

21/03201/VAR

Applicant Simon Waterfield

Location Former RAF Newton Aerodrome Wellington Avenue Newton Nottinghamshire

Proposal Variation of Condition 34 (Delivery and distribution operating hours) of planning permission 19/01871/VAR to increase the hours for deliveries to and distribution associated with the existing B8 uses (hangars 1 -5), including plant and associated equipment, to provide more flexible delivery times

Ward East Bridgford

Full details of the proposal can be found [here](#).

THE SITE AND SURROUNDINGS

1. The site comprises several former aircraft hangers originally constructed as part of the former Royal Air Force Station at Newton, which, until relatively recently, accommodated a wide range of buildings, bunkers and hard standing associated with the former use. Except for the former control tower (which has been converted to residential use), and the larger hangars, the former RAF buildings have now been demolished and the site is predominantly cleared save for the trees on site, areas of hard standing and the aforementioned structures and residential development of 528 dwellings has commenced. The former grass airfield has reverted to agricultural use, but the remnants of former bunkers/training buildings and kennelling are visible on the perimeter of the former airfield.
2. The village of Newton is to the north-east of the site and comprises the older part of the village, which fronts onto Main Road, and the former Royal Air Force (RAF) housing around the central access road of Wellington Avenue. New residential development has been completed to the south of and served off Wellington Avenue. Access to the proposal site is presently through Wellington Avenue or via the link road (Newton Lane) to the rebuilt Margidvnm roundabout created with the A46 improvements.
3. The site is a strategic allocation in the Rushcliffe Local Plan Part 1: Core Strategy (Policy 22) and was removed from the Nottinghamshire Green Belt when the Core Strategy was adopted in December 2014.

DETAILS OF THE PROPOSAL

4. The application seeks to vary condition 34 (delivery and distribution operating hours) of planning permission 19/01871/VAR to increase the delivery hours to and distribution associated with the existing B8 uses in Hangars 1-5 to provide more flexible times.
5. Currently the hours are restricted by Condition 34 as follows:

6. *“Deliveries to and distribution associated with the existing B8 uses (hangars 1 -5) including plant and equipment, shall only take place between the hours of 08:00 - 18:00 Monday to Friday, 09:00- 13:00 Saturday and not at all on Sundays and Bank Holidays.”*
7. This proposal initially sought to vary condition 34 to allow the following:
8. *“Deliveries to and distribution associated with the existing B8 uses (hangars 1 -5) including plant and equipment, shall only take place between the hours of 06:30 - 20:00 Monday to Friday, 08:00- 16:00 Saturday, 10:00-14:00 Sundays and not at all on Bank Holidays.”*
9. The submission states that the application seeks to amend the hours in which deliveries and distribution can take place to allow greater flexibility. The submission also states that the “...origins of Condition 34 date to a time where Wellington Avenue was the only access into the site and was necessary to protect the residential amenity of those living on Wellington Avenue. Given that Wellington Avenue is no longer the access for commercial traffic, following the opening of the link road, the primary purpose for these time restrictions no longer exists.
10. *In addition, current B8 uses have an extended geographic customer base leading to longer delivery times, particularly given the lack of suitable layover areas. Therefore, we respectfully request that the current restrictive hours are increased to allow suitable delivery and distribution times as set out in the application.”*
11. During the determination of the application, officers sought further reductions in the proposed hours from the applicants to seek to address the concerns raised locally and by colleagues in environmental health. The applicants agreed to further reduce the proposed delivery and distribution hours to as follows:
12. *“Deliveries to and distribution associated with the existing B8 uses (hangars 1 -5) including plant and equipment, shall only take place between the hours of 07:00 - 19:00 Monday to Friday, 08:00- 16:00 Saturday, not at all on Sundays and Bank Holidays.”*
13. The application therefore proposes an additional 6 hours a week that vehicles could delivery to and collect from the hangars. Mon-Fri 07:00-19:00 would be 1hr earlier and 1hr later than currently permitted, Sat 08:00-16:00 would be 1hr earlier and 3hrs later than currently permitted and Sundays and Bank Holidays would remain unaltered from the current position.

SITE HISTORY

14. A Section 73 application (ref: 19/01871/VAR) seeking variation of conditions 2, 3, 4, 5, 6, 8, 10, 11, 12, 13, 15, 16, 21, 22, 24, 26, 29, and 43, and removal of condition 41 of 16/02864/VAR to relocate village centre and memorial, remove bus gate, replace play areas with 'hierarchy of play space', removal of TPO trees, relocation of public art focal point, removal of references to 'green squares/squares' and to focal building in village centre, revision to

swales/ponds, retention of bridleway in existing alignment, retention of north west car park, and revised access to allotments was sought. This application largely sought to remove the requirement of a "bus gate" that would prevent vehicular access to the site via Wellington Avenue, consolidate play areas and also provide clarification on the likely level of tree loss as a result of the road alignment to the south of the application site. The application sought variation to a significant number of conditions that referred to specific plans that detailed the above features. Permission was granted for the variation in February 2020 and that included a variation to the Section 106 agreement.

15. Most recently application ref 19/02689/REM seeking Reserved Matters (linked to application for outline permission 19/01871/VAR) for the approval for the access, appearance, landscaping, layout and scale of 528 dwellings was submitted in November 2019 and approved in July 2020.

REPRESENTATIONS

Ward Councillor(s)

16. Ward Councillor (Cllr Simms) commented that *"It should be noted that I am resident of Newton and directly affected by this application, however, I make this comment as the East Bridgford Ward Rushcliffe Borough Council Councillor, after reviewing residents and stake holder (local parish councils) portal comments/views and those who've contacted me directly."*
17. Nevertheless, Cllr Simms objects to this application on the grounds of:
 - a) Children and Community Safety – the increased hours will lead to increased likelihood of an accident leading to injury, ill health or death of persons as a result of the business park's activities.
 - b) Increased local noise and Environmental Pollution affecting local resident's health and sleep/rest/quality of life.
 - c) The submission states that that Wellington Avenue is no longer used to access the business park/industrial estate, however, I understand that now the bus gate restriction has been removed, the area may still be accessed by Wellington Avenue, resulting in the application mitigation being unfounded.
 - d) Newton Garden Village is a relatively unique venture made by Redrow homes and strives to improve committee life/living within the area. I cannot see how significantly increased hours and seven day working of a busy, heavy, industrial estate; that may only be accessed via roads that cut through the heart of the community, can/will be achieved if this proposal is to be granted.
18. The neighbouring Ward Councillor (Cllr J Stockwood, Bingham West) comments that a noise impact assessment (as recommended by the environmental health officer) would be beneficial to understand the impact on residential properties of the proposed changes and any mitigations required to address that impact.

Town/Parish Council

19. Newton Parish Council strongly objects as the additional hours will increase noise, dust and vehicle pollution adversely affecting the health of children and

pedestrians. They also object on the grounds of safety as the vehicles already speed along this road and the situation would get much worse.

20. Following the reconsultation exercise on the reduction to the initially sought hours Newton Parish Council advised that they still strongly object to any increase in the delivery/distribution hours from those in force at present. They also commented that the current hours are not being adhered to, and lorries are observed to be travelling at excessive speeds and a 30MPH limit should be imposed. The Parish also questioned the accuracy of the noise survey, the hours that the survey was undertaken stressing that the road being used has no enforceable speed restriction and as the site will be years before completion, leaving residents in danger from speeding.
21. Bingham Town Council (as a neighbouring "Parish") object to the proposal due to concerns of noise, community safety and excess traffic.
22. The neighbouring Parish of East Bridgford objects to the proposal due to the environmental impacts of the additional traffic, the increased pollution and noise in the area, the roads are not designed to take such heavy traffic for such extended periods of time, and the impact on climate change
23. The neighbouring Parish Meeting at Saxondale object stating that the increased hours of working would be detrimental to residents, as demonstrated by the level of comments on this proposal, however, this variation would also have a detrimental noise and environmental impact on the surrounding area, including Saxondale and the new estate at Chapel Lane.

Statutory and Other Consultees

24. National Highways offer no objection to the proposal.

Nottinghamshire County Council,

25. As Highway Authority have no objections to the proposal.

The Rushcliffe Borough Council's

26. Environmental Health Officer (EHO) initially raised concerns to the proposal citing possible impacts of noise on the amenity of existing and future residents. They requested a noise impact assessment. This was provided and the EHO subsequently advised that the proposed increased hours of use should have no, or a not significant, effect on residential amenity and, following officer negotiations to further reduce the proposed trading hours the EHO does not object to the variation to the hours.

Local Residents and the General Public

27. Prior to the proposal revisions to reduce the extent of additional hours sought a total of 151 letters of objection were received.
28. These objections cited the following:
 - a) HGVs are not supposed to use Wellington Avenue, but they do. If this

- continues the impact on residents will continue.
- b) Noise from HGVs trying to turn in residential streets off Wellington Avenue at earlier/later antisocial hours.
 - c) Risk to children playing outside from HGVs using roads for longer hours
 - d) Impacts on noise on existing residents at anti-social hours.
 - e) Impacts of noise on the as yet unoccupied Redrow properties.
 - f) Environmental impacts
 - g) If it can be proven these hours are required, then an alternative road should be built to enable HGVs to access the businesses without having to disturb any of the current or new residential streets.
 - h) Daily occurrences of lorries driving through the estate due to following their sat nav rather than the signs and becoming stuck and having to dangerously turnaround.
 - i) Very underhand trying to pass this through before the new houses are built.
 - j) This will greatly Impact the local community and will only benefit the businesses and not the residents who have to live in the area.
 - k) Increased pollution – impacting resident's health
 - l) Question what the applicant is doing in the hangars to need on-site security and a caretaker to watch over matters
 - m) Pedestrian safety as neither of the two Main Roads in Newton have pavements and being in such close proximity to lorries is scary and an accident almost guaranteed.
 - n) Increase possibility of accidents with children playing out at these increased times.
 - o) This new 'garden village' was proposed around the principle of high-quality countryside living - increased traffic from freight is not in keeping with the proposed development for the area.
 - p) It cannot be acceptable to promote a model of living which 'cherry picks' the aspects which suit, disregarding the responsibilities to the residents.
 - q) No letters of support have been received.
 - r) Will cause added disruption to our lives.
 - s) Ridiculous
 - t) This would ruin the whole neighbourhood and the way people lives. Turning it into an industrial estate rather than a residential development.
 - u) Environmentally, Newton has had to accept the loss of a lot of green space and wildlife being displaced so that Rushcliffe Council can fulfil their housing obligations, we accept that houses need to be built. The areas we do have left to walk in are now going to be a further hazard to negotiate if these extended hours are approved.
 - v) With more of us working from home now we do not relish the thought of the rumbling of lorries from early in the morning until later at night along with the extra pollution this will bring.
 - w) The businesses and the council surely have a duty of care to safeguard the wellbeing of the residents of Newton. Those businesses have obviously traded well within the hours they have been granted at the moment or they would have moved out.
 - x) We moved to Newton to enjoy the countryside and bring up a family in a safe enjoyable environment.
 - y) The increased housing, although not welcomed is nothing compared to the increase in volume of HGVs, lorries, vans and these proposed additional hours will prove detrimental to us, our families and the

environment, not to mention the reduced house prices.

29. Following the reconsultation exercise on the revisions to reduced number of additional hours being sought a further 30 letters of objection were received citing the following comments over and above those already cited above:
- a) Signage should be erected at the end of Wellington Avenue stating no HGVs should use the road
 - b) ANPR cameras or high restrictor barriers should be installed to prevent oversized vehicles using residential roads
 - c) The noise assessment is not accurate regarding distances from dwellings
 - d) The noise report should have been undertaken over longer periods on different days.
 - e) These hours will deter future buyers of the new dwellings
 - f) The proposal will result in HGVs using the access road prior to 7am
 - g) Current hours provide ample time for deliveries
 - h) Heavy Industrial Uses alongside residential properties do not mix.

Full details of all the representations can be found [here](#)

PLANNING POLICY

30. The Development Plan for Rushcliffe consists of the adopted Rushcliffe Local Plan Part 1: Core Strategy (December 2014) (LPP1) and the Rushcliffe Local Plan Part 2: Land and Planning Policies - adopted October 2019 (LPP2). Other material considerations include the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG) and the Rushcliffe Residential Design Guide 2009.
31. The full text of the Council's policies are available on the Council's website at: <https://www.rushcliffe.gov.uk/planningpolicy/>

Relevant National Planning Policies and Guidance

32. The National Planning Policy Framework (NPPF) includes a presumption in favour of sustainable development. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area. In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development. There are three dimensions to sustainable development, economic, social, and environmental.
33. The relevant paragraphs of the NPPF are:
- Paragraph 11
 - Paragraph 92
 - Paragraph 93
 - Paragraph 110
 - Paragraph 120
 - Paragraph 126
 - Paragraph 130 and
 - Paragraph 167.

Full details of the NPPF can be found [here](#).

Relevant Local Planning Policies and Guidance

34. Under the Local Plan Part 1 the following policies are considered relevant:
- Policy 1 (Presumption in Favour of Sustainable Development)
 - Policy 5 (Employment Provision and Economic Development)
 - Policy 10 (Design and Enhancing Local Identity)
 - Policy 14 (Managing Travel Demand)
 - Policy 15 (Transport Infrastructure Priorities)
 - Policy 18 (Infrastructure)
 - Policy 22 (Strategic Allocation at Former RAF Newton)

Full text of the above Policies can be found [here](#).

35. Under the Local Plan Part 2 the following policies are considered relevant
- Policy 1 (Development Requirements)
 - Policy 15 (Employment Development)
 - Policy 39 (Health Impacts of Development)
 - Policy 40 (Pollution and Land Contamination)
 - Policy 41 (Air Quality)

Full text of the above Policies can be found [here](#)

APPRAISAL

36. Since the granting of the Reserved Matters (19/02689/REM) for the development of 528 dwellings on the site Redrow Homes (Redrow) have commenced developing. This application seeks to vary condition 34 of the outline permission (19/01871/VAR) and therefore extend the hours that heavy goods vehicles (HGVs) and other vehicles can deliver to and distribute goods from the hangars located to the immediate west of the approved housing development.
37. Condition 34 of permission ref 19/01871/VAR states:
38. *“Deliveries to and distribution associated with the existing B8 uses (hangars 1 -5) including plant and equipment, shall only take place between the hours of 08:00 - 18:00 Monday to Friday, 09:00- 13:00 Saturday and not at all on Sundays and Bank Holidays.*
39. *[To protect the amenities of neighbouring residential properties and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policies 10 (Design and Enhancing Local Identity) and 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy.]”*
40. As stated in the above reason, condition 34 was considered necessary to protect the amenities of the neighbouring residents (both current and future) due to the proximity of the employment land and the resultant HGV movements that would need to pass directly through the residential development. Furthermore, due to a number of anomalies, prior to the grant

of outline permission for the development hangars 1-5 had been subject to varying hours limiting operation, and in some cases no restrictions whatsoever. The outline application was an opportunity to rectify that issue due to its potential impacts from noise and disturbances from loading/unloading as well as vehicle movements (especially HGVs) to and from the hangars through the recently approved (and existing) residential development that sits alongside this employment site.

41. Therefore, the key considerations are the impacts of additional 6 hours that traffic can travel to and from the site on the highway network and on road and pedestrian safety, and any amenity and environmental impacts of the additional hours as a result of changes to noise and pollution impacts on the existing and future residents from the potentially extended hours of operation of the hangars.
42. Members should note that this is a Section 73 application. The practical consequence of approving an application under s73 (or s73A) of the Town and Country Planning Act 1990 which seeks to remove or vary a planning condition is that this results in the issuing of a new stand-alone planning permission upon which it is necessary to re-state other planning conditions that were on the original consent if they are still required. As the original application was subject to a S106 agreement, any approval of this current application would also require a linking agreement (deed of variation or similar) securing the matters covered by the original legal agreement.
43. However, Members should note that they are not re-assessing the housing development approved under permission 19/01871/VAR, they are only assessing whether the proposed alteration to the hours of delivery and distribution from the hangars should be varied or not.
44. As the proposal seeks to increase the approved hours of deliveries to and distribution from the hangars the key considerations are:
 - Highways Impacts/safety,
 - Amenity and Environmental Impacts/Noise and pollution, and
 - Economic benefits

Highway Impacts/Safety

45. As part of the contractual agreement between Redrow and the owner of the Hangar site, access for HGVs and all other traffic to the Hangar site have to remain unhindered at all times.
46. Previous iterations of the now approved housing development included two highways from the south-east corner of the site, one to serve the hangar development the other to serve the housing development. However, due to viability constraints on the site the separate HGV access road to the hangar site was removed with both HGVs and residential traffic now utilising the same stretch of highway.
47. The approved housing layout now relies on a single highway access from the south-east corner of the site (which also serves the hangar development) as well as access along Wellington Avenue. Once the housing development is

completed, due to the design, layout and constraints of the highway network HGVs will no longer be able to access the hangars via Wellington Avenue. Nevertheless, as residents state, despite the signage placed at the junction of Main Street and Wellington Avenue this does not deter all drivers still attempting to do so, as some still slavishly follow their satnavs regardless of the new highway signage. This results in them needing to manoeuvre in the road/side roads to exit Wellington Avenue and access the Hangars via the correct access to the south-east of the new housing development. This is an unintended and unseen consequence of the planning condition(s) trying to address the previous issue of HGV movements along Wellington Avenue. However, despite the changes to the highway layout, traffic calming (to come) as part of the housing development) and new signage some (note not all) drivers still attempt to access the hangars along Wellington Avenue.

48. The professional views of both National Highways, who are responsible for the A46, and Nottinghamshire County Council, as the Highway Authority responsible for the local road network were sought. National Highways advised that they appointed by the Secretary of State for Transport as a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). In this case the SRN is the nearby A46. The SRN is a critical national asset and as such National Highways work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.
49. National Highways noted that the application seeks to amend the delivery/distribution hours of operation at the former RAF Newton development, specifically hangars 1 – 5 (which are in a B8 (storage and distribution) use). National Highways also state that the current operating hours were introduced to protect the residents of Wellington Avenue from noise disturbance during operational hours. National Highways note that the housing development is now nearing completion and delivery vehicles no longer route via Wellington Avenue, and that the site spine road now in operation, being the recognised route for HGVs heading to the Hangars. National Highways do not consider that the proposed operating hours would impact the Strategic Road Network and as such National Highways offer no objections to the proposal.
50. Officers note that whilst there are some errors in the response from National Highways, they do not impact on National Highway's position as they are only concerned with the operation and management of the Strategic Road Network (SRN) - the A46. Errors in the National Highways response relate to the housing development nearing completion, when it is still several years from that point, and reason for condition 34 in the first place was to protect the residents of Wellington Avenue. The actual reasoning was to protect the amenity of all the residents of Newton, current and new, and an opportunity to standardise the hours for all the hangars on the site. These errors in the National Highway response are not considered to fundamentally affect the conclusion of their response due to the very specific remit of the strategic highway company.
51. Nottinghamshire County Council, as Highway Authority responded to the proposal simply stating, "We have no objections to the above application(s)".

Officers sought further clarification as to whether matters such as highway safety, pedestrian safety, network capacity etc had been considered as the response was somewhat short. The Highway Authority subsequently clarified that the requirement to limit operating hours was not one requested by the Highway Authority but one which was originally added on residential / amenity grounds and hence beyond their remit.

52. The Highway Officer clarified that this is presumably why they offered very little by way of formal response, put simply it was not considered a Highway matter. The Highway Officer also clarified that when assessing the impact of any development they assume the hours are unrestricted so theoretically from our standpoint the applicants could always have worked within the newly proposed hours in any case.
53. To further clarify the Highway Officer advised that when the application was originally considered, from a highway perspective they would not have considered traffic generation on the basis of working hours but on the square metrage of the units themselves. The nationally recognised method of doing this is by using the TRICS database. What TRICS does is take measured traffic surveys of similar buildings in equivalent locations to establish an average hourly traffic profile per sq.m for a particular use class. This rate is then pro-rated using the actual proposed square meterage of the proposed building to calculate the anticipated amount of traffic it will likely generate throughout the day.
54. If the square meterage of the buildings doesn't change (as is the case in this proposal) it is very difficult to for the Highway Authority argue that the total number of trips they are likely to generate would increase. All that is likely to happen is that vehicle trips are likely to be distributed over longer working day, thus lowering the average number of trips per hour. From a congestion standpoint this is likely to offer some benefit as the number of peak hour trips may actually decrease, meaning if anything it is less likely to result in capacity issues (on the highway network) than the current arrangement.
55. The Highway Officer also clarified that with regard to concerns raised about highway safety, the road through the development to the hangars has been designed in consideration of heavy goods vehicle (HGV) usage and is considered to meet the relevant standards with regard to stopping sight distances, and visibility. It is well lit and features speed attenuation features at regular intervals in order keep vehicle speeds low and commensurate with its use. Whilst the extended opening hours may result in an increased overlap between the working hours of the hangars and local residents which is not ideal, this in itself doesn't represent a serious enough risk to highway safety such that it would merit a recommendation of refusal in accordance with the requirements of the NPPF.
56. Therefore, officers consider that the proposed increase in hours for the hangars would not impact on the capacity of the road networks or impact on highway safety to a degree that would warrant refusal. The application is therefore considered to comply with Policies 1 (Presumption in Favour of Sustainable Development), 10 (Design and Enhancing Local Identity), 14 (Managing Travel Demand), 15 (Transport Infrastructure Priorities), 18 (Infrastructure) and 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1 and Policies 1 (Development Requirements) and

Amenity and Environmental Impacts/Noise and pollution

57. The Environmental Health Officer (EHO) initially responded advising that having reviewed this application and the supporting information, they had concerns regarding potential significant adverse noise effects on the amenity of the recently constructed houses and future housing approved on the surrounding land. In order to fully assess the potential impact of noise from the proposed increased delivery hours the Environmental Health Officer requested a supporting noise impact assessment be submitted. They advised that the assessment would need to measure and detail existing background noise levels, noise from deliveries, unloading/loading of HGVs, including any plant and/or associated equipment on the premises.
58. The EHO also stated that based on this information, the assessment would then need to predict noise levels at the neighbouring houses and, if necessary, include recommendations and/or mitigation measures to mitigate adverse noise effects and safeguard the amenity of the neighbouring residential properties. This echoed the concerns raised in a significant number of objections received from the local community. Officers discussed the matter with the agent who subsequently commissioned a noise impact assessment as per the EHOs comments.
59. The noise assessment monitored baseline noise during the revised hours being sought was subsequently submitted. The report assessed the potential impacts in accordance with the relevant British Standard 4142:2014+A1:2019 Methods (BS4142) for rating and assessing industrial and commercial sound. Measurements of noise generated by loading/unloading operations at the hangars along with any fixed plant and machinery were also made as part of the assessment. BS4142 provides a methodology for rating and assessing sound associated with both industrial and commercial premises. The methods described in the standard use outdoor sound levels to assess the likely effects of sound on people who might be inside or outside a dwelling or premises used for residential purposes upon which sound is incident. The standard states that sound of an industrial/commercial nature does not include sound from the passage of vehicles on public roads and railway systems.
60. The standard is based around the premise that the significance of the noise impact of an industrial/commercial facility can be derived from the numerical subtraction of the background noise level (not necessarily the lowest background level measured, but the typical background at the receptor) from the measured/calculated rating level of the specific sound under consideration. This comparison enabled the impact of the specific sound to be concluded based upon the premise that typically “the greater this difference, the greater the magnitude of the impact”. The noise impact assessment is available to read in full on the Borough Council’s website [here](#), however it concludes that:
61. *“The assessment has shown that predicted sound rating levels would be below the prevailing background noise levels at the nearest residential receptors assessed during the proposed extended hours. This would indicate that the specific sound level would have a low impact, depending on the context.*

62. *The context, specifically the fact that a BS4142 should not include the passage of vehicles on a public road, clearly affects the initial estimate of impact. Removing passing vehicles on the public road would significantly reduce the potential impact with predicted noise levels from hangar activities themselves being significantly below the prevailing background noise levels.*
63. *Based on the findings and context of the assessment, Condition 34 could be varied without leading to adverse impacts on existing or future residential receptors. The assessment of change in ambient noise levels, the variation to Condition 34 would have no, or a not significant, effect on residential amenity.*
64. *It is considered that the proposed development can operate without adversely affecting nearby sensitive receptors in terms of acoustic impact.”*
65. *The noise impact assessment submitted was reviewed by the Environmental Health Officer (EHO) who advised that “on review of the supporting Noise Assessment from Enzygo Limited (Report Ref: SHF.580.001.NO.R.001 dated May 2022), the change in ambient noise levels from the proposed increased hours of use should have no, or a not significant, effect on residential amenity. Based on the reported noise levels, the proposed variation of Condition 34 of planning permission 19/01871/VAR is acceptable and, as a result, we can support the application in question.”*
66. *Officers, mindful of the level of objection received asked colleagues in Environmental Health to assess the proposal considering the impacts of the HGV movements in relation to the as yet unoccupied dwellings along the route from Newton Lane to the Hangars. The Environmental Health Officer (EHO) advised that “The supporting assessment considers potential noise impacts of delivery and distribution operations at the hangars during proposed revised hours at the nearest occupied noise-sensitive properties to the hangars and access road. Measurements of noise from HGV loading/unloading operations at the hangars along with any fixed plant/machinery were included in the assessment. As discussed, the consultant has modelled potential noise impacts from the proposed increased delivery hours and distribution hours during such using both BS4242 and BS8233 via modelling software called CadnaA, which is good practice and acceptable. Although the assessment demonstrates that there should be no significant adverse effects on the amenity of the adjacent residential properties, as always, this is based on assumptions and predictions.”*
67. *The EHO advised that given the above, the potential impact on the future residents of the dwellings under construction and the recent objections from the neighbouring residents, they would recommend that, if permission is to be granted, this be done on a 12- or 18-month temporary basis to gauge any noise impacts from the proposed revised delivery operations when the use commences.*
68. *Whilst this suggestion would ordinarily be a useful mechanism to monitor any impacts and assess them based on facts rather than predictions officers are mindful that, even with the current rate of development on site, the dwellings along the access road may not all be fully occupied within the suggested 12–18-month period. The Newton development is not forecast to be completed until 2026-27 i.e., another 4-5 years.*

69. Therefore, officers sought to further negotiated with the applicants seeking to reduce the additional hours initially being sought. Initially the applicants proposed to remove the Sunday hours, but officers advised that they still had concerns regarding the potential impacts on residential amenity, specifically earlier and later in the day under the proposal for 06/30 to 20:00 hours that was initially sought. The applicants reconsidered the issues and subsequently proposed the current level of hours Members are now being asked to consider, namely 07:00 - 19:00 Monday to Friday, 08:00- 16:00 Saturday, not at all on Sundays and Bank Holidays.
70. The Environmental Health Officer advised that based on the findings of the supporting noise assessment from Enzygo Limited (Report Ref: SHF.580.001.NO.R.001 dated May 2022) and the fact that the Borough Council have not had any recent complaints from the operation of the hangars, they agree to the proposed revised hours of use, for deliveries from such.
71. Therefore, the Borough Council's Environmental Health Officer raises no objections to the potential impact of extending the delivery and collection times to and from the hangars on residential amenity.
72. Officers can also advise that at no point has the EHO requested any information, clarification, or evidence in respect of any potential impacts of increased pollution because of the proposed extended hours. Officers raised the concerns of residents on the is matter in respect of air pollution, however the EHO advised that given the reduced number of hours being sought and the context of the site whereby HGVs already travel through the site, they do not consider this matter to be of concern or a ground for refusing the current application that could be defended at any subsequent appeal.
73. The application has been revised during its consideration to reduce the additional hours sought from the initial 11.5 extra hours to the now proposed 6 additional hours a week (2 extra hours on weekdays and 4 extra hours on Saturdays).

Economic benefits

74. The application form states that the additional hours sought as the "...distribution businesses require greater flexibility given that their customers are frequently further away than previously. There are also no convenient lay over locations for HGVs servicing the businesses on site." It is recognised and accepted that we all now live in a 24-hour economy where goods and services are ordered at all hours of the day with the expectation on speedy delivery. As such businesses, such as those based at the Hangars are seeking to change their working practices to remain competitive. The economic benefits to the economy as a result of the proposed longer hours are therefore a material consideration.
75. Policy 15 of the Local Plan Part 2 states that permission will be granted for the expansion, conversion or redevelopment of land and premises for employment uses on allocated employment sites and other employment sites, provided the use us within an employment generating use class, the employment use provides facilities and services which support the functioning of the employment site provided they are of an appropriate scale; and the

proposal would not cause a significant adverse impact on the amenity of nearby residents and occupiers. Officers are also mindful of Rushcliffe's Corporate priorities, which include supporting local businesses in the Borough.

Conclusion

76. The application has been amended during its determination, reducing the length of the extra hours initially sought. Neither the Highway Authority or Environmental Health officers are objecting the proposal. Officers consider that the proposal would, as a result of the revisions, not have any significant adverse impact on highway safety or amenity and that it would comply with Policy 10 of the Local Plan Part 1 which states that development should have regard to the local context and reinforce local characteristics and Policy 1 of the Local Plan Part 2 which states development should not lead to any significant adverse effects upon the 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. This is balanced against the benefits of additional flexibility in the hours for the existing business uses on the site as permitted by Policy 15 of the Local Plan Part 2 which seeks to encourage the re-use/growth of business on existing employment sites in the Borough. Therefore, officers do not consider that permitting an extra hour in the morning and an extra hour in the evening of weekdays, and an extra 4 hours (one in the morning and three in the afternoon) on Saturdays would have the significant impact required to refuse the application.

RECOMMENDATION

It is **RECOMMENDED** that the Director of Development and Economic Growth is authorised to grant planning permission subject to the prior signing of a Section 106 agreement and the following condition(s), which the Director of Development and Economic Growth is also authorised to amend and to correct any matters that do go to the heart of the condition.

1. Application for approval of the final reserved matters shall be made to the local planning authority not later than 28th July 2022 and the development must be begun not later than the expiration of two years from the final approval of reserved matters, or in the case of approval of reserved matters on different dates, the final approval of the last such matter to be approved.

[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 in the interests of visual amenity and to comply with Policy 10 and 22 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. The development shall take place in accordance with the Phasing Programme for the whole site as approved under application reference 20/02210/DISCON and shall be implemented in accordance with the details approved.

[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 in the interests of visual amenity and to comply with Policy 1

(Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies] and Policy 10 and 22 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].

3. No development of an individual phase of development shall take place until a Statement of Design Principles for that specific phase of the site as agreed under Condition 2 has been submitted to and approved in writing by the Borough Council. This shall substantially accord with the Design and Access Statement (Ref: P18-2350_27 Rev F July 2019) received on the 1 August 2019 and the Illustrative Master plan (Drawing Number: P18-2350_06 Rev L) received on 12 November 2019 and shall include site specific architectural principles; justification of the innovative, sustainability features; range, type and quality of materials; focal point for the development (where relevant); the village centre features; variations in block form, street layout and elevational treatment. The development shall thereafter be implemented in accordance with the details approved.

[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 in the interests of visual amenity and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies] and Policy 22 of the Local Plan Part 1:- Rushcliffe 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].

4. No development shall take place until a Public Transport Strategy for the site has been submitted to and approved in writing by the Borough Council. This shall substantially accord with the Design and Access Statement (Ref: P18-2350_27 Rev G November 2019) received on the 12 November 2019 and the Illustrative Master plan (Drawing Number: P18-2350_06 Rev L) received on 12 November 2019 and shall include bus routes through the site with bus stops within 400m of any building; bus layover space near to the Community/village hall.

The development shall thereafter be implemented in accordance with the details approved and for any phase the part of the development to which the particular item or facility relates shall not be occupied until each one has been completed for that phase in accordance with the approved details.

[To promote the use of public transport facilities and services in accordance with Policies 10, 14 and 22 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].

5. The development shall take place in accordance with the Surface Water Drainage Scheme as approved under application reference 20/02210/DISCON and the development shall thereafter be implemented in accordance with the details approved and the part of the development to which the particular item or facility relates shall not be occupied until each one has been completed in accordance with the approved details.

[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 in the interests of visual amenity and to comply with Policy 18 (Surface Water Management) of the Rushcliffe Local Plan Part 2: Land and Planning Policies] and Policy 10 and 22 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].

6. The development shall take place in accordance with the Energy/low carbon Strategy as approved under application reference 20/02210/DISCON and shall be implemented in accordance with the details approved.

[To achieve improved energy conservation and the protection of environmental resources in accordance with national planning guidance as set out in the NPPF and in accordance with Policy 1 (Delivering Sustainable Development) of the Rushcliffe Borough Non-Statutory Local Plan and Policies 2 (Climate Change) and 22 (Strategic Allocation at Former RAF Newton) 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].

7. The development shall take place in accordance with the Employment and Skills Strategy as approved under application reference 20/02210/DISCON and shall be implemented in accordance with the details approved.

[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 Policy 22 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].

8. No development of an individual phase of development shall take place until an Ecology Management Plan for that specific phase of the site as agreed under condition 2 above has been submitted to and approved in writing by the Borough Council. This shall substantially accord with the Design and Access Statement (Ref: P18-2350_27 Rev F July 2019) received on the 1 August, the Illustrative Master plan (Drawing Number: P18-2350_06 Rev L) received on 12 November and shall include updated ecological surveys, measures to be taken to establish the existence of any protected species prior to site clearance, mitigation measures; bat boxes/barn; bird and barn owl nesting boxes) management, maintenance and monitoring schedules. Further updates shall be submitted if the development of part of any particular phase does not commence within 24 months of approval of the details approved pursuant to this condition.

The development shall thereafter be implemented in accordance with the details and timetable approved.

[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 Policy 22 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].

9. The development shall be implemented in accordance with the Affordable Housing Scheme approved under application ref 20/02210/DISCON.

[To comply with the requirement of Section 92 of the Town and Country Planning Act 1990 (as amended) and to ensure the distribution of affordable housing assists in the creation of an inclusive and mixed community in accordance with the National Planning Policy Framework and Policy 22 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]

10. The development shall be implemented in accordance with the On-site Leisure Scheme approved under application ref 20/02210/DISCON.

The development shall thereafter be implemented in accordance with the details approved.

[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 in the interests of visual amenity and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policies 10 (Design and Enhancing Local Identity) and 22 (Strategic Allocation at Former RAF Newton) 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].

11. Prior to the commencement of the 50th dwelling a Community/village Hall Scheme including its estimated construction cost for the site shall have been submitted to and approved in writing by the Borough Council. This shall substantially accord with the Design and Access Statement (Ref: P18-2350_27 Rev G November 2019) received on the 12 November 2019, the Illustrative Master plan (Drawing Number: P18-2350_06 Rev L) received on 12 November 2019 and the Community Hall Plan (Drawing Number: 10548-01 Rev A) submitted under 10/02105/OUT and shall include ensuring the provision of the Hall before the commencement of construction of the 250th dwelling. The development shall thereafter be implemented in accordance with the details approved.

[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 in the interests of visual amenity and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policy 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy.]

12. No development shall take place until a Primary School Scheme for the site has been submitted to and approved in writing by the Borough Council. This shall substantially accord with the Design and Access Statement (Ref: P18-2350_27 Rev G November 2019) received on the 12 November 2019, the

Illustrative Master plan (Drawing Number: P18-2350_06 Rev L) received on 12 November 2019 and the illustrative Primary School Plan (Drawing Number: 110548-0010) submitted under 10/02105/OUT and shall ensure the provision of a serviced site in Phase one of the development. The development shall thereafter be implemented in accordance with the details approved.

[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 in the interests of visual amenity and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policies 10 (Design and Enhancing Local Identity) and 22 (Strategic Allocation at Former RAF Newton) 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].

13. No development shall take place until a Highways Delivery Scheme for the site has been submitted to and approved in writing by the Borough Council. This shall substantially accord with the Design and Access Statement (Ref: P18-2350_27 Rev G November 2019) received on the 12 November 2019, the Illustrative Master plan (Drawing Number: P18-2350_06 Rev L) received on 12 November 2019 and shall provide for the delivery of the following works:
 - a) The provision of informal pedestrian crossing arrangements (dropped kerbs) on both sides of the Kirkhill railway level crossing including tactile paving;
 - b) The A6097 Kirk Hill signal controlled junction has been improved as shown for indicative purposes only in the Transport Assessment December 2010 Appendix 9;
 - c) Either:
 - (i) Improvement to Bridleway 23, Footpath 2; or
 - (ii) The provision of suitable connections to Bridleway 23, Footpath 2 on the eastern side of the old A46 (B687) and to the residential development site known as Roman's Quarter:

as shall be agreed with the LPA.

Should the Applicant/Developer require either:

- (i) the use of any third-party land; or
- (ii) any third-party landowner to agree or grant rights /permissions/licenses over their land to enable the construction of improvements to Bridleway 23, Footpath 2 or future maintenance thereof the requirement to improve Bridleway 23, Footpath 2 shall cease, and the Applicant/Developer shall provide connections to Bridleway 23, Footpath 2 on the eastern side of the old A46 (B687) and to the residential development site known as Roman's Quarter.

Such works shall be completed within 6 months of the completion of the construction of the new pedestrian/cycle bridge over the A46 and the adoption

thereof or such later timescale as previously agreed with the Local Planning Authority.;

- d) The pedestrian/cycle bridge/link across the A46/B687 in accordance with the approved details; (details approved under application 21/02871/DISCON)
- e) A school safety zone including appropriate signage, lining, traffic calming, parking restrictions, and pedestrian crossing arrangements; and
- f) The provision of a main residential/commercial access road within the site including roundabouts (or other features to be agreed), pedestrian/cycle crossing and traffic calming measures.

The development shall thereafter be implemented in accordance with the approved details.

[In the interest of highway safety and to ensure a satisfactory development in accordance with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policy 22 (Strategic Allocation at Former RAF Newton) 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].

14. No development on new commercial land falling within use classes B2 and B8 as defined in the Town and Country Planning Use Classes (Amended) Order 2005 (or in any provision equivalent to the Class in any statutory instrument revoking and re-enacting that Order with or without modification) shall be occupied, until the Newton link road has been widened to generally 7.3m with appropriate additional widening on bends.

[In the interest of highway safety and to ensure a satisfactory development in accordance with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policy 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy].

15. The proposed development shall be implemented in accordance with the Structures Retention Scheme (dated 26 April 2019) discharged under application reference 19/01054/DISCON that provides details for the retention of the control tower, the measures for its protection/enhancement/ongoing maintenance and the provision of a memorial in accordance with the approved scheme.

[To comply with the requirement of Section 92 of the Town and Country Planning Act 1990 (as amended) and to ensure the development retains a sense of place and link with the history of the site and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policy 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy].

16. No development of an individual phase of development shall take place until a Contaminated Land Investigation and Risk Assessment Report undertaken

by competent persons to assess the nature and extent of any contamination on the site, whether or not it originates on the site for that specific phase of the site as agreed under condition 2 has been submitted to and approved in writing by the Borough Council and shall include:

- a) The outcome of further assessments of the contamination hotspots referred to in the Geodyne Combined Phase 1 Desk Study and Baseline Ground Investigation Report submitted on the 7th October 2011.
- b) A revised ground gas risk assessment shall be submitted for completion of the gas monitoring programme to confirm if gas protection methods are required on the site.
- c) Further testing shall be carried out on the existing topsoil to determine suitability for retention on site.
- d) A full radiological risk assessment and a survey report and remediation method statement.
- e) An unexploded ordnance search.

[To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policy 22 (Strategic Allocation at Former RAF Newton) 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]

17. No development of an individual phase of development shall take place until a Detailed Remediation Scheme, to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment for that specific phase of the site as agreed under condition 2 above has been submitted to and approved in writing by the Borough Council. This include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

[To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policy 22 (Strategic Allocation at Former RAF Newton) 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]

18. No development of an individual phase of development shall take place until a Construction Method Statement for that specific phase of the site as agreed

under condition 2 has been submitted to and approved in writing by the Borough Council and shall include the following:

- a) measures for ensuring the means of exit from the site for demolition and construction traffic is restricted to the new Newton link road (with no exit onto Wellington Avenue) and best practicable measures for ensuring that the majority of such traffic entering the site does so by way of the new Newton link road and not by way of Wellington Avenue;
- b) parking provision for site operatives and visitors;
- c) storage of plant and materials used in constructing the development;
- d) wheel washing facilities (including full details of its specification and siting);
- e) measures to control the emission of dust and dirt during construction;
- f) a scheme for recycling/disposing of waste resulting from construction works;
- g) siting and appearance of contractor's compounds including heights of stored materials, boundaries and lighting together with measures for the restoration of the disturbed land and noise mitigation;
- h) proposals for topsoil handling, stripping, stockpiling, re spreading and after use;
- i) procedures for the developers to monitor and enforce compliance with the principles and detailed requirements of the Statement.

The development shall thereafter be implemented in accordance with the details approved.

[In the interests of highway safety, to maximise the retention of agricultural soils on site and to protect the amenities of the area and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policy 22 (Strategic Allocation at Former RAF Newton) 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].

19. No development of an individual phase of development shall take place until a Waste Disposal Strategy for that specific phase of the site as agreed under condition 2 above has been submitted to and approved in writing by the Borough Council and shall include arrangements for maintenance and servicing including refuse collection/bin storage and incorporating a waste and recycling storage plan and a phasing plan for implementation. The recycling site shall be an area of no less than 15m x 15m within the village centre, the subsurface of which shall not have any utilities or services and include acoustic fencing on the perimeter of the site. The development shall thereafter be implemented in accordance with the details approved.

[To ensure that the development provides adequate facilities for waste collection and promotes recycling in accordance 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 and Policy 22 (Strategic Allocation at Former RAF Newton) 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]

20. No development shall take place on any individual phase until details of the

access, appearance, landscaping, layout, and scale ("the reserved matters") for that specific phase of the development have been submitted to and approved in writing by the Borough Council. The development shall be carried out in accordance with the approved details.

[To comply with the requirements of section 92 of the Town and Country Planning Act 1990 (as amended) and to ensure the development will be satisfactory and Policy 22 (Strategic Allocation at Former RAF Newton) 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].

21. Each reserved matters application shall be accompanied by the following details, and this shall substantially accord with the Design and Access Statement (Ref: P18-2350_27 Rev G November 2019) received on the 12 November 2019, the Illustrative Master plan (Drawing Number: P18-2350_06 Rev L) received on 12 November 2019 and details approved under the above conditions:
 - a) A detailed layout plan of the phase in context with the whole site.
 - b) The siting, design and external appearance of the proposed buildings.
 - c) The means of access; car parking and provision for service vehicles.
 - d) Facing, roofing and hard surfacing materials.
 - e) Plans, sections and cross sections of any roads or access/ service roads or pedestrian routes within the application site, and this shall include details of bridges, culverts, drainage, sewerage and public utilities.
 - f) The layout and marking of car parking, servicing, maneuvering areas and cycling storage for each building.
 - g) The means of enclosure to be erected on site.
 - h) The finished ground levels for the site and floor levels of the buildings relative to existing levels and adjoining land and in relation to the ground levels or contours proposed in any adjacent landscaping scheme.
 - i) Plant and equipment and other structures.
 - i) Recycling and bin storage facilities including an area for 3 wheeled bins for each dwelling and community bin storage for apartments and commercial areas.
 - k) Details of the means of foul and surface water drainage together with a programme of implementation and means to ensure there is no runoff onto Wellington Avenue.
 - l) The detailed design of all junctions, which shall include details of visibility splays.
 - m) Drainage and rainwater run off systems including SuDS which shall accompany any road layout submission and detail maintenance/ management arrangements.
 - n) The siting and appearance of contractor's compounds including heights of stored materials, boundaries and lighting together with measures for the restoration of the disturbed land and noise mitigation.
 - o) The number and location of the affordable dwellings to be provided together with the mix of dwellings in terms of the number of bedrooms and the proportion of houses and flats, broken down between social rented, affordable rented and intermediate units for each phase.
 - p) Detailed plans of the layout of the play areas, equipment, open space

- and other green infrastructure.
- q) Detailed plans and information relating to the opening up of culverted water courses.
 - r) Each reserved matters application for residential development shall be accompanied by a statement assessing the development against the Building for Life Standards. The development shall thereafter be carried out in full accordance with the approved scheme.
 - s) Each reserved matters application for a non-residential use (excluding the Community Hall and Local Centre Units) shall be accompanied by a statement detailing how each nonresidential building shall achieve a minimum of BREEAM Very Good (or the equivalent level of such national measure of sustainability for employment building design that replaces BREEAM).

The development shall thereafter be implemented in accordance with the details approved and for any phase the part of the development to which the particular item or facility relates shall not be occupied until each one has been completed for that phase in accordance with the approved details.

[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 in the interests of visual amenity and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policies 10 (Design and Enhancing Local Identity) and 22 (Strategic Allocation at Former RAF Newton) 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].

22. No development of any phase shall begin until reserved matters submissions on landscaping have been submitted to and approved in writing by the Borough Council. The submissions shall include full details of both hard and soft landscape works for that phase and a programme for their implementation. Hard landscaping details shall include proposed finished levels or contours, means of enclosure, car parking layouts, other vehicle and pedestrian access and circulation areas, surfacing materials, minor artefacts and structures (e.g., furniture, play equipment, refuse or other storage units, signs and lighting) and proposed and existing functional services above and below ground (e.g., drainage, power, communications cables, pipelines). Soft landscaping details shall include proposed contours, planting plans (including woodland planting and the community orchard), written specifications (including cultivation and other operations associated with plant and grass establishment) and schedules of plants/trees, including species use of plants/trees, numbers and densities. Only native species appropriate to the local area and of native genetic origin shall be used in areas of 'natural' planting around the boundaries of the site in habitat creation areas, and in green corridors through the site. The works shall be carried out as approved. Any tree (s) or planting which die, are removed or become seriously damaged or diseased within 5 years of completion of the development within that phase shall be replaced in the next planting season with others of a similar size and species.

[In the interests of amenity and to comply with Policy 1 (Development Requirements) of the Rushcliffe Borough Non-Statutory Replacement Local

Plan and Policies 10 (Design and Enhancing Local Identity) and 22 (Strategic Allocation at Former RAF Newton) 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]

23. The development hereby permitted shall be carried out in accordance with the arboricultural details for the whole site as approved under application reference 20/02210/DISCON and shall be implemented in accordance with the details approved.

[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 and Policies 10 (Design and Enhancing Local Identity) and 22 (Strategic Allocation at Former RAF Newton) 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. Development shall not begin on any phase until the existing trees and hedges in that part of the site which are to be retained have been protected in accordance with the details approved pursuant to condition 23 above. Protection shall be retained for the whole of the construction period of that phase. No materials, machinery or vehicles shall be stored, no buildings erected, and no excavation works undertaken within the protected areas. No changes to ground levels shall be made within the protected areas without the prior written agreement of the Borough Council.

[In the interests of amenity and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policies 10 (Design and Enhancing Local Identity) and 22 (Strategic Allocation at Former RAF Newton) 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]

25. The maximum heights (to ridge) of any building shall not exceed a maximum of 3 storeys for Class E(g)(i) (office space); 13.5metres (Commercial); and 10.5metres (residential).

[To protect the visual amenities of the area and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policies 10 (Design and Enhancing Local Identity) and 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy.]

26. No residential unit shall be occupied until the access, servicing and car parking facilities associated with that unit has been provided in accordance with details submitted to and approved in writing by the Borough Council and these facilities shall be retained for the lifetime of the development.

[In the interest of highway safety and to ensure a satisfactory development in accordance with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policies 10 (Design and

Enhancing Local Identity) and 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy.]

27. No residential unit or occupier of any business unit hereby permitted shall be occupied until a Travel Plan Framework relating to that type of development has been submitted to and approved in writing by the Borough Council. This shall set out proposals (including targets, a timetable and enforcement mechanism) to promote travel by appropriate sustainable modes as agreed with the Borough Council and shall include arrangements for monitoring of progress of the proposals. The approved Travel Plan / Plans shall be implemented in accordance with the timetable set out in that plan.

[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 Policies 10 (Design and Enhancing Local Identity) and 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy.]

28. No residential unit or business unit hereby permitted shall be occupied or brought into use until the owners/occupiers of the site have appointed and thereafter continue to employ or engage, a site-wide travel plan coordinator who shall be responsible for the implementation, delivery, monitoring and promotion of the sustainable transport initiatives set out in the Travel Plan Framework approved under Condition 28 for the lifetime of the Travel Plan. The details of the site-wide travel plan coordinator shall be provided and continue to be provided to the Local Planning Authority for the duration of the approved Travel Plan monitoring period.

[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 Policies 10 (Design and Enhancing Local Identity) and 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy.]

29. The site-wide travel plan coordinator shall submit reports to and update the TRICS database in accordance with the Standard Assessment Methodology (SAM) or similar to be approved and to the Local Planning Authority in accordance with the Travel Plan 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 Policies 10 (Design and Enhancing Local Identity) and 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy.]

30. Prior to the occupation of any business employing more than 20 employees, the owner and the occupier of each business unit, shall work with the site wide travel plan coordinator and within 5 months of occupation produce a detailed travel plan that sets out preliminary model split information and 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 approved Framework Travel Plan. The Travel Plan shall be implemented in accordance with the approved timetable and be updated consistent with future site-wide 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 Policies 10 (Design and Enhancing Local Identity) and 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy.]

31. 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 Borough Council.

[To enable the use of non-carbon based technology in accordance with the guidance contained within the National Planning Policy Framework, Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policies 10 (Design and Enhancing Local Identity) and 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy.]

32. Notwithstanding the provisions of the Town and Country Planning Use Classes (Amended) Order 2005 (or in any provision equivalent to the Class in any statutory instrument revoking and re-enacting that Order with or without modification), any non-residential buildings falling within Classes B2 and B8 constructed pursuant to this outline planning permission shall only be used for B2 and B8 purposes. There shall be no subsequent change of use to one falling within Class E(g)(i) without the benefit of obtaining planning permission. Any such an application shall be supported with a Transport Assessment.

[To clarify the extent of the permission, to limit traffic generation and to ensure that adequate parking facilities are provided in connection with the development and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policies 10 (Design and Enhancing Local Identity) and 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy.]

33. No new non-residential unit shall be occupied until a scheme has been submitted to and agreed in writing by the Borough Council to cover the following:
- a) hours of operation of those premises,
 - b) details of delivery handling equipment and industrial processes to be undertaken,
 - c) details of externally mounted plant, equipment, tools and machinery or internally mounted plant, equipment, power tools and machinery which vents externally,
 - d) associated structural planting and external and internal buffer zones to mitigate any noise generated
 - e) hours of deliveries taken at or dispatched from and waste collection.
- The units shall thereafter be used, and any plant /equipment shall be installed,

and retained in accordance with the approved scheme.

[To ensure a satisfactory development and to protect the amenities of the area in accordance with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policies 10 (Design and Enhancing Local Identity) and 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy.]

34. Deliveries to and distribution associated with the existing Class B8 uses (hangars 1 -5) including plant and equipment, shall only take place between the hours of 07:00 - 19:00 Monday to Friday, 08:00- 19:00 Saturday and not at all on Sundays and Bank Holidays.

[To protect the amenities of neighbouring residential properties and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policies 10 (Design and Enhancing Local Identity) and 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy.]

35. No goods or materials shall be stored or displayed for sale and no work shall be undertaken on the open area of any Class E(g), B2 and B8 units on the site without the prior written approval of the Borough Council.

[To protect the amenities of the area and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policies 10 (Design and Enhancing Local Identity) and 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy.]

36. No security lighting or floodlighting shall be installed, on the employment premises or associated open areas, until full details have been submitted to and approved in writing by the Borough Council. Such details shall include a lux plot of the estimated illumination. 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 development shall take place in accordance with the approved scheme and shall thereafter be retained in accordance with the approved details.

[To protect the amenities of the area and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policies 10 (Design and Enhancing Local Identity) and 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy.]

37. No part of the non-residential development shall be brought into use until the access, servicing and car parking facilities associated with that part of the development have been provided in accordance with details which shall first have been submitted to and approved in writing by the Borough Council and these facilities shall be retained for the lifetime of the development.

[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 and Policies 10 (Design and Enhancing Local Identity) and 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core

Strategy.]

38. The approved Detailed Remediation Scheme must be carried out in accordance with its terms prior to the commencement of any development other than that required to carry out remediation in that phase. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a written verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and is subject to the approval in writing of the Borough Council. No new buildings shall be occupied until the verification report relevant to that building has been approved by the Borough Council.

[To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policies 10 (Design and Enhancing Local Identity) and 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy.]

39. If, during the development, contamination not previously identified is found to be present at the site then no further development in that phase shall be carried out until the developer has submitted, and obtained written approval from the Borough Council for, an amendment to the Detailed Remediation Scheme detailing how this unsuspected contamination shall be dealt with, and the development shall be carried out in accordance with the approved scheme.

[To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policies 10 (Design and Enhancing Local Identity) and 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy.]

40. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there are multiple tankages, the compound shall be at least equivalent to the capacity of the largest tank, vessel or the combined capacity of the interconnected tanks or vessels plus 10%. All filling points, associated pipework, vents, gauges and sight glasses must be located within the bund or have a separate secondary containment. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank/vessels overflow pipe outlets shall be detailed to discharge downwards into the bund.

[To prevent pollution of the existing water environment 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 and Policy 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy.]

41. This permission shall relate to the details submitted under 10/02105/OUT as originally submitted on the 3rd February 2011 and revised under 15/00583/VAR, 16/02864/VAR and 19/01871/VAR as amended by the following additional/revised plans and documents (such plans and documents may be subject to revision to accord with the above conditions):
- a) Illustrative Masterplan (P18-2350_06 Rev L, Pegasus Group)
 - b) Phasing Plan (P18-2350_08 Rev H, Pegasus Group)
 - c) Illustrative Landscape Masterplan (P18-2350_23 Rev G, Pegasus Group)
 - d) Illustrative Landscape Sections A-G (P18-2350_24 Rev D, Pegasus Group)
 - e) On-Site Leisure Provision (P18-2350_25 E, Pegasus Group)
 - f) TPO'd Tree Removal, Retention and Replacement Plan (P18-2350_28 Rev E, Pegasus Group)
 - g) Nottinghamshire Rapid Health Impact Assessment Matrix (Rev A, 07.11.2019)
 - h) Phase I & II Geo-Environmental Investigation (GML19112/2/0, Geo-Matters Ltd)
 - i) Transport Assessment (SKP/TM 21095-01_Transport Assessment Rev 2, David Tucker Associates)
 - j) ES Addendum - Transport (SP/TM/21095-02 ES Addendum - Transport Rev 1, David Tucker Associates)
 - k) Design and Access Statement (P18-2350_27 Rev G, Pegasus Group)
 - l) Technical Justification (Condition 22) June 2019, Turley
 - m) Transport Assessment Addendum (SP/TM21095-03 Transport Assessment Addendum, David Tucker Associates)

[For the avoidance of doubt and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policies 10 (Design and Enhancing Local Identity) and 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy.]

42. The highway link between the northern most egress from the existing hangars/commercial area, marked as "Non-Commercial Vehicle Exit Only" on the Illustrative Masterplan (drawing number P18-2350_06 Rev L, Pegasus Group) between blocks "R2" and "R3" and the main development spine road submitted as part of application reference 19/01871/VAR shall not be brought into use until a scheme to prevent its use by commercial vehicles (greater than 3.5t in weight), restricting its use to exit only, and to discourage use of Wellington Avenue by traffic associated with the hangars / commercial area has been submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be implemented in accordance with approved details and retained and maintained as such for as long as the link serves a commercial area. Any such measures required by the aforementioned scheme shall be installed within the Highway on the residential side of the link only.

[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 and Policies 10 (Design and Enhancing Local Identity) and 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy.]

Note:-

Having regard to the above and having taken into account matters raised there are no other material considerations which are of significant weight in reaching a decision on this application.

Any site notice displayed for the purpose of this application may be removed following the issuing of this decision. The location of any notices displayed can be viewed on the Council's website at <http://planningon-line.rushcliffe.gov.uk>

NOTES TO APPLICANT

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

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 education, open space, allotments, orchards, play areas, leisure contribution, highways, bridge, travel plan coordinator, travel plan, bus service, affordable housing, community hall, community contributions, Suds and monitoring. You are advised to view the Agreement for full details. The contributions have been calculated in relation to 550 dwellings. Payments are subject to indexation.

The term 'affordable housing' in this instance is as defined in the National Planning Policy Framework (Annex 2: Glossary) Social rented, affordable rented and intermediate housing provided to eligible households whose needs are not met by the market. Eligibility is determined with regard to local incomes and local house prices. Affordable housing should include provisions to remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable housing provision.

Social rented housing is owned by local authorities and private registered providers (as defined in section 80 of the Housing and Regeneration Act 2008), for which guideline target rents are determined through the national rent regime. It may also be owned by other persons and provided under equivalent rental arrangements to the above, as agreed with the local authority or with the Homes and Communities Agency.

Affordable rented housing is let by local authorities or private registered providers of social housing to households who are eligible for social rented housing. Affordable Rent is subject to rent controls that require a rent of no more than 80% of the local market rent (including service charges, where applicable).

Intermediate housing is homes for sale and rent provided at a cost above social rent, but below market levels subject to the criteria in the Affordable Housing definition above. These can include shared equity (shared ownership and equity loans), other

low cost homes for sale and intermediate rent, but not affordable rented housing.

Homes that do not meet the above definition of affordable housing, such as "low cost market" housing, may not be considered as affordable housing for planning purposes.

It should be noted that no financial contributions towards secondary school provision has been required on the basis that it has been demonstrated that South Nottinghamshire Academy at Radcliffe on Trent has sufficient capacity to accommodate pupils arising from this development. It is therefore anticipated that children of secondary school age would attend the South Nottinghamshire Academy at Radcliffe on Trent and not Toothill Academy.

The overall scheme for the development of this site will involve the provision of on-site infrastructure including road, foul and surface water sewers, mains water and other direct services. In addition to discussing normal planning requirements with the planning authority, the developer should approach

- a) the highway authority with regard to the formation of access to the highway and the requirement for the adoption of the estate road(s), if applicable; 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 in writing before any work commences on site.
- b) Severn Trent Water on 0800 783 4444 should be contacted about the design and provision of foul and surface water sewers and for adoption information; the Environment Agency, for information on flood risk and on- or off-site storm water requirements; the Nottinghamshire Constabulary Architectural Liaison Officer regarding measures to combat crime;
- c) the Council's Leisure Services Division for information on the provision and specification for open spaces and play areas,
- d) the Council's Landscape Officer for advice on incorporating existing landscape features as well as the principles for new landscaping and planting species and specifications, and tree preservation;
- e) East Midlands Electricity, if provision needs to be made for a new sub-station.
- f) Natural England in relation to nature/ecology matters and soil conservation

A flood risk assessment should be submitted at each stage of the planning process. For example, when more detail concerning the location of dwellings/ land parcels is available, then areas must be identified to be set aside for the provision of SUDS measures. The Environment Agency do not consider oversized pipes or box culverts as sustainable drainage. Should infiltration not be feasible at the site, alternative above ground sustainable drainage should be used. Surface water run off should be controlled as near to source as possible through a sustainable drainage approach to surface water management. Sustainable Drainage Systems (SuDS) are an approach to managing surface water run - off which seeks to mimic natural drainage systems and retain on -site as opposed to traditional drainage systems which involve piping water off- site as quickly as possible. Please contact Stuart Taylor at the Environment Agency on 0115 8463654 regarding flood risk queries and your attention is drawn to the requirements and advice of the Environment Agency contained in the attached copy letter.

The site will be subject to the Control of Pollution (Oil Storage)(England) Regulations 2001 which apply to the storage of oil or fuel of any kind in any kind of container

which is being used and stored above ground, including drums and mobile bowzers, situated outside a building and with a storage capacity which exceeds 200 litres.

A person with custody or control of any oil or fuel breaching the Regulations will be guilty of a criminal offence. The penalties are a maximum fine of £5000 in Magistrates' Court or an unlimited fine in Crown Court. Further details of the regulations are available from the Environment Agency

In relation to condition 5 and 21 (q) you are advised that the current 750mm diameter surface water culvert runs underneath the existing development as shown within the submitted Flood Risk Assessment (Appendix B) drawing SK01:- Existing 750mm Diameter Sewer and Existing Ditches. The opening of the culvert would bring amenity and biodiversity benefits to the watercourse. Culverts also bring blockage risks and could increase risk of flooding to others. The Environment Agency would expect the details and information to cover the following requirements:-

- a) Information to demonstrate there is no flood risk from the open watercourse to the new development.
- b) Information showing the new alignment of the watercourse
- c) Cross sections of the new open watercourse
- d) Method statement for the planned works include bank works
- e) Biodiversity and ecological benefits from the works including all new planting
- f) Information to demonstrate adequate easements from the open watercourse.

The increased amount of waste water and sewage effluent produced by the new developments will need to be dealt with to ensure that there is no deterioration in the quality of the water courses receiving this extra volume of treated effluent. As such there may be a requirement for the expansion and upgrading of current sewage treatment systems, if the volume of sewage requiring treatment with the district increases. Close liaison with Severn Trent will be required. You are advised to consult Severn Trent Water Limited who should be satisfied that the sewerage and sewage disposal systems serving the development have sufficient capacity to accommodate additional flows, generated as a result of the development, without causing pollution.

Severn Trent Water advise that there is a public sewer located within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003 and you may not build close to, directly over or divert a public sewer without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development and you are advised to contact Severn Trent Water directly on 0116 2343834.

The applicants should consult Severn Trent Water Limited who should be satisfied that the sewerage and sewage disposal systems serving the development have sufficient capacity to accommodate additional flows, generated as a result of the development, without causing pollution

The development should comply with the Site Waste Management Regulations 2008.

The individual dwellings should be designed so as to accommodate:

- a) 3 x wheeled bins within the individual curtilages.

- b) apartment blocks should have land available to accommodate bulk containers for refuse and recycling. For each type of waste the formula is number of apartments x 240/1100= number of bulk containers.

Please contact Dave Thomas at Rushcliffe Borough Council on 0115 9148396 for further information.

Dog fouling bins and on street litter/ recycling bins as specified by the Borough Council will need to be located within areas such as open spaces and play areas, footpaths, car park and thoroughfares. Please contact Dave Thomas on 0115 9148396 for further information.

You are advised to contact Nottinghamshire Police Force Architectural Liaison Officer in respect to achieving a scheme that complies with Secured by Design and the seven attributes contained in the ODPM Document - Safer Places - The Planning System and Crime Prevention.

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

This grant of planning permission does not alter the private legal situation with regard to the carrying out of any works involving land which you do not own or control. You will need the consent of the owner(s) involved before any such works are started.

For further information on the content of contaminated land reports please contact the Borough Council's Environmental Health Department on 0115 9148322.

You are reminded that a number of trees on the site are protected by a Tree Preservation Order and therefore careful attention will need to be paid to any reserved matters application to ensure their retention and long term protection.

It is suggested that the developer works with artists/designers/design teams in order to create a high quality environment for people to work, live and play, which reflects the characteristics of local landscape and heritage. The developer is also encouraged to consider the use of public art which can be decorative or functional.

It is suggested that the developer work with the Parish Council and local youth groups to ascertain the type of equipment sought for the play area space.

Construction traffic shall use preferred routes which shall exclude such traffic passing through Newton Village.

The proposed development lies with a coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development this should be reported to The Coal Authority. Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Property specific summary information on coal mining can be obtained from The Coal Authority Properties Search Service on 0845 7626848 or at www.groundstability.com.

The evidence base for the site wide Energy Statement, referred to in conditions 6 shall include a detailed assessment of anticipated energy usage patterns across the site when occupied. The strategy shall include identification of opportunities for reducing energy loads and for generating on-site low or zero carbon energies.

The proposed development includes a bridge crossing of the A46. Such a crossing will require the prior consent of Highways Agency and County Council as Highways Authority.

Attention is drawn to the fact that this permission does not entitle the applicant to obstruct in any way the public rights of way are within the application site. If it is intended to divert or stop up any public rights of way the appropriate legal steps must be taken before development commences. Please contact the Borough Solicitor for advice on the procedures. (Tel 01159 9148215) Due regard must be had at the reserved matters stage to ensure that access to these are maintained.

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 road works.

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 Nottinghamshire County Council as Highway Authority as early as possible.

In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact Nottinghamshire County Council.

The highway proposals associated with this permission involve works within the public highway which is land over which you have no control. The Highways Agency therefore requires you to enter into a Section 278 agreement to cover the design and construction of the works. Please contact Assistant Area Development Manager, Kamaljit Khokhar on 0121 678 8390 at an early stage to discuss the highways agreement.

With regard to condition 4 such a strategy shall ensure that the bus services and corresponding bus stops are available whether temporary or permanent within 400m of any building prior to it becoming occupied or being brought into use. This shall ensure the bus route is attractive to customers, the route through the site shall include fully lit bus stop poles with timetable cases and bus stop flags, raised kerbed bus boarders, and dropped kerbed wheelchair and pushchair access at all locations, lit bus shelters at 1 in 3 locations with real time displays, bus stop clearways and bus stop cages at key locations, 'supa' shelters at the district centre, appropriate layover points, and an information kiosk.

Advice regarding travel plans can be obtained from the Travel Plans Officer on telephone 0115 9774523.

Natural England have confirmed that they support the proposed mitigation strategy and given that bats are a European protected species through the Conservation of Habitats and Species Regulations (2010) , a licence for works affecting the bat roosts will need to be obtained. Under Regulation 53, activities which would otherwise contravene the strict protection regime offered to European Protected Species under regulation 41 can only be permitted where it has been shown that certain tests have been met. Within the context of a planning application these are:

- a) The activity is for the purpose of preserving public health or safety or for other imperative reasons of overriding public interest
- b) There is no satisfactory alternative
- c) The favourable conservation status of the species in question is to be maintained.

You are advised to contact Natural England on 0300 0600789 for further advice.

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

Nesting birds and bats, their roosts and their access to these roosts are protected under the Wildlife and Countryside Act 1981. Should birds be nesting in the trees concerned it is recommended that felling/surgery should be carried out between September and January for further advice contact Nottinghamshire Wildlife Trust on 0115 9588248. If bats are present you should contact English Nature on 01476 584800.

Defra (now Natural England) advise an appropriately experienced soil specialist should be instructed to advise on and supervise soil handling, including identifying when soils are dry enough to be handled and how to make the most sustainable use of the different soils on site, in particular in retaining the long term potential of agricultural soils on the site. Guidance is available in Defra 'Construction Code of Practice for Sustainable Use of Soils on Construction Sites and it is recommended that this is followed. Condition 19. Relating to the CEMP requires measures at (i) to minimise the potential compaction and structural degradation of top soils and ensure potential for re use is maximised. These measures should aim to ensure that:-

- a) Potential damage to top soils by vehicles is minimised
- b) Top soils are excavated and moved only when dry and friable in consistency
- c) The amount of organic matter incorporated into excavated soil strips is minimised (including by ensuring grass sward is closely mown and all cuttings are removed at an appropriate time prior to soil excavation);
- d) Topsoil stripping methods and construction of topsoil stockpiles are appropriate.

The fume extraction scheme should include both projected noise levels and details of equipment installed to suppress and disperse fumes and/or odour produced by cooking and food preparation.

In addition the following advice is given by the Head of Environmental Health:-

- a) The extract vent should terminate no less than 0.6 m (ideally 1m) above the ridge of the building and not less than 1m above any open able window/skylight.
- b) The extract vent should be installed internally as far as possible, if there is a likelihood of conflict with any planning requirements).
- c) The system must be in use at all times when cooking is carried out in the premises.
- d) Details of the expected noise levels generated by the fan, which are required to be supplied, must include full octave band analysis.
- e) All mountings and fixings shall incorporate anti-vibration mounts in order to reduce airborne and structure-borne noise transmission.
- f) The extract vent should not be fitted with any restriction at the final opening i.e. cap or cowl
- g) The system should be designed to allow the collection and removal of rainwater in order to prevent water entering the fan unit.

Prior to preparing the scheme you are advised to discuss the details with one of the Borough Environmental Health Officers on (0115) 914 8322

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) 914 8322 beforehand

You are advised that the demolition and disposal of asbestos requires special measures. Further advice can be obtained from Nottinghamshire County Council (0115 977 2019). Alternatively you can obtain an asbestos fact sheet from their website www.nottinghamshire.gov.uk

For further information on the content of contaminated land reports please refer to the Borough Council's publication "Developing Land within Nottinghamshire - A Guide to submitting Planning Applications for Land that may be contaminated". This booklet is available from Rushcliffe Borough Council's web site www.rushcliffe.gov.uk or by contacting the Environmental Health Services directly on (0115) 914 8322.

Where identified as required in the Detailed Remediation Scheme, prior to occupation of any building in a phase a total cover of 700mm, including 200mm imported certificated clean soil, plus a capillary break layer of 100mm shall be used for garden and landscaped areas (with the exception of the allotment land and community orchard). A scheme for the certified clean soil and capillary break layer for the allotment and community orchard areas shall be submitted to the Borough Council, prior to the commencement of development of these respective areas, and the scheme shall be carried out in accordance with the approved details. The certificates of analysis for the use of on site or imported clean soils for each phase shall be submitted to the Borough Council.