

# 22/01468/REM

**Applicant** Q+A Planning on behalf of Newton Nottingham LLP

**Location** Land At Former RAF Newton Wellington Avenue Newton Nottinghamshire

**Proposal** Application for matters reserved under permission 19/01871/VAR to seek approval for access, appearance, landscaping, layout, and scale of commercial development.

**Ward** East Bridgford

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

## THE SITE AND SURROUNDINGS

1. The site is allocated as a strategic urban extension (SUE) which measures some 72.9 Ha and is the former Royal Air Force Station at Newton, located approximately 7 miles east of Nottingham; to the south of the village of Newton; and approximately 1km north-west of Bingham between the A46 and the A6097. The site, 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 which remain in a commercial use, the former RAF buildings have now been demolished and the former buildings on the site have been cleared and housing development 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 Ministry of Defence (MOD) housing around the central access road of Wellington Avenue. New residential development has been completed to the south of, and is served off, Wellington Avenue. Access to the proposal site via the link road (Newton Lane) to the rebuilt Margidvnm roundabout created with the A46 improvements.
3. The area subject of this planning application is in the south-eastern corner of the SUE. The site is located on the southern side of the access road (Newton Lane) with access from it. The south site of Newton Lane is currently bound by a row of mature, protected trees. To the sites east is the A46, to its south open countryside with a right of way running broadly parallel the common boundary with the site, and to the west is the new housing development currently under construction by Redrow Homes.
4. 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. Outline Planning Permission was granted in January 2014 (10/02105/OUT) for "...up to 500 dwellings, up to 50 live work units, up to 5.22ha of new employment land (B1,

*B2 and B8); up to 1,000sqm of space for ancillary A1, A3 and A4 uses and community uses, retention of existing hangars for employment purposes, a perimeter cycle track, provision of land for new primary school and associated public open space, recreation space and landscaping.”* That outline permission has been subject of several applications seeking to vary the planning conditions, including applications ref: 16/02864/VAR, and most recently 19/01871/VAR. Details of the planning history is covered below in this report.

## **DETAILS OF THE PROPOSAL**

5. The application has been revised since its initial submission, with amendments to the buildings design, location within the plot and the level of landscaping proposed. Other revisions have been made to the access arrangements, the landscaping and the bunding at the northern end of the site. The proposal, as revised, seeks reserved matters approval for a single commercial building (the planning statement refers to a B8 use) measuring 92m wide, 153m long, 13.5m high to ridge, 11m to eaves. The proposal would have a ground floor area of 13,984sqm (Gross Internal Area - (GIA)) and a first-floor office area of 700sqm.
6. To the south-east of the proposed building, a service yard incorporating 35 lorry (HGV) parking spaces is proposed, and beyond that a drainage feature in the form of a sustainable urban drainage pond. Access to the service yard would be from Newton Lane. To the north-west of the proposed building a car park incorporating 122 parking spaces, parking for motorcycles and parking for cycles is proposed. The car park would be accessed by a second new access point from Newton Lane. The car park area would have a landscaped bund to its north-western boundary measuring between approximately 2.5m and 4.65m high (according to the indicative section provided and approximately 4m wide and 46m in length according to the landscaping plan provided. The landscaped area within which the bund is proposed would measure between 25m and 29m in width and would extend along the entire boundary of the site between the proposed building and the neighbouring residential development. From the nearest new dwelling on the Redrow development, the site boundary is located at approximately 64m, and the distance from the same new residential property to the edge of the proposed commercial building is approximately 132m.
7. Additional new landscaping is also proposed along the northern and southern boundaries of the site to soften the appearance of the building to both Newton Lane and the open countryside to the south.

## **SITE HISTORY**

8. The site has an extensive planning history which can be viewed on the Council's planning website. However, the most recent, relative planning history is as follows:
9. Outline planning permission (ref 10/02105/OUT) with all matters reserved was granted in January 2014 for the delivery of up to 500 dwellings; up to 50 live work units; up to 5.22ha of new employment land (B1, B2 and B8); up to 1000sqm of space for A1, A3 and A4 uses and community uses; retention of existing hangars for employment purposes; a perimeter cycle track; provision of land for new primary school and associated public open space, recreation

space and landscaping. This application was granted subject to a detailed and complex S106 agreement to deliver infrastructure to serve the development which included (inter alia) various options for the provision/delivery of a pedestrian footbridge link across the new and old A46, a community center, primary school and an affordable housing mix providing in total 26.6%. This comprised 19.5% as Social Rent Units, 43.5% as Intermediate Housing Units and 37% as Affordable Rented Units.

10. A Section 73 application (ref: 15/00583/VAR) was granted in July 2015 varying/removing a number of conditions on the original outline permission to enable the demolition of a number of existing buildings on the site prior to discharging pre-commencement planning conditions and also to enable the development to come forward on a phased basis, differentiating between the residential and commercial components and enabling specific conditions to be discharged in respect of the associated phase of development. The application also sought to vary condition 16 to enable the demolition of the water tower. To support this variation, a structural survey was submitted identifying the water tower to be in a poor state of repair.
11. A further Section 73 application (ref: 16/02864/VAR) seeking amendments and removal of conditions 9, 19,39, 40, 41, 42, 2, 3, 4, 5, 6, 8, 10, 11, 12, 13, 15, 16, 22, 26, 47 of planning permission 15/00583/VAR to allow the replacement of 50 live work units with 50 residential units, removal of the "commercial only" internal road and reduction in level of affordable housing was submitted in November 2016 and approved in February 2018. This permission also included a variation to the section 106 agreement.
12. A further Section 73 application (ref: 19/1871/VAR) seeking to vary conditions 2, 3, 4, 5, 6, 8, 10, 11, 12, 13, 15, 16, 21, 22, 24, 26, 29, and 43, and the 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 submitted in August 2019 and approved in April 2020. This permission also included a variation to the section 106 agreement.

## **REPRESENTATIONS**

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

13. The then (now former) Ward Councillor (Cllr D. Simms) for Newton commented that they objected as there was not enough detail in the proposal to come to an informed decision and that they understood that the access road is not to the required width for the safe passing of HGVs, so it would be unsafe to approve the application at this stage.

### **Town/Parish Council**

#### Newton Parish Council

14. Object to the proposal citing 14 separate concerns, namely:

- a) No details on the proposed hours of operation or number of HGV movements
- b) Transport Assessment was undertaken in 2019, since then a considerable number of houses have been built
- c) All the amenities are on the opposite side of the estate
- d) Concerns over the future of the bus service
- e) The proposed building would be 13.4m high alongside the bridleway screened by very high hedges and trees
- f) The proposal will look like a 6<sup>th</sup> hangar on the site, with the garden village sandwiched between two commercial areas
- g) The submitted landscaping scheme differs from the landscaping on the master plan
- h) It is impossible to screen a building of this size
- i) Noise pollution from HGVs, especially if used over a 24-hour period
- j) Noise monitoring reports submitted for previous developments on the site have highlighted constant road noise from the A46. If this is approved, it will add another layer of noise
- k) Light pollution from the building
- l) Air pollution – most HGVs are still diesel
- m) This centre will bring very little benefit to the area, previously promoted as a good place to live
- n) If approved, conditions for a cycle track on Newton Lane, a footpath and changes to the junction at Newton Island must be added.

15. Following receipt of the amended plans Newton Parish Council confirmed that they still object to the proposal noting that whilst the size of the building had been reduced, and the amount of landscaping increased it was fundamentally still the same application. They also commented that the proposal wouldn't stop HGVs using Newton Lane to get to or from Hunter Road or Wellington Avenue, that the environmental and traffic documents need reviewing and updating and that none of the submitted documents address the following questions:

- a) Who will use the building, and
- b) How many HGVs will there be using the facility in a 24hr period.

As such the Parish Council consider the application must be refused.

East Bridgford Parish Council (as a neighbouring Parish)

16. Object to the proposal citing concerns of:

- a) Increased HGV movements from the A46 island (roundabout)
- b) Increased traffic through the centre of East Bridgford, and
- c) That East Bridgford Parish fully support the objections for Newton Parish Council.

**Statutory and Other Consultees**

National Highways

17. Offer no objection to the proposal as the application site does not share a common boundary with the Strategic Road Network.

The Ramblers Association

18. Have no comments to make on the proposal.

**Nottinghamshire County Council:**

Highways

19. No objections to the proposal subject to conditions being attached to any grant of permission.

Lead Local Flood Authority

20. No objection to the proposal noting that any surface water management conditions on the outline approval will still require discharging.

Public Rights of Way Team (PROW)

21. Do not object to the proposal.

**Rushcliffe Borough Council:**

Planning Policy Team

22. Advise that the site is allocated in part for B class and former B class uses, and there is outline planning permission for such uses within this area on the indicative masterplan. As such the principle of development is acceptable in policy terms. However, as any proposal is required to be judged on the policies of the development plan as a whole, there are other issues such as design and amenity that have to be considered in the planning balance when determining the application.

Senior Ecology and Sustainability Officer

23. The Marginal Aquatic Plug Mix Species specified for the SUDs are appropriate, i.e., they are not objecting.

Senior Design and Landscape Officer

24. Following the submission of revised plans, the Senior Design and Landscape Officer advised that they do not object to the proposal subject to conditions being attached to any grant of permission.

Environmental Health Officer

25. Offered no comments on the proposal, but when clarification was sought by officers they advised that issues/concerns raised by others are addressed by conditions on the outline permission.

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

26. A total of 227 (two hundred and twenty-seven) consultations have been received during the application, 225 (two hundred and twenty-five) objecting to the proposal and 2 (two) in support.
27. The 225 (two hundred and twenty-five) objections received have raised the following matters:
- a) HGV activity
  - b) Noise pollution
  - c) Air pollution
  - d) Visual impact
  - e) Highway safety for local residents/families
  - f) Increased traffic
  - g) Height of the building
  - h) Transport Statement
  - i) Impact on Garden Village concept
  - j) Limited access
  - k) Congestion
  - l) Disruption to wildlife
  - m) Light pollution
  - n) Safety for Children
  - o) Non-compliance with government guidance
  - p) Waste
  - q) Potential flooding issues
  - r) Dust nuisance
  - s) Negativity on house sales
  - t) Damage to roads and drainage systems
  - u) Will not provide local jobs
  - v) Inappropriate location for use
  - w) Revised plans do not overcome previous concerns.
28. The representations can be read in full [here](#).

## **Planning Policy**

29. 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).
30. 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 policies is available on the Council's website at: [Rushcliffe - Adopted Local Plan](#)

## **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 following paragraphs of the NPPF are relevant to the determination of this application:

- Paragraph 11
- Paragraph 85
- Paragraph 92
- Paragraph 93
- Paragraph 100
- Paragraph 110
- Paragraph 126
- Paragraph 127
- Paragraph 130
- Paragraph 131 and
- Paragraph 132.

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

### **Relevant Local Planning Policies and Guidance**

35. The Rushcliffe Local Plan Part 1: Core Strategy was formally adopted in December 2014. It sets out the overarching spatial vision for the development of the Borough to 2028.

36. The following policies in the Rushcliffe Local Plan Part 1: Core Strategy are also relevant:

- Policy 1 - Presumption in Favour of Sustainable Development
- Policy 2 - Climate Change
- Policy 3 - Spatial Strategy
- Policy 10 - Design and Enhancing Local Identity
- Policy 11 - Heritage Environment
- Policy 14 – Managing Travel Demand
- Policy 15 – Transport Infrastructure Priorities
- Policy 16 - Green Infrastructure, Landscape, Parks and Open Spaces
- Policy 17 - Biodiversity
- Policy 18 – Infrastructure.

37. Policy 22 of the Core Strategy also specifically identifies the former RAF Newton site as a strategic allocation for additional housing for around 550 dwellings, protection of existing B8 employment located within the former aircraft hangars, and the provision of additional employment land for B1, B2 and B8 purposes. In addition, the policy refers to a primary school, community centre, public open space and other facilities as appropriate.

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

39. The Local Plan Part 2: Land and Planning Policies (LLP2) was adopted in October 2019 and the following policies in LPP2 are also considered material to the consideration of this application:

- Policy 1 -Development Requirement
- Policy 17 - Managing Flood Risk
- Policy 18 - Surface Water Management
- Policy 28 - Considering and Enhancing Heritage Assets
- Policy 29 - Development Affecting Archaeological Sites
- Policy 35 – Green Infrastructure Network and Urban Fringe
- Policy 37 - Trees and Woodland
- Policy 38 - Non-Designated Biodiversity Assets and the Wider Ecological Network
- Policy 39 - Health Impacts of Development
- Policy 40 - Pollution and Land Contamination
- Policy 41 - Air Quality
- Policy 43 - Planning Obligations Threshold.

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

41. Consideration should also be given to other Borough Council Strategies including the Sustainable Community Strategy, Leisure Strategy, Nature Conservation Strategy, and the Borough Council's Corporate Priorities.

42. Conservation of Habitat and Species Regulations 2017, and the Wildlife and Countryside Act (as amended) 1981 - These regulations/legislations contain certain prohibitions against activities affecting European Protected Species, such as bats. These include prohibitions against the deliberate capturing, killing or disturbance and against the damage or destruction of a breeding site or resting place of such an animal. The Habitats Directive and Regulations provide for the derogation from these prohibitions in certain circumstances. Natural England is the body primarily responsible for enforcing these prohibitions and is responsible for a separate licensing regime that allows what would otherwise be an unlawful act to be carried out lawfully.

43. The Council as Local Planning Authority is obliged in considering whether to grant planning permission to have regard to the requirements of the Habitats Directive and Habitats Regulations in so far as they may be affected by the grant of permission. Where the prohibitions in the Regulations will be offended (for example where European Protected Species will be disturbed by the development) then the Council is obliged to consider the likelihood of a licence being subsequently issued by Natural England and the "three tests" under the Regulations being satisfied. Natural England will grant a licence where the following three tests are met:

1. There are "imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment"
2. There is no satisfactory alternative; and



3. The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.
44. The Supreme Court has clarified that it could not see why planning permission should not ordinarily be granted unless it is concluded that the proposed development is unlikely to be issued a license by Natural England.
45. Natural Environment and Rural Communities Act 2006 at Section 40 states that *"every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity."* Section 40(3) of the same Act also states that *"conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat."*
46. Planning for Growth (Ministerial Statement 2011) emphasises the priority for planning to support sustainable economic growth except where this compromises key sustainable development principles. The range of benefits of proposals to provide more robust and viable communities should be considered and appropriate weight should be given to economic recovery.
47. Equality Act 2010 - Under S149 of the Act all public bodies are required in exercising their functions to eliminate discrimination, advance equality of opportunity and foster good relation.
48. Environmental Impact Assessment Regulations - The original outline planning application for the development of the SUE was screened under the Environmental Impact Assessment Regulations 2011 (now superseded by the 2017 regulations) prior to that application being submitted, as were the subsequent S73 applications. The most recent S73 application (ref: 19/01871/VAR) sought amendments the location of certain features within the approved masterplan and did not seek to remove or add development over and above that already contained within the approved masterplan on the approved SUE development that was initially screened. The quantum of commercial development did not change as a result of application reference 19/01871/VAR, and a formal Environmental Impact Assessment was not required. This is a Reserved Matters application in relation to the outline permission as most recently varied by permission ref: 19/01871/VAR, and therefore an Environmental Impact Assessment is not required for this proposal.

## **APPRAISAL**

49. The planning process in England is underpinned by planning law requiring all applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. The Framework (NPPF) does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise.
50. Paragraph 7 of The Framework confirms that the purpose of the planning system is to contribute to the achievement of sustainable development.

Achieving sustainable development means that the planning system has three overarching objectives which are economic, social, and environmental and Paragraph 8 says that the roles performed by the planning system in this regard should not be undertaken in isolation, because they are mutually dependent. It goes on to say that, to achieve sustainable development, economic, social, and environmental gains should be sought jointly and simultaneously through the planning system, which should play an active role in guiding development to sustainable solutions.

51. Any objections to the proposals on the basis that it forms part of the Green Belt are unfounded given that the site has been allocated for commercial development as part of the strategic urban extension to Newton in the Development Plan for Rushcliffe. The release of green belt land was considered in detail as part of the plan-making process for the Local Plan Part 1: Rushcliffe Core Strategy. There is no requirement to demonstrate any “very special circumstances” exist to justify development of commercial or employment uses on this site.

### Principle of Development

52. The principle of the mixed-use development has been established by the grant of outline planning permission and the site allocation within the Core Strategy as a strategic allocation.
53. It is noteworthy that the application seeks 13,984sqm gross internal floor area of commercial development of the 5.22ha (52,200sqm) approved on the site as part of the (varied) outline permission. It is also noteworthy that the proposed building is in the location commercial development was indicated as part of the illustrative masterplan that formed part of varied outline permission (reference 19/01871/VAR) and that it does not exceed the height limit (13.5m) that is conditional (condition 25) of permission reference 19/01871/VAR.
54. The current application is seeking reserved matters for the detailed layout, scale, landscaping, and design of the commercial scheme to the frontage of the site onto the A46. The proposal does not seek to remove or add development over and above that already contained within the approved masterplan nor does it seek to amend the quantum of commercial development already approved on this allocated strategic development site. The current outline permission is extant and along with the conditions constitutes a fall-back position that constitutes a material planning consideration in the determination of the current proposal.
55. The outline planning permission (as varied) sets the quantum of development that can be provided on the site pursuant to the outline permission and through the submission of applications for approval of reserved matters. The current proposal for just under 14,000sqm of commercial development in the south-eastern corner of the site. Therefore, the proposal does not exceed the 52,200sqm of commercial development permitted by the outline permission, and permitted by the allocation within the Core Strategy under Policy 22. Policy 22 requires, amongst other things, “*The retention of the existing hangars for employment purposes and the provision of around 6.5 hectares of additional land for B1, B2 and B8 purposes;... Vehicular access should be provided off the new link road to the A46(T) only to serve the additional housing and employment proposals, with bus and emergency-only access provided through Wellington Avenue;...and Improvements to road infrastructure including the*

*widening of the new link road to the A46(T) – which must be carried out prior to use of the new employment development;...”*

56. The application site is considered to constitute previously developed land in accordance with the definition contained within Annex 2: Glossary of the National Planning Policy Framework (July 2018) due to its former use as a RAF base.
57. The proposal is for some, but not necessarily all, of the commercial development approved on the site. The proposal is considered to be in a sustainable location and the extension of the existing village on this overall site constitutes a logical extension to Newton as confirmed through the site's allocation in the Local Plan and the current permissions granted for the site.
58. The proposal is considered to accord with the spatial strategy of the Core Strategy (Policy 22), which identifies the site as a strategic allocation.
59. The principle of developing this site for housing with the supporting infrastructure and employment uses is, therefore, acceptable, subject to technical issues and all other material planning considerations being satisfied. Those material considerations are considered to be:
  - a) Impact on Character and Appearance of the Area
  - b) Impact on residential amenity
  - c) Highway/pedestrian safety and sustainable travel
  - d) Biodiversity and Ecology and
  - e) Noise, Land Contamination and Construction Management issues.

#### Impact on Character and Appearance of the Area

60. The application site is located on the edge of the existing settlement, on an area of previously developed land with the land levels generally flat across the site.
61. As stated above, the principle of a commercial development on this part of the strategic allocation is accepted and the proposal neither exceeds the height limitation imposed by condition on the outline permission nor the maximum floor area of such use across the development. The application seeks to retain the majority of the landscaping that exists on the site's fringes, and to supplement this with additional new landscaping to seek to further soften the proposals appearance.
62. Officers fully acknowledge that a building of this site is large, and that the amount of landscaping would not hide or fully conceal its mass or appearance from the surrounding area. Nevertheless, the site benefits from outline planning permission for this use, in this location and therefore the principle of development is already established. Furthermore, the proposal would be read in the context of both the recent housing development that is still on-going on the site and the historic developments, namely the hangar buildings that remain on the site as part of the strategic allocation. Officers also acknowledge that whilst in their early years the building would be more prominent, with the passage of time the level of landscaping proposed will go some way to screening, at least in part, and softening the appearance of the building.

63. The Council made a Tree Preservation Order (TPO) to protect the better-quality trees on the southern boundary of the site, and the Senior Landscape and Design Officer advised that they are aware of the outline permission and are not against the building in principle. However, they commented that the initial scheme seemed to try and maximise size of building and parking provision at the expense of effective screening. A more substantial screen of buffer planting was requested given the prominent location of the site due to its location at the entrance to the former RAF Newton site, its position next to the A46, the presence of the public bridleway to the south and the areas of new housing to the northwest. An improvement to the level of landscaping in general was sought with belts of native trees and shrubs requested rather than a native hedgerow.
64. Revised plans were subsequently submitted with the Senior Design and Landscape Officer advising that the landscape plan was appropriate. *“The native screening mix contains a mix of trees and shrubs and should ultimately form a reasonably dense belt of planting with sufficient trees within it to provide height. Within the screening mix are proposed scattered heavy standard trees to give some initial height, these will be at least 3.5m – 4m tall, but when planted will have small canopies. This should soften views from the housing to the west and the right of way to the south, but the impact of the planting in the first few years will be somewhat limited, but this is the nature of any planting scheme. The other planting such as the native hedge and ground cover plants are appropriate.”*
65. The application proposes 152 new trees to be planted around the building, of which 149 are either a “Heavy Standard” or Extra Heavy Standard” and therefore will be established trees rather than whips in tubes that would take longer to establish. In addition to these trees, 23 conifers, 6,137 plants to form native hedges around the proposal, 860 ground cover plants, and 173 shrubs along with 624 aquatic plug plants for the sustainable urban drainage scheme are proposed.
66. There are currently 74 trees on or adjacent to the site and the tree survey submitted as part of the application indicates that two Category B (moderate quality) trees need to be removed to enable the new access through the belt of trees which run along the northern boundary of the site. Whilst there would be some loss of amenity due to the removal of the trees (an Ash and a flowering Cherry) it does allow the HGV bay to be positioned at the eastern end of the site and replacement planting is proposed which would infill gaps and reinforce this belt of trees. Officers are mindful that whilst the loss of any protected tree is regrettable, the application does propose a significant number of new trees across the site and the amenity, environmental and ecological benefits that this would bring.
67. No other works to the existing trees is required to facilitate the development, but the tree report does make some recommendations in the interest of prudent management such as the felling of a Maple (T59) which has bacterial canker, (T61) a suppressed Cherry and (T42) a Chestnut with advanced bleeding canker. The application also proposes pollarding a Poplar, (T65), and pruning back an overhanging branch of an Ash in group 73, whilst both trees are close to the TPO'd trees protected on the southern boundary neither is protected.

68. The tree report also produced a tree protection plan, and this is considered to be acceptable. The Senior Design and Landscape Officer advised that the tree protection plan should be conditional to the grant of any permission along with the relevant documents to ensure they are implemented in full, and that the same would apply to the landscape plan. A condition to ensure that any trees or shrubs that die or are removed within 5 years of completion are replaced, given the sensitivity of the site a landscape management plan for the establishment period (5 years) was also requested.
69. The level of local objection to the proposal is noted, as are the grounds of concern citing its appearance, the relationship to and impact on the “Garden Village” and that a series of smaller buildings would be preferable. The location of the building as proposed was agreed through the allocation of the site within the local plan, and further cemented through the grant of outline planning permission, and subsequent variations to that permission. Whilst the Borough Council recognises and acknowledges that a number of the objectors to the current proposal were not living on the site at the time those decisions were made, that information was in the public domain and would have been available to the solicitors acting on behalf of any new residents moving to the neighbouring new dwellings. It is further acknowledged that the design, scale and appearance of the proposal building would have been an “unknown” at that time nevertheless, the commercial use, its location and the proximity to residential properties was known and should have been considered by all the new residents when they decided to move to the village. However, for clarity whether or not residents were aware of the potential for this use in this location is not a material consideration in the determination of this application.
70. The term “Garden Village” is a marketing strategy being used by the housing developer, Redrow Homes, and is not a policy designation for the strategic site applied to, or required by the Borough Council. Nevertheless, in a document titled “*Understanding Garden Villages: An Introductory Guide*” published by the Town and Country Planning Association in 2018, states that “*The original garden villages were based on a strong foundation of industry and employment, with their developers seeking to create well designed, healthy places and affordable homes.*”
71. *Garden villages built today should apply the same principles, but in a 21st century context, to create vibrant, diverse and affordable communities. Without providing the right employment, community facilities and range of housing, new garden villages risk becoming dormitory commuter suburbs – the antithesis of the Garden City idea.”*
72. Therefore, whilst the proposal would result in employment opportunities for residents living on, or near the site, the type and number of jobs cannot currently be confirmed (or speculated on) as, according to the applicant’s agent there is no end user currently for the building. It is a speculative build, but one based on the current market requirements for a use of this nature.
73. Members are also reminded that whilst the local community might prefer to see a different form of development on the site i.e., small units, Members must determine the application before them. Furthermore, the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (see [section 70\(2\) of the Town and](#)

[Country Planning Act 1990](#) and [section 38\(6\) of the Planning and Compulsory Purchase Act 2004](#) – these provisions also apply to appeals).

74. The National Planning Policy Framework represents up-to-date government planning policy and is a material consideration that must be taken into account where it is relevant to a planning application or appeal. This includes the presumption in favour of development found at [paragraph 14 of the Framework](#). If decision takers choose not to follow the National Planning Policy Framework, where it is a material consideration, clear and convincing reasons for doing so are needed.
75. Officers are satisfied that, despite its mass and size, that the proposal would, with the passing of time have an acceptable impact on the character and appearance of the area which is characterised by the existing and older housing in Newton alongside the taller former Aircraft Hangars on this site, and opposite the Bingham Sustainable Urban Extension (SUE) on the opposite site of the A46. The Bingham SUE also has full permission for 1,050 dwellings and outline permission for circa “*15.5 Hectares of land for a mix of B1, B2 and B8 employment development, with any B8 employment development being concentrated to the west of the site in proximity to the A46(T)*”. As such the proposal is considered to accord with the requirements of Policies 10 and 22 of the Rushcliffe Local Plan Part 1: Core Strategy. The proposal is also considered to accord with the requirements of Policies 1 (Development Requirements) and 37 (Trees and Woodland) of the Rushcliffe Local Plan Part 2: Land and Planning Policies.

#### Impact on residential amenity

76. The site is located at the southern edge of the Sustainable Urban Extension (SUE) at Newton. Access to the new dwellings is available via both Wellington Avenue, and via Newton Lane. However, access to the existing Hangars to the northern edge of the SUE, and to the proposed new building on the southern edge of the SUE are solely by Newton Lane. Officers are aware that historically Heavy Goods Vehicles (HGVs) have and/or have attempted to access the Hangars via Wellington Avenue, however the road configuration and other measures approved at outline stage are designed to make this very difficult and more torturous than doing so via Newton Lane. The closest residential dwellings to the proposed site are the current show homes accessed off of Newton Lane that face directly towards the building subject of this application.
77. It is noteworthy that the highway layout, as a result of the road layout for the approved Redrow housing development is designed such that it is difficult for lorries leaving the hanger sites to make the maneuver north bound up the new spine road towards Wellington Avenue due to the geometry of the roundabout design. This is intentional, and along with the proposed traffic calming is intentionally designed to make access and egress to the hangars more tortuous than via the southern access road. In addition to the traffic layout, condition 25 attached to the outline permission (ref 19/01871/VAR) restricts the hours that any delivery vehicles can make deliveries to or from any of the 5 hangars stating:

78. *“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.”*
79. In addition to the above, Condition 43 attached to the same permission also restricts the use of the secondary access/egress point from the existing hangars/commercial area, from being 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. These two conditions, in addition to the proposed traffic calming measures and other highway restrictions serve to prevent the use of Wellington Avenue by Heavy Goods Vehicles (HGVs) forcing them to use the new access road to the south, thus positively impacting on the amenity of the current and future residents of Newton.
80. The application proposal is located to the east of the existing (and any as yet unbuilt) dwellings. The building would be accessed by HGVs at the eastern end of the building and by other vehicles (cars, motorbikes etc. for the employees working in the building) at the western end of the building. As a result of the proposed layout, no new HGV movements over and above those already generated by the existing hangars would come close to the residential properties approved and/or constructed as part of the SUE. The configuration of the site, the landscaping bund and landscaping and separation distances from existing and future housing development are all considered to mitigate any immediate impacts on the amenity of the new and future residents of the SUE.
81. The design of the proposal has been revised during the determination process as a result of concerns expressed at a local level, by officers and by technical consultees. The building design has been amended to lower the height of the area accommodating the proposed office accommodation north-west corner), and also proposes the use of different materials to clad the exterior of the building. The building was also relocated approximately 10m further to the east of the site (compared to the original submission), and the size of the landscaping area at the west and northern elevations widened with more planting proposed.
82. The closest properties to the site are located approximately 64m from the edge of the application site, but approximately 132m from the building to building (front façade of plot 46 to the western façade of the proposed building). Therefore, for every 1m increase in height the proposed building it is located approximately an additional 10m away from the nearest residential property within the SUE. Furthermore, within the site there is a landscaping area approximately 25m wide at the western end of the site. This landscaped area incorporates a bund measuring approximately 2.5m taller than the land at the western boundary of the site, but approximately 4.65m taller than the finished floor level for the proposed building (to its east) due to the slight changes in levels across the site. As such the building would have a finished floor level lower than that of the nearest houses with approximately the lowest third of the building screened by the proposed bund.



83. Officers consider that the degree of separation from the nearest residential dwellings, the landscaping areas and the level of planting of trees and shrubs proposed along with the exterior materials all serve to minimise the visual impact on the building on the residential properties. The proposed building would be visible and would never be totally concealed from the residential properties by landscaping, however the proposed building is neither considered to dominate nor overshadow the neighbouring properties.
84. As previously stated, officers acknowledge that this is a large building, larger than the hangars that occupy the other end of the SUE site. However, for information the existing 5 hangars on the SUE are “Type C” Hangars measuring approximately 91m in length, 46m in width and 11m in height. The new residential properties approved as part of the SUE are located between approximately 46m and 92m from the existing hangars on the site (building to building). Officers are therefore mindful that there are similar relationships existing elsewhere on the wider SUE development. It is acknowledged that the situation differs in so far as the hangars are historic and the relationships were visible at the time of any prospective new owner visiting the site to potentially purchase a new site. Nevertheless, this application proposes similar relationships between residential properties and large (commercial) buildings to those that already existing on the SUE.
85. Policy 10 (Design and Enhancing Local Identity) of the Core Strategy states that amongst other things all new development should be assessed in terms of its treatment of the following elements:
- structure, texture and grain, including street patterns, plot sizes, orientation and positioning of buildings and the layout of spaces;
  - impact on the amenity of occupiers or nearby residents;
  - density and mix;
  - massing, scale and proportion;
  - materials, architectural style and detailing.
86. The proposed building is located in the “plot” indicated as a “proposed commercial development” on the illustrative master plans approved as part of the varied outline permission. As such the structure, texture, grand and layout of the space is broadly in accordance with that approval, and in accordance with the sites illustrative plan allocating the site in the Core Strategy. As discussed above the degree of separation, the uses, configuration of the building with the HGV yard furthest from residential properties (and closest to the background source of noise i.e., the A46T) all serve to minimise the impact on residential amenity. It should also be noted that similar (but closer relationships) between large commercial buildings (namely the hangars on the site) and new residential properties have already been approved as part of the outline consent for the SUE.
87. The density and mix of the proposed use accord with the illustrative master plan and sites allocation within the Core Strategy. Furthermore, the proposal does not exceed or contravene any of the policy requirements in terms of amount of commercial development on site nor the height restrictions conditioned as part of the outline permission. Therefore, the proposal is considered to comply with the density and mix of uses approved on the SUE. The massing, scale and proportions of the building are larger than anything else on the site, however there are examples of large buildings, and similar



relationships and closer separation distances than are proposed as part of this application. The materials proposed are a mixture of glazing, with timber, composite and profiled cladding treatments to the exterior of the building along with a shallow pitched roof incorporating roof lights. The mixture of materials and finishes, and their detailing are considered to help soften the massing of the building, compared to being built from one, singular exterior treatment.

88. The proposal is therefore not considered to result in any demonstrably harmful overlooking or loss of privacy and the layout and design of the site is considered to accord with Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy. The proposal is also considered accord with Policies 1 (Development Requirements) and 12 (Housing Standards) of the Rushcliffe Local Plan Part 2: Land and Planning Policies.

#### Highway/pedestrian safety and sustainable travel

89. As previously stated, the current proposal appears to broadly accord with the approved masterplan in terms of the locations of connection points to the existing highway network. Nevertheless, the details of the highway layout, geometry, radii etc. have all been closely scrutinised by Nottinghamshire County Council as the local Highway Authority and they initially raised a number of concerns that they required addressing prior to the application being determined.
90. The concerns were very specific and related to highway design, kerb radii etc and were subsequently addressed. The Highway Authority also advised that the parking levels (for cars and HGVs) now comply with the County Council design guide and were satisfied that the Vehicle Trip Rate, the proposed traffic that the proposal would generate, would not have a significant impact on the highway network.
91. The Parish Council have objected on, amongst other grounds, that the application does not include details of the proposed end user, the operating hours or the number of HGV movements. This is all true, the application does not include any of those details. However, it is not required to. The site benefits from outline planning permission for the proposed use, and the planning system does not prevent applicants from making applications for buildings where the end user is not currently known. Nevertheless, the Transport Assessment that accompanied the application included data from the TRICS database ((Trip Rare Information Computer System).
92. The TRICS database is an interactive database and data analysis system consisting of a large number of survey records for developments across a number of industries and uses. The software is used by the transport planning industry to predict transport impacts of new developments and to calculate the potential for trip generation, including traffic (cars and HGVs), pedestrian, cyclist and public transport movements. It is a system that challenges and validates assumptions about the transport impacts of new developments and is the national system of trip generation analysis. As such the Highway Authority, having initially queried some of the information provided, are now satisfied with the data provided, the assumptions made, and the potential impacts the proposal would generate.

93. Concerns raised by residents and others about the width of the access road (Newton Lane) serving the site have already been addressed as part of the outline permission with a condition requiring the road to be widened prior to the first occupation of any new commercial development on the SUE site. Further concerns about highway safety, congestion, levels of HGV activity and increased levels of traffic are not shared by the Highway Authority who have offered no objections or holding objections on these grounds. Following discussions and clarifications of matters through the determination of the application the Highway Authority are now satisfied that the proposal would have acceptable impacts on the highway network and not impact on highway or pedestrian safety to a degree that they would object.
94. The Highway Authority has however requested that two conditions be attached to any grant of permission requiring all the footways, footpaths, the HGV and Car Park accesses has been constructed in accordance with the submitted drawing prior to the buildings first occupation/being brought into use, and another requiring details of the internal roads, accesses and footways to be submitted for consideration prior to development commencing. Officers consider that the principle of these requests meet the tests for conditions but have reviewed the triggers for submission of the details and these form part of the suite of conditions attached to the recommendation below.
95. Despite initial concerns regarding the proximity of the public right of way (PROW) to the site and the width of the PROW, following clarification from the applicants the Public Rights of Way Officer raised no objections to the proposal.
96. Therefore, the proposal is not considered to result in any significant highway safety issues and the layout and design of the site is considered to accord with Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy. The proposal is also considered accord with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies.

### Biodiversity and Ecology

97. The comments from the Council's Environmental Sustainability Officer were in relation to the proposed landscaping for the Sustainable Urban Drainage System (SUDs) at the eastern end of the site, between the A46 and the HGV yard serving the proposed building. Following initial concerns regarding the lack of details, subsequent information was provided and found to be acceptable in terms of the levels and types of aquatic plants proposed for this specific area of the development. The Borough Council's Environmental Sustainability Officer has not objected to the proposal but has offered advice on use of flowering lawn seed mixes for amenity grassland areas.
98. Officers also advise that condition 8 out the varied outline permission (ref 19/01871/VAR) requires an ecology management plan for any phase of the development shall be submitted to and be approved in writing along with updated ecological surveys being required prior to development of the site.
99. Therefore, the application is considered to accord with the requirements of Policies 1 (Development Requirements), 37 (Trees and Woodland) and 38

Noise, Land Contamination and Construction Management issues

100. The Borough Council's Environmental Health Officer has assessed the information submitted for consideration and advised that having commented on the outline planning application ref: 10/02105/OUT and subsequent more recent variations to this application they had no further comments to make on this planning application for reserved matters on environmental health grounds.
101. As part of the outline approval for the site the Environmental Health Officer requested conditions relating to land contamination, construction management and noise, and they were secured through that grant of permission. Other conditions attached to the outline permission secure the requirement for the non-residential units to provide details of operating hours, details of delivery handling equipment and industrial processes, details of external plant and equipment, and hours for deliveries, dispatch and for waste collection. There are also conditions relating to floodlighting on non-residential units and for the provision of access, car-parking and servicing arrangements prior to occupation to prevent impacts on neighbouring occupiers.
102. Nevertheless, in light of the concerns raised by residents' and the Parish Council officers asked the Environmental Health Officer (EHO) to further review the proposal in light of objections on the grounds of noise pollution, air pollution, light pollution and dust nuisance. Officers are mindful that the conditions on the outline permission seem to cover these matters, and this was confirmed by the Environmental Health Officer. The EHO also clarified that concerns about air quality have been assessed as part of the Environmental Impact Assessment Statement to the outline application (10/02105/OUT) to which the Environmental Health Department commented at the time:
103. *"The site is not in an area of poor air quality and the increases in traffic would not cause any air quality issues. The impacts of operational transport should be mitigated by a travel plan for the site. A 'construction environmental management plan' (CEMP) including mitigation measures during construction with regard to dust, noise and other nuisance issues affecting residential properties currently close to the site and any new residents following occupation of any phased parts of the development should be put in place."*
104. The EHO is satisfied that these measures have been secured as part of the (varied) outline permission and they also clarified that in terms of the lighting scheme to the unit service yard and car park, although these are some distance away from the residential properties, they are satisfied that the details and supporting lux plots would still be required under Condition 36 of permission reference 19/01871/VAR.
105. As a result, the Construction Method Statements and Contamination Assessments already secured at outline permission stage along with the other relevant conditions the current application is therefore considered to comply with Policy 40 (Pollution and Contamination) of the of the Rushcliffe Local Plan Part 2: Land and Planning Policies which seek to ensure that there are no unacceptable levels of pollution or risk to safety as a result of exposure to

sources of pollution, and that all contamination is suitably assessed and mitigated for.

### Drainage and Flood Risk

106. The outline permission confirmed that the site is located within Flood zone 1, and as such is in the lowest category of flood risk. It is notable that the Nottinghamshire County Council as Lead Local Flood Authority (LLFA) do not object to the proposal in response to the information provided. Furthermore, officers are mindful that the issues of drainage area specifically already addressed by Condition 5 (surface water drainage) and 41 (drainage from the proposed bund) attached to that permission.
107. Therefore, the proposal is considered to be satisfactory to the technical experts and the application is considered to accord with the requirements of Policies 17 (Managing Flood Risk) and 18 (Surface Water Management) of the Rushcliffe Local Plan Part 2: Land and Planning Policies.

### Archaeology

108. The issue of archaeology has already been considered and mitigated at outline stage through the imposition of a planning condition (condition 15 attached to permission ref 19/01871/VAR). That condition requires the applicant(s) to undertake an Archaeological Investigation Scheme (AIS) for any phase of the development prior to any development commencing in that phase to be submitted to and to be approved in writing by the Borough Council that is substantially in accordance with the Design and Access Statement and Illustrative Masterplan approved a part of the S73 application (ref 19/01871/VAR) that particular phase. The AIS is also required to include timescales for archaeological investigation, mitigation, and proposed timescales to be included in the submission.

### Conclusion

109. The Core Strategy identifies RAF Newton as a Strategic Allocation, capable of accommodating around 550 new homes and up to 5.22ha of new employment land (B1, B2 and B8); up to 1,000sqm of space for ancillary A1, A3 and A4 uses and community uses, retention of existing hangars for employment purposes, a perimeter cycle track, provision of land for new primary school and associated public open space, recreation space and landscaping. The outline approval, and subsequent S73 approvals confirm that 528 dwellings have been approved on this site. This application is for a commercial building of just under 14,000sqm, a level lower than permitted (and approved). The fact that the site has been granted outline permission for a mix of residential and employment development with ancillary services is a material consideration although it is acknowledged that the current use of the site does constitute previously developed land, adding weight to the argument that it should be developed in favour of so called "green field sites". The application is a Reserved Matters application clearly related to the outline permissions. The application proposes just shy of 14,000sqm of the 52,200sqm of employment land (approved as use classes B1, B2 and B8, but use class B1 has now become Class E, whilst use classes B2 and B8 remain unaltered).

110. The site is considered capable of providing adequate landscaping and screening to prevent the development appearing overly intrusive and out of character with the edge of this settlement, location with the hangars as an obvious backdrop when viewed from the north, east and west. Furthermore, the level of maturity on new landscaping proposed is, on balance, considered to mitigate for the loss of the two protected trees on this site. It is considered that the approved outline permission (as varied) retains sufficient control to ensure that the development would have sufficient infrastructure and services to support it and connect it to the wider community and that the development hereby proposed would not place future residents of the development, or the existing residents of Newton, at risk of any flooding.
111. It is considered that the proposed development, when taking into account the current policy position which is a material consideration is acceptable in principle, subject to conditions.
112. The concerns of the Nottinghamshire County Council as the Highway Authority in relation to the access arrangements and traffic generation, and the Borough Council's Design and Landscape Officer have been carefully considered and revised plans and information have been submitted to overcome these concerns.
113. Other concerns raised by the Parish Council and other interested parties have been carefully considered.
114. The original outline application was accompanied by an Environmental Impact Assessment. It is not considered that the development proposed under this Reserved Matters application makes a material change to the approved quantum or type of development and a new EIA is not required.
115. The proposal was not subject to pre-application discussions; however, the proposal has been revised during the course of its determination in response to issues and concerns raised by the local community, technical consultees and officers. Amendments have been made to the proposal, addressing the identified adverse impacts, thereby resulting in a more acceptable scheme and the recommendation that the proposal be granted planning permission subject to conditions. Officers are satisfied that the proposal would be in accordance with the Development Plan Policies and accordingly recommend that the proposal be granted, subject to the conditions as set out below.

## **RECOMMENDATION**

It is **RECOMMENDED** that planning permission be granted subject to the following condition(s)

1. The development hereby permitted shall be carried out in accordance with the following drawing numbers:
  - 21677-0310-P-08 Site Arrangement Plan
  - 21677-0311-P-03 Building Arrangement Plan
  - 21677-0312-P-04 Site Levels Plan
  - 21677-0313-P-04 Building Elevations
  - 21677-0314-P-03 Hard Surfaces Plan
  - 21677-0315-P-02 Boundary Plan

- 21677-0316-P-01 Bin Store
- 21677-0317-P-01 Cycle Stores
- 21677-0319-P-01 Contractors Compound
- RAFNTRP – May 23 Tree Retention and Protection Plan
- 974 01 D Landscape Masterplan
- 974 02 D Landscape Softworks Plan
- 2273 48A HGV and Car Park Access.

[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 Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy].

2. The materials, as specified on drawing number 21677-0313 Revision P-04 shall be used for the external walls and roof of the building hereby approved. However, before the building proceeds above foundation level details of the colour, textures and finishes of the materials shall be submitted to and approved in writing by the local planning authority. Thereafter the development shall be undertaken in accordance with the materials as approved. If any alternative materials are proposed to be used, prior to the building affected advancing beyond foundation level, details of any alternative facing and roofing materials to be used on their external elevations shall be submitted to and approved in writing by the Borough Council as a discharge of condition application. In such a scenario the development shall be undertaken in accordance with the revised materials as approved.

[For the avoidance of doubt and to protect the amenities of future occupiers and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy].

3. No part of the development hereby permitted shall be brought into use until all the footways, footpaths, the HGV and Car Park accesses has been constructed as shown on drawing number 2273.48A (titled: HGV AND CAR PARK ACCESS TO EMPLOYMENT LAND). The footways, footpaths and accesses shall then be maintained for the life of the development.

[In the interests of highway safety having regard to Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)].

4. No part of the development hereby permitted shall take place until details of the internal roads, accesses and footways have been submitted to and approved in writing by the Local Planning Authority including longitudinal and cross-sectional gradients, street lighting, drainage and outfall proposals, construction specification, provision of and diversion of utilities services, and any proposed structural works. The development shall be implemented in accordance with these details to the satisfaction of the Local Planning Authority.

[To ensure the development is constructed to adoptable standards in the interests of highway safety having regard to Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)].

5. The development hereby permitted must not be commenced until the tree protection measures shown on the submitted drawing number RAFNTRP - May 23 Tree Retention and Protection Plan and within the accompanying methodology described in Section 6 of the BS5837 Tree Constraints, Tree Impacts and Draft Tree protection Method Statement for Commercial Development report prepared by B.J. Unwin Forestry Consultancy have been implemented in accordance with those approved details. Thereafter the approved tree protection measures must remain in place on the site throughout the construction of the development hereby permitted. No materials, supplies, plant, machinery, soil heaps, changes in ground levels or construction activities are permitted within the protected area(s) without the written agreement of Local Planning Authority.

[To ensure the adequate protection of the existing trees and hedgerows on the site during the construction of the development having regard to regard to Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014); Policies 37 (Trees and Woodlands) and 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Chapter 15 (Conserving and Enhancing the Natural Environment) of the National Planning Policy Framework].

6. The hard and soft landscaping shown on the submitted drawing(s) 21677-0314 - *Revision P-03 Building Arrangement Plan, 947-01D Landscape Masterplan and 974-02D Landscape Softworks Plan* including the works outside of the redline, but within the blueline must be carried out and completed in accordance with those approved details not later than the first planting season (October – March) following either the substantial completion of the development hereby permitted or it being first brought into use, whichever is sooner. If, within a period of 5 years of from the date of planting, any tree or shrub planted as part of the approved LS is removed, uprooted, destroyed, dies or become diseased or damaged then another tree or shrub of the same species and size as that originally planted must be planted in the same place during the next planting season following its removal.

[To ensure the development creates a visually attractive environment and to safeguard against significant adverse effects on the landscape character of the area having regard to Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014); Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Chapter 12 (Achieving Well-designed Places) of the National Planning Policy Framework].

7. The development hereby permitted must not be occupied or first brought into use until details of the proposed bunding within the landscaped area at the western end of the site have been submitted to and approved in writing by the Local Planning Authority.

The details should include the following:

- An accurate survey of the existing levels of the site within and adjoining the landscaping area within which the bund is proposed

- An accurate plan detailing the proposed levels either side of the landscaping area within which the bund is proposed
- Detailed plans showing a section and the profile of the proposed bund, broadly in accordance with drawing number 21677-0323-P-00 Proposed Bund Section
- Detailed plans of all dimensions of the proposed bund
- Details of the proposed management and maintenance schedule for all the landscaped areas covered by this application, including details of how the bund will be managed and maintained to ensure its profile, height and dimensions are not depleted by natural erosion, weather events or other circumstances and if it were to be, how and when the profile and dimensions of the bund would be restored to its approved levels
- Plans showing the proposed finished land levels/contours of landscaped areas.

The approved bunding must be carried out and completed in accordance with the approved details no later than during the first planting season (October – March) following either the substantial completion of the development hereby permitted, or it being first brought into use, whichever is sooner, and thereafter be retained and maintained for the lifetime of the development in accordance with the approved details.

[To ensure the development creates a visually attractive environment and to safeguard against significant adverse effects on the landscape character of the area having regard to Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014); Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Chapter 12 (Achieving Well-designed Places) of the National Planning Policy Framework].

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) the building hereby approved must only be used for **uses within Use Class E(g)(i), (ii), and (iii), and/or Use class B2 and/or Use Class B8** purposes and for no other purpose whatsoever (including any other purpose within Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or any provision equivalent to that class in any Statutory Instrument revoking and/or re-enacting that Order with or without modification) without express planning permission from the Local Planning Authority.

[In order that the Local Planning Authority may retain control over any future use the land due its particular character and location, having regard to Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)].

9. The building hereby permitted must not be occupied until the Electric Vehicle Charging points (EVCP's) shown on drawing 21677-0310-Revision P-08 Site Arrangement Plan have been installed in accordance with that drawing. Thereafter an EVCP must be permanently retained at the building in accordance with the approved drawing throughout the lifetime of the development.



[To promote sustainable transport measures that will help lead to a reduction in carbon emissions within the Borough and help contribute towards a reduction in general air quality having regard to Policy 2 (Climate Change) of the Local Plan Part 1: Core Strategy (2014) and Policy 41 (Air Quality) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)].

## NOTES TO APPLICANT

Please be advised that all applications approved on or after the 7th of October 2019 may be subject to the Community Infrastructure Levy (CIL). The Borough Council considers that the approved development is not CIL chargeable, as the uses permitted under condition 8 of this decision notice are not chargeable uses on the Council's CIL. Further information about CIL can be found on the Borough Council's website at <https://www.rushcliffe.gov.uk/planningandgrowth/cil/>.

The applicant, and any subsequent owner(s) of the site are advised that if, as a result of the S38 process the internal layout and positioning of any highway(s), footway(s), buildings or any other physical built feature should alter from its position shown on the approved layout drawings referred to in condition 1 of this permission that the owners shall contact the Local Planning Authority to advise on the nature of any such change(s) and seek guidance on the appropriate process to regularise any such alteration from the approved drawings. Thereafter the most appropriate form of application to regularise any alterations shall be submitted to prior to any works affecting the changed part(s) of the site commencing. That is to say, the S38 technical approval process shall not be controlled, impacted upon, or influenced by the approval of the planning drawings referred to in condition 1 of this permission.

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/neighbouring land. If any such work is anticipated, the consent of the adjoining landowner(s) must first be obtained. The responsibility for meeting any claims for damage to such features lies with the applicant.

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

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

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

The applicant is reminded to ensure that any pre-commencement conditions attached to the outline permission (ref 19/01871/VAR) are formally discharged prior to any development lawfully commencing on the site. Pre-

commencement conditions may include matters relating to ecology, works to the highways, construction method statements, travel plan and external lighting amongst others. All other relevant conditions of permission reference ref 19/01871/VAR also need to be complied with.