

19/01983/REM

Applicant Mr Aaron Grainger

Location Land North Of Asher Lane Ruddington Nottinghamshire

Proposal Reserved matters application for outline permission 18/00300/OUT to seek approval of the access, appearance, landscaping, layout and scale for the development of 175 new dwellings

Ward Ruddington

THE SITE AND SURROUNDINGS

1. The site comprises of an arable field measuring a total of 9.68 ha in area. It is located south-west of the village of Ruddington. The field is bounded by mature hedgerows. Ruddington is located approximately 7km to the south of Nottingham, between the A60 to the east and the former Great Northern Railway Line to the west.
2. The site is bordered to the north by the private rear residential gardens of properties located along the south side of Musters Road and Western Fields. The southern boundary adjoins, in part, the private allotment gardens known as Buttercup Gardens and Asher Lane, beyond which is Rushcliffe Country Park. The western boundary is parallel to an informal public footpath with the Great Central Railway Line beyond. To the east, beyond a smaller arable field, is a second private allotment garden known as Hareham Gardens.
3. Following the adoption of the Rushcliffe Local Plan Part 2: Land and Planning Policies in October 2019, the site is no longer in the Green Belt and is allocated for housing.

DETAILS OF THE PROPOSAL

4. The application seeks approval of the following matters; access, appearance, landscaping, layout and scale, which were reserved following the granting of outline planning approval, on appeal, for the erection of 175 dwellings. Access to the site would be via 75 Musters Road (followings its demolition).
5. The proposal would provide 122 open market houses and 53 affordable units (30%), including 4 bungalows. With the exception of the bungalows, all dwellings would provide two storey accommodation. The proposed housing mix is set out in the tables below:

Market Housing	
Accommodation	Number of Units
3 bedroom semi-detached	14
3 bedroom detached	19
4 bedroom detached	65
5 bedroom detached	24
Total Market Housing	122

Affordable Housing	
Accommodation	Number of Units
1 bedroom terraced	4
1 bedroom semi-detached	4
2 bedroom terraced	6
2 bedroom semi-detached	10
3 bedroom terraced	15
3 bedroom semi-detached	8
4 bedroom semi-detached	2
2 bedroom semi-detached bungalow	4
Total Affordable Housing	53

SITE HISTORY

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

Statutory Replacement Local Plan and the guidance contained within the National Planning Policy Framework, in particular paragraph 123.

8. The 16/03123/OUT application was the subject of an appeal, considered at a Public Inquiry in April 2018. The Inspector subsequently allowed the appeal and made the following observations.
9. With regards to highway issues he concluded that; *“the currently un-adopted status of that part of Asher Lane within the site would not prevent suitable access to the proposed development; that the narrowness of the northern adopted part of Asher Lane within the village would be unlikely to give rise to a severe impact on highway safety; and that the proposed development would not result in unacceptable congestion at the A60 junction in the absence of any mitigation scheme there. I acknowledge that there may be a necessity at the High Street junction to prevent parking and servicing near to the junction and that this will cause inconvenience and possibly some loss of passing trade to the shop premises in the vicinity of the junction. But the highway impact of this, in terms of capacity at this junction as well as pedestrian safety and convenience would not only mitigate the impact of the traffic from the proposed development but would actually provide betterment and this would outweigh any such impacts. For these reasons I conclude that the proposed development would not result in severe residual cumulative impacts on the local highway network.”*
10. With regard to the Green Belt issues, he stated that; *“There would clearly be harm to the Green Belt by inappropriateness, loss of openness and some incursion into the countryside to the south of the village. But such harm would be minimal in terms of the five purposes of the Green Belt set out in the NPPF and the criteria in Core Strategy Policy 4. The harm would be less than that created by the development of the Council’s preferred sites, which in themselves attest to the need to develop Green Belt sites on the edge of Ruddington. There is no other harm that would arise from the proposed development, given my conclusion that it would not result in severe residual cumulative impacts on the local highway network. In my judgement the harm to the Green Belt by reason of inappropriateness, loss of openness and incursion into the countryside would be clearly outweighed by these other considerations and very special circumstances have been successfully demonstrated. The proposed development would accord with the Council’s spatial strategy in Core Strategy Policy 3, which requires a minimum of 250 new homes in Ruddington within the plan period (to 2028). This can only be achieved by building in the Green Belt and in this respect the proposal would accord with the direction of the emerging Local Plan Part 2, albeit not on the likely favoured sites. For these reasons the proposed development would comply with Core Strategy Policies 3 and 4, albeit this decision does not change existing Green Belt boundaries. It would comply with NPPF Chapter 9 (now Chapter 13), specifically with paragraphs 80, 87 and 88, and therefore also with Policy EN14 of the Replacement Local Plan which has the same requirements.”*
11. With regard to the third reason for refusal on noise grounds, prior to the Public Inquiry, the agents submitted a revised Noise Assessment Report which concluded that, subject to acoustic glazing, passive ventilation and close boarded acoustic fencing, noise from the nearby kennels would not unduly harm the living conditions of future residents of the development.

12. 18/00300/OUT – a further outline planning application for 175 dwellings was submitted in February 2018. The application was in all respects the same as that allowed on appeal, except for the indicated location of the proposed vehicular access being via 75 Musters Road, as opposed to Asher Lane. This application was refused by Planning Committee for the following reasons;
 - i The proposed access arrangements to the development would give rise to unacceptable impacts on the amenities of the properties immediately adjacent to the proposed access (73 Musters Road and 1 Western Fields), and properties in the wider area fronting Musters Road and Distillery Street, by reason of noise and disturbance from increased vehicle movements and traffic generation. Therefore, the proposal is contrary to Policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan and policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy. The proposal would also be contrary to paragraph 127 of the National Planning Policy Framework 2018, particularly criterion a) and f).
13. The applicants subsequently submitted an appeal, which was considered by way of written representations. The appeal was allowed and outline planning permission was granted for the erection of 175 dwellings with all matters reserved.

REPRESENTATIONS

Ward Councillor(s)

14. One Ward Councillor (Cllr Walker) objects to the proposal and considers that the density of the buildings make the development over-intensive. The affordable houses are too small. There are also concerns that not all of the roads will be constructed to an adoptable standard which could lead to issues with maintenance in the future.
15. Cllr Walker subsequently reiterated her objection and provided clarification that the traffic objection is to do with the works traffic, and subsequent resident traffic, that will be going through our village. The possible damage to Conservation Area that will be caused due to the lack of decent accessibility.

Town/Parish Council

16. The Ruddington Parish Council object to this application on the following grounds:
 - a. The density of the buildings make the development over-intensive.
 - b. The affordable houses are too small.
 - c. The design of the houses should be more in keeping with existing properties in the village.
 - d. There are also concerns that not all of the roads will be constructed to an adoptable standard which could lead to a lack of maintenance in the future.

Statutory and Other Consultees

17. Nottinghamshire County Council as Highway Authority advise that the principle of the proposed site access arrangement was considered and accepted as part of the outline application (18/00300/OUT), granted on appeal. This will be subject to technical approval under the Section 278 process.
18. They reviewed the internal layout of the site and advise that the following points should be addressed before the Highway Authority can recommend approval of the application:
 - As the proposal involves a single point of access, a carriageway width of 6.75m will be required for the initial access road, to the point at which it branches off within the development. This is to prevent the development becoming blocked in the event of an incident.
 - Appropriate vehicular visibility splays at the internal junctions and forward visibility splays on the bends are required to be shown within the development in accordance with current Nottinghamshire's Highways Design Guide (HDG). There shall be no planting within these visibilities or these areas can be shown as part of the future footway. It is noted that the layout plan submitted illustrates hedges/trees adjacent to all junctions, and if left unmaintained these will impact on visibility.
 - Carriageway widening will be necessary on the bends in accordance with current HDG.
 - The layout includes long straights, and gradual curves. Traffic calming will be required in accordance with HDG.
 - Swept path analysis will be required to confirm a refuse vehicle can manoeuvre through the development.
 - Some of the turning heads around the perimeter of the site detail the carriageway immediately abutting green space. These should be amended to include service strips.
 - 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. It is noted that the layout plan submitted details hedging/trees obstructing pedestrian visibility splays, and this should be amended.
 - Bin collection points will need to be provided at the entrances to all private drives, and these should be indicated on the layout plan. The location of these must not impact on the pedestrian visibility splays required.
 - It is noted that some of the proposed off-street parking spaces are shown as substandard in width to the requirements in current HDG. Any unobstructed parking space shall be min. 2.4m wide, a parking bay obstructed on one side by a wall, hedge, fence or similar obstruction shall be shown as min 2.9m wide, and any bays obstructed on both sides, shall be min. 3.4m wide. The applicant will need to check the plan and amend each parking bay that is substandard in its dimensions.
 - The private drive widths should be designed appropriate for the number of dwellings served, in accordance with Figure DG20 of HDG.
 - Some of the shared private drives appear to be provided with insufficient manoeuvring space. A minimum of 6m reversing space should be provided to the rear of all parking spaces.

19. Following the submission of revised plans, the Highway Authority advise that they are now content with the layout as proposed and recommend conditions. They also advise that the layout of the internal roads will be subject to a technical approval checking process as part of a section 38 agreement of the Highways Act 1980. It should be noted that some minor changes may be required in order to satisfy the detailed technical requirements of the Section 38 road adoption agreements.
20. Highways England advise that the proposals will have no material impact upon the Strategic Road Network (SRN). As such Highways England have no further comments to make.
21. East Midlands Airport – raise no aerodrome safeguarding objections and recommend conditions in respect of temporary or permanent street lighting and that measures should be secured to control excessive dust and smoke. In addition, they recommend informatives, including advising the developer of the need to engage with EMA Safeguarding prior to construction commencing on site and that any tall equipment or cranes may require a permit
22. Trent Valley Internal Drainage Board advise that the site is outside of the Trent Valley Internal Drainage Board district but within the Board's catchment. There are no Board maintained watercourses in close proximity to the site. Under the provisions of the Flood and Water Management Act 2010, and the Land Drainage Act 1991, the prior written consent of the Lead Local Flood Authority, Nottinghamshire County Council, is required for any proposed works or structures in any watercourse outside those designated main rivers and Board Drainage Districts. 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.
23. All drainage routes through the site should be maintained both during the works on site and after completion of the works. Provisions 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.
24. Nottinghamshire County Council as Lead Local Flood Authority raise no objection and recommend the approval of the reserved matters application. Any surface water management conditions on the outline approval will still require discharging.
25. Notts County Council Planning Policy advise that they do not have any strategic planning comments to make at this time.
26. The Borough Council's Community Development Manager suggests that based on 175 dwellings and an average of 2.3 residents per dwelling this

equates to 402 new residents which will create additional demand which can't be met by existing provision.

27. Children's play - For Children's play on site provision of equipped play space Local equipped area for Play (LEAP) equivalent of 0.25 hectares per 1,000 = 0.1005 hectares is required. With regards the siting and location of the play area proposed, attention is drawn to The Fields in Trust National Playing Fields Association General Design Principles Guidance which recommends that that play areas should be sited in open, welcoming locations and visible from nearby dwelling or well used pedestrian routes. The current location of the public open space play is adjacent to what appear to be a balancing pond. A detailed play area design scheme should be submitted prior to final approval of this development. The plan should detail the amount, type of play equipment, safety surfacing, fencing, benches, bins, layout of play equipment, mitigation of hazards prior to final approval. For the avoidance of doubt the play area needs to be sufficient in size to cater for both toddlers and junior residents allowing for challenge and progression through their development stages.
28. Unequipped play/amenity public open space - as a new site, provision should be made for on site unequipped play space of at least 0.55 per 1000 population = 0.2211 hectares. The substantial linear area of public open space in the west and north of the site should include trim trail equipment and areas for informal recreation such as walking and picnicking. A design and access statement should be provided which includes these details prior to formal approval. The linking paths should be 3 metres wide to allow for pedestrians and informal cycling.
29. Community Infrastructure Levy (CIL) for indoor and outdoor sports - This site is liable for a CIL contribution towards indoor and outdoor sports provision.
30. 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 0.1608 hectares for allotments. If an onsite provision is unachievable an offsite contribution of £12,775 would be sought.
31. The Borough Council Environmental Health Officer comments that within the outline planning permission are conditions to require the applicant to submit a construction management plan and also noise mitigation measures. As these are on the outline planning approval, they are not required to be recommended at this reserved matters stage. Therefore, no objections are raised and no further conditions recommended.
32. The Borough Council's Environmental Sustainability Officer notes that a Landscape Strategy Plan has been submitted, this provides illustrative landscaping with examples of species proposed. This appears to be within the layout of the Illustrative Masterplan, supplied during the application, (as amended through the change of access), however as it does not specify detailed species to be used and where, he is unable to recommend that condition 1 has been fulfilled. He also notes no documentation has been

submitted to fulfil condition 6, 16 or 17 of the Schedule of Conditions from the Appeal Decision.

33. Rushcliffe Borough Council Strategic Housing comment that the revised plan that has been submitted includes 2 x 2 bed bungalows for Affordable Rent and 2 x 2 bed bungalows for Social Rent, the previous plans did not include any bungalows. This revision is supported as it addresses the concerns over the lack of provision of accommodation for the elderly. The revised affordable housing mix as shown is more in line with the Council's requirements. There has also been some revision of the affordable housing plots to improve the degree of pepper potting of the affordable units. The revised plan is an improvement on the previous iteration. Ideally, there should be further pepper potting to ensure a more integrated development but there would be no overall objection to the scheme from a strategic housing perspective as the plans are broadly in line with the Council's requirements.

Local Residents and the General Public

34. 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. Traffic generation in the village and within the vicinity of the site, leading to congestion and highway safety issues. Object to access over Distillery Street.
 - b. Proposed junction with Musters Road substandard. Concerns for highway safety and safety of children in area.
 - c. Impact of traffic on property adjacent access, which effectively becomes corner plot.
 - d. Two access points should be provided (Musters Road and Asher Lane).
 - e. Layout bears little resemblance to outline plans.
 - f. Plans refer to drain along northern boundary, not aware that this exists.
 - g. Concerns over drainage.
 - h. Access crosses culvert, not constructed to withstand such weight, if this collapsed would adversely affect a number of residents.
 - i. Housing shown to be closer to northern boundary and existing properties with reduced landscape buffer – adversely impacting on existing residents.
 - j. Inadequate landscaping – landscaping needed to form buffer between proposed dwellings and existing properties. Obligation needed to ensure any trees that die within first three years are replaced.

- k. Plans show two areas of affordable housing crammed together – insufficient plot size, need to spread more evenly to avoid creating ‘ghetto like’ areas.
- l. Wrong location for housing.
- m. Liability for maintenance of open spaces.
- n. No play area shown.
- o. Development will lead to heavy vehicles in village, restrictions needed on weight/size of vehicles and timing of movements.
- p. Need 4 and 5 bedroom houses in village.
- q. Disappointed over approved access.
- r. Infrastructure in village cannot support more houses.
- s. Size of development will impact on quality of life in village.
- t. Previous objections overruled. Residents feel that their previous objections have been ignored and question whether process is democratic.
- u. No bungalows proposed.
- v. Average density of the proposal is 11 properties to acre. Affordable houses are at 16.85 dwellings per acre with family homes at more generous 9.5 dwellings to the acre.
- w. Location of affordable housing will impact on existing residents.
- x. Layout suggests social segregation not integration.
- y. Play area near pond raising safety concerns for children.
- z. To what extent will houses incorporate energy efficient standards.
- aa. Not clear if Avant Homes own all the land, if not notices should have been served.
- bb. Site is currently farmland which should be preserved. Impact on existing allotments.
- cc. Enforced 20mph speed limit for this area and Ruddington as a whole needed.
- dd. Green Belt is building plot in waiting.
- ee. Impact in wildlife and ‘eco structure’.
- ff. Decision in advance of adoption of Local Plan Part 2 premature.

- gg. Requirements of the development should align with Neighbourhood Plan.
35. A number of residents refer to objections (submitted in connection with previous outline applications 16/03123/OUT and 18/00300/OUT) without reiterating them in their latest submission. These representations are available on the Borough Councils website.

PLANNING POLICY

36. 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.
37. 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. The plan is therefore in the early stages of preparation and can be afforded only limited weight.

Relevant National Planning Policies and Guidance

38. The relevant national policy considerations for this proposal are those contained within the 2019 National Planning Policy Framework (NPPF) and the proposal should be considered within the context of a presumption in favour of sustainable development as a core principle of the NPPF. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area. In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development. There are three dimensions to sustainable development, economic, social and environmental.
39. The presumption in favour of sustainable development is detailed in Paragraph 11. For decision making this means;
- “c) approving development proposals that accord with an up-to-date development plan without delay; or
 - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting planning permission unless;
 - i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (and designated as Green Belt); or
 - ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.”

40. Paragraph 109 goes on to state that; *“Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”*
41. The proposal falls to be considered under section 12 of the NPPF (Achieving well- designed places) and it should be ensured that the development satisfies the criteria outlined under paragraph 127 of the NPPF. Development should function well and add to the overall quality of the area, not just in the short term but over the lifetime of the development. In line with paragraph 130 of the NPPF, permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Relevant Local Planning Policies and Guidance

42. The following policies of the Rushcliffe Local Plan Part 1: Core Strategy are considered to be of relevance:
- Policy 1 – Presumption in Favour of Sustainable Development
 - Policy 2 – Climate Change
 - Policy 3 – Spatial Strategy
 - Policy 8 – Housing Size, Mix and Choice
 - Policy 10 – Design and Enhancing Local Identity
 - Policy 14 – Managing Travel Demand
 - Policy 17 – Biodiversity
43. The following policies of the Rushcliffe Local Plan Part 2: Land and Planning Policies (LPP2) are considered to be of relevance:
- Policy 1 – Development Requirements
 - Policy 12 – Housing Standards
 - Policy 18 – Surface Water Management
 - Policy 37 – Trees and Woodlands
44. Policy 6.4 – Housing Allocation – Land North of Asher Lane, Ruddington is of particular relevance to the current proposal. The policy allocates the site for a development of around 175 homes and sets out criteria that the development will be expected to meet. The requirements of this policy are discussed in further detail in the Appraisal section below.
45. The policies in the Core Strategy and Local Plan Part 2 which are of particular relevance to the current application will be expanded upon and included in the assessment of the proposal below. The policies are available in full along with any supporting text on the Council’s website at:
<https://www.rushcliffe.gov.uk/planningpolicy/localplan/>.

APPRAISAL

46. The principle of developing the site for residential purposes has been established through the grant of the outline planning permission and allocation of the site in Local Plan Part 2. In considering the first appeal, the Inspector also had regard to highway matters and the impact of traffic likely to be generated by the development on the wider highway network in the area. On

the issue of highway impacts, the Inspector concluded that, subject to implementation of offsite highway improvements, the proposed development would not result in severe residual cumulative impacts on the local highway network. In dealing with the subsequent appeal, the Inspector commented that there was no substantive evidence to suggest that the scheme previously approved would not be implemented should the appeal fail and that there was, therefore, more than a theoretical possibility that it would be implemented. He therefore attached significant weight to the valid fall-back position and focussed his attention on the main difference between the fall-back scheme and the appeal scheme before him which involved access from Musters Road.

47. As matters of the principle of the development and impact of the development on the highway network were examined through the appeal process and found to be acceptable, the main considerations in the determination of the current application are as follows:
- Compliance with Policy 6.4 of Local Plan Part 2 (LPP2)
 - Assessment of the reserved matters, namely access, layout, scale, appearance and landscaping

Compliance with Policy 6.4

48. Two previous appeals to the planning Inspectorate against the refusal of planning permission for the development of this site with 175 dwellings, the first with access from Asher Lane and the second with access from Musters Road, involving the demolition of an existing property. In light of the decision to grant planning permission at appeal, the site was allocated in the Local Plan Part 2 and the site was removed from the Green Belt. Policy 6.4 of LPP2 sets out criteria that proposals will be expected to satisfy. These are discussed below in further detail.
49. a) Asher Lane must be brought up to adoptable highway standard, including the provision of a footpath along its entire length – the first application proposed access from Asher Lane and was allowed at appeal on 23 May 2018. As a consequence, the site was included for allocation at the Main Modifications stage (consulted upon from late May until early July 2019) of the preparation of LPP2 and the criteria within the policy reflect proposals contained within that submission. Planning permission was subsequently granted at appeal with alternative access proposed from Musters Road, involving the demolition of an existing property. This subsequent appeal was allowed on 13 June 2019, at an advanced stage in the preparation of LPP2. The site could effectively be developed pursuant to either of the outline permissions. However, the current application for approval of reserved matters has been submitted pursuant to the more recent approval of outline planning permission, with access from Musters Road, and as such, the requirement for Asher Lane to be brought up to an adoptable highway standard, including the provision of a footpath along its entire length, are not considered to be necessary.
50. b) appropriate junction Improvements including traffic signals to the High Street/Kirk Lane/Charles Street junction and the A60/Kirk Lane/Flawforth Lane junction – the outline planning permission was granted subject to a condition specifying that, prior to any dwellings being occupied, offsite highway improvements shall be completed, including junction Improvements to the High Street / Kirk Lane / Charles Street junction and the A60 / Kirk Lane / Flawforth

Lane junction, in accordance with details which shall first be submitted to and approved in writing by the Borough Council. Details are yet to be submitted to discharge this condition, however, none of the dwellings could be occupied until such time that these works have been completed.

51. c) mitigation of on-street car parking on Asher Lane, between Musters Road and Distillery Street – the condition referred to in paragraph 50 above also requires the provision of measures for the mitigation of on-street car parking on Asher Lane, between Musters Road and Distillery Street. Details of such measures are yet to be submitted, however, this condition will need to be discharged independently of the consideration of the current application and the measures will need to be provided before any dwellings on the development could be occupied.
52. d) existing trees and hedges must be retained – the site has a long established use for agricultural purposes and as such the main body of the site does not contain any trees, all hedgerows and trees are restricted to the boundaries of the site. Condition 7 of outline planning permission requires that, with the exception of the sections to be removed to enable the provision of the vehicular and pedestrian access points, the hedgerows located along the southern, western and northern boundaries of the site shall be retained. In addition, the condition specifies that any part of the hedgerows removed, dying, being severely damaged or becoming seriously diseased shall be replaced. The site layout plan shows the retention of natural growth on the boundaries of the site and the Landscape Strategy plan shows new planting within the site. The plan does not specify size and species of planting and a condition is recommended to secure these details.
53. e) a financial contribution to a package of improvements for the A52(T) between the A6005 (QMC) and A46 (Bingham) – the outline planning permission was subject to a condition specifying that, no development shall take place until such time that an appropriate agreement under Section 278 of the Highways Act 1908 has been entered into with Highways England to facilitate improvements to junctions on the A52. The financial contribution for these works would be collected by Highways England through the Section 278 agreement.
54. f) development should be consistent with other relevant policies in the Local Plan. The relevant policies are referred to below in appraising the development.

Reserved Matters

55. Access - Policy 1 of LPP2 (Development Requirements) sets out requirements for developments and a set of criteria that development will be expected to meet. In particular, a suitable means of access can be provided to the development without detriment to the amenity of adjacent properties or highway safety and the provision of parking is in accordance with advice provided by the Highways Authority. The principle of access from Musters Road was established when the application for outline planning permission was considered and granted at appeal. At that stage, access was reserved for subsequent approval. The plans accompanying the current application show a detailed access layout, which has been subject to consideration by the Highway Authority. Following submission of initial comments by the Highway

Authority, revised plans have been submitted to address initial concerns raised with the proposal. This has included widening of the initial section of the access road to a width of access road to 6.75 metres, in accordance with the requirements of the Highway Authority. The final design of the junction with Musters Road and the access road will need to be subject to a separate technical approval process with the Highway Authority. This will deal with matters such as construction, gradients, height of kerbs etc. Fundamentally, for the purpose of considering this application, the principle of the access and layout are considered to be acceptable and compliant with the requirements of Policy 1 of LPP2.

56. Layout – Policy 8 (housing Size, Mix and Choice) of the Core Strategy, amongst other things that new residential developments provide a proportion of affordable housing, in the case of Ruddington the level of affordable housing required would be 30% of the total number of dwellings proposed. The obligations within the Section 106 agreement associated with the outline planning permission requires the provision of 30% affordable housing. Furthermore, the current proposal includes the provision of 53 affordable dwellings, equating to 30.3% of the total number of dwellings being provided. Therefore, the proposal is compliant with this aspect of Policy 8. The policy does not specify how this housing should be distributed throughout the development but, in general, there is an expectation that the dwellings will be ‘pepper potted’. In this instance, the units are concentrated in two general areas. However, whilst the units could be better distributed throughout the development, the road layout is such that the units front different roads and parking courts and are not all located on the same road. This layout has been the subject of discussions with the Strategic Housing team and the layout is considered to be acceptable. The Section 106 associated with the outline planning permission requires the submission of an affordable housing scheme which will provide/confirm details of the numbers, locations, specification and mix, and method and programme for securing the provision of the affordable housing.
57. Chapter 3 of LPP2 deals with Housing Development and Housing Land Supply. Paragraph 3.12 explains how the supply of dwellings has been calculated with reference to the capacity of sites, expressed as dwellings per hectare. As a starting point, for sites in excess of 3 hectares, a gross density of 20 dwellings per hectare has been used. The application site at Asher Lane has a gross area of approximately 9.68 hectares. The resultant gross density would be approximately 18.1 dwellings per hectare. The layout provides for appropriate levels of private amenity (garden) space and public open space for use by residents. Therefore, notwithstanding the comments from the Ward Councillor, the Parish Council and local residents, the development is not considered to be over-intensive.
58. The criteria within Policy 1 of LPP2 (Development Requirements), referred to above, requires that there should be no significant adverse effect upon amenity, particularly residential amenity of adjoining properties or the surrounding area, by reason of the type and levels of activity on the site, or traffic generated; and sufficient space is provided within the site to accommodate the proposal together with ancillary amenity and circulation space.

59. The site is bounded only to the north by existing properties which front Musters Road and Western Fields. To the east is an open field with allotments beyond, to the south is Asher Lane beyond which is the Rushcliffe Country Park and to the west the site is bounded by a public footpath with open countryside beyond. Concern has been expressed that the development would have an adverse impact on properties to the north of the site. In particular, concern has been raised that the plan submitted with the outline submission showed a buffer area between the existing and proposed houses and that this has been reduced significantly in width on the plans which accompany the current submission. The plan submitted at the outline stage was submitted for illustrative purposes only, although condition 1 of the permission granted at appeal specified that the application for reserved matters shall be in accordance with the parameters set on the illustrative Master Plan. This showed a strip of land along the northern boundary, between the proposed dwellings and northern boundary, adjoin properties on Musters Road, of around 10 metres. The area as shown on the plans submitted with the current application to be around 5 to 6 metres wide. This is not considered to be considerably narrower or to have significant implications for the impact of the proposed dwellings on the properties along Musters Road.
60. A number of the properties along the northern edge of the development are orientated with their gable end facing the boundary, including two pairs of semi-detached bungalows. The distance between the gable ends of the bungalows and the boundary would measure around 7.5 metres (a minimum of approximately 20 meters to the rear elevation of properties on Musters Road) and the minimum distance between the gable end of the two storey properties and the boundary would measure approximately 10 metres (a minimum of approximately 28 meters to the rear elevation of properties on Musters Road). The house type plans show that there would be no habitable room windows in the side elevation of these properties, any windows would be limited to first floor windows service landings.
61. The layout includes a number of dwellings on the northern edge of the development with the rear elevations facing north and intervening garden spaces between the dwellings and buffer strip. The minimum distance between the rear elevation of these dwellings and the boundary of the site would be 13.5 metres and the distance between the rear elevation of the proposed dwellings and the rear elevation of the dwellings on Musters Road would be a minimum of around 28 metres. Given the distances involved and arrangement of windows, it is not considered that the proposed development would result in overbearing or unacceptable overlooking or loss of privacy. The area in the north west corner of the site, adjacent the rear boundaries of properties on Western Fields, is shown as open space, incorporating the attenuation basin, which would form part of the sustainable urban drainage system. There would be no built form in this area, close to the boundary, and as such, there would be no over-bearing or overlooking impacts on these properties.
62. Concern has been expressed that the access to the site would have an adverse impact on the amenities of the occupiers of the dwellings adjacent to the access road. This factor was considered by the Inspector who identified the main issues in determining the appeal were, inter alia, "*... the effect the proposed development would have on the living conditions of the occupiers of No.73 Musters Road and No.1 Western Fields (No.73 & No.1) ... with particular*

regard to noise and disturbance from vehicle movements and traffic generation.” In considering this issue, he noted that “The Council’s EHO was satisfied with the findings of the July 2018 NA and advised the Council that a condition be imposed to ensure implementation of the recommended mitigation measures set out in that NA. These measures would include the erection of a 2 metre high acoustic fence along the side boundaries of No.73 & No.1 as well as around their rear gardens and those of the properties next to them.” He concluded that “... with the implementation of appropriate noise mitigation measures which can be conditioned, there would not be unacceptable harm to the living conditions of the occupiers of No.73 & No.1 ...” He imposed a condition requiring the submission of a scheme for the erection of a 2m high acoustic fence along the side boundaries of No.73 & No.1 as well as around their rear gardens and those of the properties next to them.

63. The layout would make provision for open space, amounting in total to an area of around 25,500 sqm (2.5 hectares), the majority of which, approx. 22,000 sqm (2.2 hectares), would be located along western/southern side of development. The Community Development Manager advises that an area of unequipped play of approximately 0.22 hectares should be provided, such an area should be suitable for children’s play. Therefore, areas which are narrow or incorporate the attenuation basin would need to be deducted from total area. Even when deducting areas not suitable for children’s play, including the area that would be occupied by attenuation basin, the development would provide well in excess of the 0.22 hectares required. Furthermore, the site is located in closed proximity with and having good links to the Rushcliffe Country Park. It is considered that the proposal is compliant with this aspect of Policy 1 of LPP2.
64. Appearance and Scale – Policy 10 of the Cores Strategy relates to matters of Design and Enhancing Local Identity. The policy requires that, amongst other things, all development should be designed to make a positive contribution to the public realm and sense of place; create an attractive, safe, inclusive and healthy environment; and reinforce valued local characteristics. Furthermore, in the context of the appearance and scale of the development, the policy requires that proposals are assessed in terms of the massing, scale and proportion of the development and the materials, architectural style and detailing of the buildings.
65. Policy 1 – Development Requirements of Local Plan Part 2 sets out criteria that developments will be expected to meet. Of relevance to the appearance and scale of the development, the policy requires that the scale, density, height, massing, design, layout and materials of the proposal is sympathetic to the character and appearance of the neighbouring buildings and the surrounding area.
66. Ruddington is characterized by buildings of varying age, style and design. The historic core of the village is characterised predominantly by buildings from the nineteenth and early twentieth centuries. Ruddington has expanded over the years with a wide variety of housing types and designs. The site is bounded to the north by Musters Road and Western Fields with properties built during the latter half of the twentieth century. These properties are of varying designs and appearance. It is considered that, overall, there is no prevailing character within the village. The proposed dwellings would be of traditional design and, with the exception of four bungalows, would all be two storeys in height. It is

considered that the dwellings would be sympathetic to the varied character and appearance of buildings found within the village.

67. It is proposed to use two bricks throughout the development, Forterra Atherstone Red with red engineering bricks for feature bricks and Forterra Measham – Hampton Rural Blend with blue engineering bricks for feature bricks. The engineering bricks would be used to pick out details such as window heads, corner features and string courses. The brick choice would result in a predominance of red brick throughout the development, the Atherstone having a single colour across the face of the brick with a flat finish and the Hampton Rural Blend having more of a mottled appearance with a textured finish. The concrete roof tiles would have a flat profile with thin leading edges, giving a slate like appearance, in dark grey and brown. Some render is proposed, as detailed in the house type brochure submitted with the application, typically to first floor projecting gables on front elevation.
68. The layout (materials) plan also provides details of the means of enclosure/boundary details across the site. The garden areas to the properties would be enclosed by 1.8m high close boarded fences. The majority of the corner plots would have the outer boundary to the garden (adjacent to the highway) defined by a 1.8m high brick wall. The plan also shows a 0.45m high timber knee rail along the inner edge of the open space, e.g. along the edge of private drives, and also around part of the attenuation basin.
69. Landscaping – Policy 37 (Trees and Woodlands) of LPP2 requires, in relation to new development that; *“Wherever tree planting would provide the most appropriate net-gains in biodiversity, the planting of additional locally native trees should be included in new developments. To ensure tree planting is resilient to climate change and diseases a wide range of species should be included on each site.”* The application was accompanied by a Landscape Strategy plan showing the structure and location of new planting within the site. The plan does not specify size and species of planting and is considered that these details can be secured by a condition, should the application be approved.

Other Matters

70. Requirements of previous permission - the requirements and conditions of the relevant outline planning permission (ref: 18/00300/OUT) and the associated section 106 agreement remain enforceable against this development. To date, a submission has been received to discharge condition 17 of the outline planning permission in respect of archaeology. Clearly all other conditions will need to be discharged/complied with in accordance with the relevant triggers.
71. The section 106 agreement in respect of the outline planning permission requires that 30% of the dwellings are affordable, in accordance with the requirements of Policy 8 of the Core Strategy (Housing Size, Mix and Choice). In addition, the section 106 requires the payment of financial contributions in respect of health care, library stock, primary school education, secondary school education, sports facilities, transport and a monitoring contribution. Other obligations relate, amongst other things, to the provision and maintenance of open space and an equipped play area.

72. The Community Development Manager has commented on the current submission and requested that contributions are sought for allotment provision. In addition, he has commented that this site is liable for a CIL contribution towards indoor and outdoor sports provision. However, the section 106 obligations and contributions were agreed at the outline planning permission stage and additional contributions cannot be sought in response to an application for approval of reserved matters. Furthermore, the outline planning permission was granted before the adoption of the Community Infrastructure Levy (CIL) and would not, therefore, be CIL liable. Nevertheless, the section 106 obligations require the payment of circa £80k towards the provision and/or improvement of sports pitches and changing facilities un Ruddington.
73. Concern has been raised over the impact of drainage from the development. The outline planning application was accompanied by a Flood Risk Assessment which incorporated a drainage strategy. The application was the subject of consultations with the Environment Agency and the Nottinghamshire County Council as Lead Local Flood Authority, both organisations did not object to the proposals, subject to additional details of the drainage scheme being provided. In allowing the appeal, the Inspector imposed a drainage condition requiring layout and specifications for the surface water drainage system. The plans show an attenuation basin and swales in the north western corner of the site. The condition of the outline is yet to be discharged. However, the principle of a sustainable urban drainage system and the requirements of the Lead Local Flood Authority is that the surface water run-off from the development should be no greater than green field run off rates and that there would be betterment over and above the existing situation, prior to the development of the site.
74. The section 106 agreement which is associated with the outline planning permission defines the open space as “... *those parts of the land which are to be provided and permanently maintained as open space (including the Play Area and any Sustainable Drainage System) to serve the development ...*” The obligations within the S106 require the submission of an Open Space Scheme which shall include the timing, location and method for securing the provision, permanent availability, management and maintenance of the open space. This should ensure that the open space is appropriately maintained in the long term.
75. The plans show the provision of a Local Equipped Area of Play towards the north western corner of the site, within the area between the access road and attenuation basin. The Community Development Manager draws attention to the Fields in Trust National Playing Fields Association General Design Principles Guidance which recommends that that play areas should be sited in open, welcoming locations and visible from nearby dwellings or well used pedestrian routes. The play area would be overlooked by a number of the new dwellings, providing surveillance to the area, and the plans indicate that it would be accessed and located on a footpath that runs around ... the development. It is therefore considered that the proposals are compliant with the guidance referred to above. The Community Development Manager has suggested that the details of the play equipment should be provided before the determination of the application, however, this is not considered to be necessary. Furthermore, the Section 106 agreement requires that an open space scheme should be submitted before development commences on site and this should include details of the play area and the timing of its provision.

76. Concern has been expressed that not all the roads on the development would be constructed to an adoptable standard. The layout does show some houses accessed over what would be described as private driveways, i.e. a road/shared surface that serves a small number of dwellings. Such driveways would not normally be adopted by the Highway Authority, however, such features are not uncommon on modern estates. The maintenance of such driveways would be a matter to be addressed through the conveyance of the dwellings that would gain access over such driveways.
77. East Midlands Airport raised no safeguarding objection but recommended conditions in respect of temporary or permanent street lighting and that measures should be secured to control excessive dust and smoke. Any street lighting within the areas to be adopted by the Highway Authority would need to be designed to the British Standard BS:5489, which controls levels of spill and direction, and would therefore normally be designed and capped to avoid any glare directly upward. It is not, therefore considered necessary to seek to control the design of such lighting through a condition. However, other lighting, such as any on private drives or security lighting could be controlled by a condition. With regard to the issues of dust and smoke, the outline planning permission was the subject of a condition requiring the submission of a construction management plan which, amongst other things, included a requirement to provide details of measures to control dust but not smoke. However, whilst the proposal would involve the demolition of 75 Musters Road, there is no significant demolition required to develop the site and unlikely to be any need to burn materials on site, as such the risk of significant smoke being generated is therefore considered to be low. Furthermore, it is in any event considered that such restrictions may not be enforceable under the planning legislation. As an alternative, it is recommended that a note to applicant is included on any decision notice highlighting that the site is in close proximity to flight paths for East Midlands Airport and that the burning of material on site should be resisted to avoid significant smoke which might interfere with aircraft on approach to the airport.
78. The proposal was not the subject of a formal pre-application submission, however, discussions have taken place with the applicant's agent during the consideration of the application to clarify certain aspects of the proposal and to address potential adverse impacts and technical requirements of the development, including addressing various issues raised by the Highway Authority. As a result of this process, amendments have been made to the scheme, addressing the issues raised.

RECOMMENDATION

It is RECOMMENDED that approval of reserved matters be granted for the access, scale, appearance, layout and landscaping of the development subject to the following condition(s)

1. The development shall be carried out in accordance with the following approved plans:
 - Planning Layout – Drawing Number ASH-SL-001 Rev H
 - External Materials – Drawing Number MUST_EX_001 Rev A
 - House Type Brochure – Rev A
 - Landscape Strategy Plan – Drawing Number 9160_L_01 Rev A

- Section 278 Layout General Arrangement – Drawing Number 1703-301 Rev A
- Engineering Layout North Plan (detailing levels) – Drawing Number PA/1703-102 Rev D
- Engineering Layout South Plan (detailing levels) – Drawing Number PA/1703-103 Rev D

[To ensure an acceptable development in accordance with Policy 10 (Design and Enhancing Local Identity) 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].

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

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

3. No building shall proceed above foundation level until such time that a landscaping scheme, to include those details specified below, has been submitted to and agreed in writing by the Borough Council:
 - (a) the treatment proposed for all ground surfaces, including hard areas;
 - (b) full details of tree planting;
 - (c) planting schedules, noting the species, sizes, numbers and densities of plants;
 - (d) finished levels or contours;
 - (e) functional services above and below ground;
 - (f) all existing trees, hedges and other landscape features, indicating clearly those to be removed; and,
 - (g) the phasing and timescales for planting to take place

The approved landscaping scheme shall be carried out in accordance with the approved details and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Borough Council gives written consent to any variation.

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

4. No development shall take place, excluding topsoil strip, earthworks to form 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 an adequate form of development in the interests of highway safety and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

5. The boundary treatment/means of enclosure, as detailed on the 'External Materials' plan, drawing number MUST_EX_001 Rev A, shall be erected prior to the occupation of the respective dwelling(s). In addition, details of the timing of the provision and ongoing maintenance of the timber knee rail shown on the plan shall form part of the open space scheme required pursuant to the Section 106 agreement. The means of enclosure shall be erected pursuant to the approved details and thereafter retained for the lifetime of the development.

[To ensure an acceptable appearance to the development and to comply with Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 1 (Development Requirements) of the Local Plan Part 2: Land and Planning Policies].

6. The flat roof area over the single storey element on the rear of the Welbury house type shall not at any time be enclosed or used as a balcony/roof terrace.

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

7. The dwellings hereby approved shall be designed and constructed to meet the higher Optional Technical Housing Standard for water consumption of no more than 110 litres per person per day.

[To promote a reduction in water consumption and to comply with criteria 3 of Policy 12 (Housing Standards) of the Local Plan Part 2: Land and Planning Policies].

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

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

9. Prior to the installation of any lighting to private drives or security lighting/floodlighting details of any such lighting shall be submitted to and approved in writing by the Borough Council, together with a lux plot of the estimated illuminance. The lighting shall be installed only in accordance with the approved details.

[To avoid unacceptable upward glare/light spillage in the interests of the amenities of the area and to comply with and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

10. No dwelling shall be occupied until the access road and reconfigured junction with Musters Road and Western Fields has been constructed in accordance with the approved plan, Section 278 General Arrangement – Drawing Number 1703-301 Rev A.

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

11. No dwelling shall be occupied until the vehicle access, parking, manoeuvring and turning areas for that dwelling have been constructed in accordance with the approved drawings, and are available for use.

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

12. No dwelling shall be occupied until the driveway and parking areas associated with that plot have been surfaced in a bound material for a minimum distance of 5 metres behind the highway boundary, and which shall be drained to prevent the discharge of surface water from the driveway to the public highway. The bound material and the provision to prevent the discharge of surface water to the public highway shall be retained for the lifetime of the development.

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

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order (England) 2015, Schedule 2, Part 1, the garages contained within the housing plots hereby approved shall be kept available for the parking of motor vehicles at all times and the garages shall not be altered, reduced in size or converted to additional living accommodation without planning permission first having been obtained from the Local Planning Authority.

[To ensure the parking provision for each plot is made available at all times for the parking of vehicles to prevent increased on street parking which would cause a detriment to highway safety and to comply with Policy 1 (Development Requirements) of the Local Plan Part 2: Land and Planning Policies].

Notes to Applicant

East Midlands Airport advise that:

- Any Tall Equipment and Cranes used on site may require a permit from EMA Safeguarding, applications via the EMA Safeguarding Website below.
- Any renewable energy sources to be used on site must seek prior approval from EMA Safeguarding.

- A pre-start meeting to be arranged with EMA Safeguarding prior to construction starts.

Email ops.safety@eastmidlandsairport.com with reference number 2019-S29. Web: <https://www.eastmidlandsairport.com/about-us/operational-documents/safeguarding/>

You are advised that the site is in close proximity to flight paths for East Midlands Airport and that the burning of material on site should be resisted to avoid significant smoke which might interfere with aircraft on approach to the airport or cause a danger to aircraft engines.

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.

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.

Condition 7 requires the new dwellings to meet the higher 'Optional Technical Housing Standard' for water consumption of no more than 110 litres per person per day. The developer must inform their chosen Building Control Body of this requirement as a condition of their planning permission. Guidance of this process and the associated requirements can be found in Approved Document G under requirement G2, with the requirements laid out under regulations 36 and 37 of the Building regulations 2010.

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

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.

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

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

Section 38 Agreement (Highways Act 1980) - The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the Highways Authority. The new roads and any highway drainage will be required to comply with the Nottinghamshire County Council's current highway design guidance and specification for roadworks. Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the Highway Authority as early as possible.

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

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