shall take place until the details of a Construction Management Plan is submitted and approved in writing by the Local Planning Authority. The Statement shall have regard to the CEMP and LEMP approved under conditions 12 and provide for:

- Access and parking of vehicles of site operatives and visitors;
- Loading and unloading of plant and materials;
- Storage of plant and materials used in constructing the development;
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- Measures to control the emission of noise, dust, dirt and vibration during construction;
- A scheme for recycling/disposing of waste resulting from construction works;
- Hours of operation (including demolition, construction and deliveries);
- A scheme to treat and remove suspended solids from surface water run-off during construction;
- An earthworks strategy to provide for the management and protection of soils including handling, stripping and stockpiling and reuse;
- 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;
- Scheme for temporary signage and other traffic management measures, including routing and access arrangements. The agreed access shall be provided before development commences; and
- The routing of deliveries and construction vehicles to/from the site, to limit where practicable approach to the site from the west along Bunny Lane, and any temporary access points.

The development shall thereafter be carried out in full accordance with the approved Construction Method Statement throughout the construction period.

[In order 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 to comply with Policies 6.1 (Housing Allocation – Land West of Wilford Road, Ruddington) and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies. 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. No development shall take place, excluding topsoil strip, earthworks to form flood compensation area, development platform, realigned watercourse, balancing ponds and foul sewer diversion, survey works in connection with ecology and archaeology, 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 base level.

[To ensure the development is constructed to highway adoptable standards and to ensure compliance with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies. These details are a pre-commencement requirement due to the need to design an appropriate scheme for the site to ensure a comprehensive development and to avoid abortive works by the applicant(s)].

6. The development shall not be brought into use unless or until the following works have been provided in accordance with plans previously submitted to and approved in writing by the Local Planning Authority:
  - i. The proposed new site access junction on Wilford Road as shown indicatively on Drawing no. WIE-SA-03-001-A07.
  - ii. The proposed Village Gateway on Wilford Road as shown indicatively on Drawing No. WIE-SA-03-001-A07.
  - iii. The proposed footway/cycleway improvements on Wilford Road as shown indicatively on Drawing No. WIE-SA-03-001-A07.

Thereafter the approved works shall be implemented, retained and maintained in accordance with the approved details for the lifetime of the development.

[To ensure a suitable form of access is provided, in the interest of highway safety residents and to ensure compliance with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

7. No dwelling shall be occupied until the driveway and parking areas associated with that plot has been surfaced in a bound material, and constructed with provision to prevent the unregulated discharge of surface water from the driveways and parking areas to the public highway. The surfaced drives and parking areas and provision to prevent the unregulated discharge of surface water shall then be maintained in such bound material for the life of the development.

[In the interests of highway safety residents and to ensure compliance with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

8. Prior to first occupation the owner or the occupier of the site shall appoint 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 (WIE14515-101-R-4-3-3-Framework Travel Plan) 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 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy.]

9. The travel plan coordinator shall, within 6 months of the first occupation, produce or procure a Detailed 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 consistent with the Interim Travel Plan to be submitted to and approved in writing 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 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy].

10. The travel plan coordinator shall submit reports 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 Framework monitoring periods. The monitoring reports submitted to the Local Planning Authority shall summarise the data collected over the monitoring period 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 and which shall inform individual Travel Plans.

[To promote sustainable travel in accordance with the aims of Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy.]

11. Prior to the commencement of the development hereby permitted a scheme of on plot (excluding private rear gardens) and public open space landscaping shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include:
  - a. planting plans;
  - b. written specifications including cultivation and other operations associated with tree, plant and grass establishment;
  - c. a schedule of plants noting species, plant sizes and proposed numbers/densities;
  - d. existing landscape features such as trees, hedges and ponds to be retained accurately plotted (where appropriate);
  - e. existing landscape features such as trees, hedges and ponds to be removed accurately plotted (where appropriate);
  - f. existing and proposed finished levels (to include details of grading and contouring of earthworks and details showing the relationship of proposed mounding to existing vegetation and surrounding landform where appropriate);
  - g. a timetable/ phasing for implementation and completion of the landscaping scheme;
  - h. a Landscape Management Plan, including long term design objectives, management responsibilities;
  - i. details of how the landscape proposals comply and compliment with the ecological requirements under condition 12.
  - j. Details of the footpath/cyclepath connections within the wider site area.

Thereafter the approved scheme shall be carried out in accordance with the

approved details and implemented and completed in accordance with the approved timetable. If within a period of five years from the date of the soft planting pursuant to this condition that soft planting is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced by planting to be agreed with Local Planning Authority. This replacement planting shall be undertaken before the end of the first available planting season (October to March inclusive for bare root plants), following the removal, uprooting, destruction or death of the original trees or plants.

[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 10 (Design and Enhancing Local Identity), and Policy 16 (Green Infrastructure, landscape, Parks and Open Space) of the Local Plan Part 1 Rushcliffe: Core Strategy and Policies 1 (Development Requirements) and 6.1 (Housing Allocation – Land West of Wilford Road, Ruddington) of the Rushcliffe Local Plan Part 2: Land and Planning Policies. These details are a pre-commencement requirement due to the need to design an appropriate scheme for the site to ensure a comprehensive development, due to the need to ensure adequate mitigation is in place before any intrusive site works take place and to avoid otherwise abortive works by the applicant(s)].

12. No development shall take place until a Landscape & Ecology Management Plan (LEMP) is submitted to and approved in writing by the local planning authority. The LEMP shall have full regard to the mitigation and enhancements together with the summary and conclusions of the Ecological Assessment dated and shall include:

- Details of habitat creations and enhancement of hedgerows;
- Bird and bat boxes shall be integrated into the building fabric (the former targeting house sparrow, starling and swift) into the fabric of a proportion (circa 20%) of the proposed dwellings/their garages;
- Ongoing management of the SUDS and landscaped areas for the benefit of wildlife and biodiversity;
- 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; and
- A pre-commencement walkover survey for badgers/grass snakes by an appropriate ecologist.

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

[To ensure the appropriate wildlife protection is provided during development, and 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 (Biodiversity) of the Rushcliffe Local Plan Part 1: Core Strategy and to comply with Policies 1 (Development Requirement) and 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the Rushcliffe Borough Local Plan Part 2: Land and Planning Policies. This is a pre-commencement condition due to the need to ensure adequate mitigation is in place before any intrusive site works take place].

13. Prior to the commencement of any development on site, a grass snake translocation strategy shall be produced and submitted to the Local Planning Authority for approval. Any approved scheme shall be implemented in full thereafter.

[To ensure that a process is in place to take proper account of Grass snakes which have been identified on site which are a protected under the Wildlife and Countryside Act 1981 and it is an offence to injure or kill them, and to comply with Policy 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the Rushcliffe Borough Local Plan Part 2: Land and Planning Policies. This is a pre-commencement condition due to the need to ensure adequate mitigation is in place before any intrusive site works take place].

14. No part of the development hereby approved shall commence until a detailed surface water drainage scheme based on the principles set forward by the approved Flood Risk Assessment (FRA) and Drainage Strategy WM11065 - FRA & DS V3.0, Wardell Armstrong, has been submitted to and approved in writing by the Local Planning Authority. The scheme to be submitted shall provide justification for the use or not of infiltration, including the results of soakaway testing, in accordance with BRE 365. The scheme shall thereafter be implemented in accordance with the approved details prior to completion of the development.

[To ensure that the developments has sufficient surface water management, and does not increased risk of flooding onsite nor does it increase the flood risk off-site in accordance with the NPPF and to comply with Policies 1 (Development Requirements) 17 (Managing Flood Risk) and 18 (Surface Water Management) of the Rushcliffe Local Plan Part 2: Land and Planning Policies. These details are a pre-commencement requirement due to the need to design an appropriate scheme for the site to ensure a comprehensive development, due to the need to ensure adequate mitigation is in place before any intrusive site works take place and to avoid otherwise abortive works by the applicant(s)].

15. The development shall be carried out in accordance with the submitted flood risk assessment (ref Flood Risk Assessment and Drainage Strategy V3.0, August 2019, Wardell Armstrong) and the following mitigation measures it details:
- a. Finished floor levels shall be set no lower than the levels shown on drawing WM11065-113 on page 105 of the FRA.
  - b. Construction shall be phased as described in section 4.5.1 of the FRA.
  - c. Compensatory storage shall be provided as described in section 4.3 of the FRA. These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements.

Thereafter the measures detailed above shall be implemented, retained and maintained throughout the lifetime of the development.

[To reduce the risk of flooding to the proposed development and future occupants, to prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided, and to prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site in accordance

with Policies 1 (Development Requirements), 6.1 (Housing Allocation – Land West of Wilford Road, Ruddington), 17 (Managing Flood Risk) and 18 (Surface Water Management) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

16. 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;
  - c. the timing and provision of internal footpaths/cyclepaths;
  - d. The development shall be carried out in accordance with the approved phasing plan unless otherwise agreed in writing by the local planning authority.

The development shall thereafter be carried out in accordance with the approved phasing plan.

[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, in accordance 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]

17. No development shall take place until the 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 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies 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.]

18. No removal of hedgerows, trees or shrubs shall take place between 1st March and 30th 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.]

19. Prior to installation of any lighting, full details shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include a lux plot of the estimated illumination along with details of the heights, locations, design and finish of the lighting. The installations shall be designed, located and installed so as not to cause a nuisance to neighbouring residents, and to avoid significant impacts on foraging commuting bats. The lighting shall thereafter be installed, retained and maintained 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 Policies 10 (Design and Enhancing Local Identity) and 17 (Biodiversity) of the Rushcliffe Local Plan Part 1: Core Strategy and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

20. The development hereby permitted shall not commence until drainage plans for the disposal of foul sewage have been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented in accordance with the approved details before the development is first brought into use.

[To ensure that adequate drainage facilities are provided in connection with the development as well as to reduce the risk of creating or exacerbating a flooding problem in accordance with Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and to comply with Policies 1 (Development Requirements), 17 (Managing Flood Risk) and 20 (Managing Water Quality) of the Rushcliffe Local Plan Part 2: Land and Planning Policies. This is a pre commencement condition to ensure that flood risk and sewage capacity requirements are mitigated and the measures can be incorporated in to the build phase].

21. No development shall commence until details of the finished floor and ground levels in relation to a fixed datum point, existing site levels and adjoining land levels has been submitted and approved in writing by the Local planning Authority. Such details shall have regard to the drainage strategy for the site. Thereafter the development shall be undertaken in accordance with the approved details

[To ensure a satisfactory development in the interests of amenity, accessibility and highway safety and to comply with Policy 1 (Development Requirements) of the Local Plan Part 2: Land and Planning Policies. This is a pre commencement condition to ensure that the development is undertaken with agreed levels from the outset and to avoid otherwise abortive works by the applicant(s)].

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

[To make sure that the site, when developed is free from contamination, in the interests of public health and safety and to comply with Policy 1 (Development Requirements) of the Rushcliffe Borough Local Plan Part 2: Land and Planning Policies].

23. 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.

[To comply with the requirement of Section 92 of the Town and Country Planning Act 1990 (as amended) and to ensure the development will be satisfactory and satisfy Policies 1 (Presumption in Favour of Sustainable Development) and 5 (Employment Provision and Economic Development) of the Rushcliffe Local Plan Part 1: Core Strategy. These details are a pre-commencement requirement due to the need to design an appropriate scheme for the site to ensure a comprehensive development].

24. 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.

[To assist in reducing travel demand by enabling working from home initiatives in accordance with the aims of Policy 19 (Developer Contributions) of the Rushcliffe Local Part 1 - Core Strategy].

25. No dwelling shall be occupied until a standard 32 amp single phase socket for the charging of electric vehicles has been fitted at an appropriate position in accordance with details previously submitted to and approved in writing by the Local Planning Authority. Thereafter the charging points shall be installed, maintained and operated in accordance with the approved scheme for the lifetime of the development.

[In order to address the causes and impacts of climate change and to enable the use of non-carbon based technology in accordance with the guidance contained within the National Planning Policy Framework, Policies 1 (Presumption in Favour of Sustainable Development), 2 (Climate Change) and 10 (Design and Enhancing Local Identity) of the Rushcliffe Borough Local Plan Part 1: Core Strategy of the Rushcliffe Local Plan Part 1: Core Strategy and

Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

26. With the exception of habitat creation and landscaping, there shall be no other groundworks undertaken within the highlighted area on the western boundary of the site as depicted as areas 1 and 2 on plan ref: DWG 03a Interpretation – North of the Geophysical Survey Report dated 18<sup>th</sup> April 2019. If during the undertaking of the works set out in this condition, any items of archaeological interest are found, the developer shall inform the Borough Council immediately.

[That part of the site shows up as considerable activity which may contain archaeological remains and the condition is required to ensure compliance with Policy 29 (Development Affecting Archaeological Sites) of the Local Plan Part 2: Land and Planning Policies].

### **Notes to Applicant**

The Local Lead Flood Authority should be re-consulted with any changes to the submitted and approved details of any FRA or Drainage Strategy which has been provided. Any deviation from the principles agreed in the approved documents may lead to us objecting to the discharge of conditions. Who will provide you with bespoke comments within 21 days of receiving a formal consultation.

Work affecting an ordinary watercourse requires consent from the lead local flood authority which in this instance is Nottinghamshire County Council. It is best to discuss proposals for any works with them at an early stage.

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.

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 make every effort to prevent it occurring.

Section 38 Agreement (Highways Act 1980) - 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. 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.

In order to satisfy the requirements of conditions 5 and 6 the Highway Authority will need to undertake a full technical design check of the your detailed design drawings. Discharge of any conditions relating to highway layouts will not be recommended until this process is complete and full technical approval of the highways drawings has been granted. We therefore strongly recommend technical approval for your drawings is obtained from the Highway Authority prior to any formal reserved matters submission.

Travel Plan - Advice regarding travel plans can be obtained from the Travel Plans Officer on telephone 0115 9774323. Correspondence with the Highway Authority should be addressed to:

Highway Development Control Section  
Highways South  
Nottinghamshire County Council  
County Hall  
West Bridgford  
Nottingham, NG2 7QP

In respect of any conditions relating to drainage:

The developer must produce a comprehensive drainage strategy for the site. This strategy must include how surface water is to be dealt with. In particular showing how no surface water will be allowed to enter the foul or combined system through any means.

Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i) Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and / or surface waters; and
- ii) Provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The strategy shall also demonstrate how any land drainage issues will be resolved. A hydraulic modelling study may be required to determine if the proposed flows can be accommodated within the existing system and if not, to identify what improvements may be required. If the surface water is drained sustainably, this will only apply to the foul drainage.

Severn Trent may need to undertake a more comprehensive study of the catchment to determine if capital improvements are required.

If Severn Trent needs to undertake capital improvements, a reasonable amount of time will need to be determined to allow these works to be completed before any additional flows are connected.

Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.

In respect of ecology:

- a. Mature trees should be retained where possible.
- b. The hedgerows should be largely retained and enhanced.
- b. Hedgerow's should be buffered with a flower rich grassland strip.
- c. New wildlife habitats should be created where appropriate, including wildflower rich neutral and / or wet grassland and / or wetlands and ponds should be created and hedgehog corridors.
- d. Artificial wild bird nest sites should be installed within buildings (including for swifts and sparrow terraces) and roost / nest boxes on retained trees (including for tree sparrows).
- e. Good practise construction methods should be adopted including:
- f. 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.
- g. No works or storage of materials or vehicle movements should be carried out adjacent to the Packmans Dyke.
- h. If protected species are found during works, work should cease until a suitable qualified ecologist has been consulted.
- i. 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.
- j. Your attention is draft to the requirements of condition 17 limiting the period when any trees or hedgerows should be removed. Every effort should be made to ensure that any trees or hedgerows are not removed during the bird nesting season and the practice of netting trees or hedgerows to prevent birds nesting should be avoided where practicable.

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](mailto: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.

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](mailto:carol.w.collins@talk21.com)

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.