

**18/01491/FUL**

**Applicant** 1NA Ltd

**Location** R O Royal British Legion Nottingham Road Gotham Nottinghamshire

**Proposal** Demolition of existing buildings and erection of 8 dwellings with associated parking and new access.

**Ward** Gotham

## **THE SITE AND SURROUNDINGS**

1. The site is located in the village of Gotham, which is currently washed over by Green Belt. The site is located on a bend on the main Nottingham Road that runs through the village, this part of Gotham in particular has a strong linear character with houses fronting onto Nottingham Road with pitched roofs. The site itself is currently occupied by a single storey building, the former British Legion, and the remainder of the site is hard surfaced to provide car parking with some trees and shrubs to the boundaries. The vehicular access is roughly central to the front of the site, but the site is currently secured so there is no access via vehicle.
2. The southern corner of the site is located adjacent to a wide, triangular section of highway verge on which is sited the Parish sculpture and cricket club noticeboard.
3. To the south-west of the site is a vehicular access road which appears to be in private ownership and leads to the British Gypsum land at the rear. This also gives access to the electricity substation to the immediate rear of the application site. The site is also bounded to the north-east by the access to the Memorial Hall and playground.
4. Immediately opposite the site, on the other side of Nottingham Road, is a white rendered and thatched roof cottage, which, whilst appearing to be fairly historic is not Listed. Slightly further to the north-east along the opposite side of Nottingham Road is a relatively new development of housing.

## **DETAILS OF THE PROPOSAL**

5. The application as originally submitted sought full planning permission for 9 dwellings, parking and access, following demolition of the existing British Legion building. Following negotiations, and several revisions, the scheme has been reduced to 8 dwellings.
6. The proposed layout would comprise 3 x 4 bedroom detached houses and 1 x 3 bedroom detached house facing Nottingham Road and a further 4 dwellings comprising a pair of 3 bedroom semi-detached houses to the north-east facing into the site and two detached 3 bedroom dwellings to the south-west side of the site facing inwards. The proposed access road would be roughly central to the site with all parking and garages accessed off this road rather than directly from Nottingham Road, and pedestrian access to four properties at the front is

proposed to be over the highway verge. The plans show two trees to be retained to the eastern corner of the site and boundary hedge to the rear of the site being retained and infilled to create a more robust boundary feature. The plans include an area of land edged blue along the western side of the site which is to be retained for future potential widening of the access road to the side if required.

7. Parking is on plot with each property having a minimum of two spaces although plots 1-3 would have one of these spaces provided within a garage.

## **SITE HISTORY**

8. Planning permission was granted in 2015 for the change of use of the building to a retail shop and café with ancillary storage for community organisations (15/02205/FUL).
9. The site was granted the status of Asset of Community Value in July 2015.

## **REPRESENTATIONS**

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

10. The Ward Councillor (Cllr Walker) objects to the scheme on the basis that the scheme comprises 3 and 4 bedroom house types and therefore fails to provide needs-based housing. The village has a lack of smaller properties, which this site would be ideal to provide.

### **Town/Parish Council**

11. Gotham Parish Council object to the scheme on the basis that the *“proposal fails to meet Gotham’s housing need”*.

## **Statutory and Other Consultees**

12. The Nottinghamshire County Council as Highways Authority did not consider the originally submitted scheme to be satisfactory and it was not to an adoptable standard. On receipt of the revised layout for 8 dwellings further comments were received that there should be a clear transition between the shared surface and the conventional highway e.g. a ramp. Amendments were also required to the scheme to demonstrate the swept path for refuse vehicles. Following the receipt of amended plans the Highway Authority have confirmed no objections subject to conditions regarding surfacing, drainage and provision of access prior to occupation.
13. The Borough Council’s Planning Policy Officer has commented that the site lies within the area covered by the Gotham Neighbourhood Plan, this is subject to examination and therefore can be given limited weight. The Neighbourhood Plan does allocate the site for residential development and also recognises the negative impact the site currently has on the village centre. The officer goes on to comment that Policy EN14 of the Rushcliffe Borough Non-Statutory Replacement Plan does allow for limited infill in the Green Belt and Policy COM2 refers to re-use of community facilities. It is considered that as the site has been disused for several years it can be assumed the redevelopment for

an alternative use would be appropriate. This is supported by Policy 30 of the emerging Local Plan Part 2.

14. The Borough Council's Community Development Officer has commented that the number of dwellings proposed would fall below the threshold for contributions for sport/leisure.
15. The Nottinghamshire County Council Rights of Way Officer comments that Bridleway no.3 Gotham is adjacent to the site but is not affected by the proposed development.
16. The Borough Council's Environmental Health Officer notes the nearby presence of an electricity substation which may give rise to low frequency noise. As such a sound insulation scheme is recommended and, if appropriate, a complimentary ventilation scheme. The Combined Phase 1 and Phase 2 Contaminated Land Report methodology is agreed, however it is noted that there is no specific analysis for the electricity substation and it is requested whether sampling for this was undertaken. The agent has confirmed no PCB testing was undertaken with regard to the substation but they are happy to accept a reasonable condition in regard to this. Conditions are also recommended for a Construction Management Statement.
17. The Borough Council's Environmental Sustainability Officer notes that a Protected Species Survey has been submitted that is in date and has been carried out according to best practice. Birds are expected to forage on site and there is foraging activity by at least 5 species of bat. The proposal as originally submitted involved removal of the trees/hedges at the rear of the site and would therefore be likely to have a small negative impact on the favourable conservation of a European Protected Species. Subsequently a bat emergence survey has been submitted and revised plans have been received securing the retention and gapping up of the tree/hedgeline. As such, the Officer is of the view that this should be sufficient to mitigate the potential harm. The recommendations contained within the supplied reports should be secured by condition, including an updated report to be submitted if the permission is not implemented within a year and a sensitive scheme of lighting for the site.
18. The Borough Council's Conservation and Design Officer has commented that the site does not lie within a Conservation Area, there are no listed buildings within the site or in near proximity to it. The existing building lacks sufficient architectural or historical significance to consider it a non-designated heritage asset. The site is prominent by virtue of its position near a bend in the main road, historically the corner of the site near the village sign was a blacksmith's shop long since demolished. The surrounding area has a mix of housing ages/styles, including an 18<sup>th</sup> century thatched cottage opposite. This is not listed but is architecturally distinctive in its context. On the basis of the originally submitted plans the officer commented that the proposed hipped roofs were out of character.
19. Following receipt of revised plans, the officer commented that the 4 units presenting frontages to Nottingham Road would relate better to the established character of the area. He suggests that the side boundaries of plots 4 and 5 are highly prominent and boundary treatments should be conditioned. The proposal introduces eaves level decorative brickwork to each of the houses, which adds visual interest and character to the scheme. It is suggested that

structural polychromy is a more striking feature, and there is a missed opportunity to provide this. Considers there remain opportunities to improve the design of the units but would not advocate a reason for refusal on design grounds.

20. Severn Trent Water comment that their records do not show any public sewers at the site, and therefore recommend a condition for details of drainage plans for foul and surface water to be submitted for approval.
21. The Royal British Legion (Gotham and District Branch) comment that the club has been for sale for the past 3 years and they will be pleased to see the near derelict site finally put to some use for the benefit of the village. They hope some of the houses will be affordable for first time buyers.

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

22. One local resident has objected on the basis of parking (concerned residents parking could overspill onto the street and cause obstruction on the bend). They were also concerned about the potential overbearing nature of Plot 6 on the previously submitted plans.

### **PLANNING POLICY**

28. The Development Plan for Rushcliffe consists of the 5 saved policies of the Rushcliffe Borough Local Plan (1996) and the adopted Rushcliffe Local Plan Part 1: Core Strategy (December 2014). The publication version Local Plan Part 2 (LPP2): Land and Planning Policies is also a material consideration, although the policies within this document do not currently carry as much weight as those that are adopted, as they are still subject of an examination and have not yet been adopted. Local Plan Part 2 was submitted for examination on 10 August 2018 with the hearing taking place in November/December 2018.
29. Other material considerations include the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG) and the Rushcliffe Residential Design Guide.

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

23. The National Planning Policy Framework (NPPF) (updated in 2018) 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.
24. As such, the following national policies in the NPPF with regard to achieving sustainable development are considered most relevant to this planning application:

- Policy 11 “Making effective use of land, particularly paragraph 118 c) which states; *“give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;”*
- Policy 12 “Achieving well-designed places” in particular paragraph 127 and 130
- Policy 13 “Protecting Green Belt Land”

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

25. Saved Rushcliffe Borough Local Plan 1996 Policy ENV15 states that; ‘A *Green Belt is proposed as defined on the proposals map*’. This plan defines the extent of the current Nottinghamshire – Derby Green Belt. None of the other saved policies of the Rushcliffe Local Plan are relevant to this application.
26. 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.
27. The following policies in the Rushcliffe Local Plan Part 1: Core Strategy are relevant:
  - Policy 1 – Presumption in Favour of Sustainable Development
  - Policy 3 – Spatial Strategy
  - Policy 4 – Nottingham-Derby Green Belt
  - Policy 8 – Housing Size, Mix and Choice
  - Policy 10 – Design and Enhancing Local Identity
28. The Rushcliffe Borough Non-Statutory Replacement Local Plan (RBNSRLP) is a material consideration. Whilst not part of the Development Plan, the Borough Council has adopted the RBNSRLP for development management purposes in the determination of planning applications. The following policies are relevant in considering this application:
  - Policy GP2 (Design and Amenity Criteria)
  - Policy HOU2 (Development on Unallocated Sites)
  - Policy COM3 (Loss of Community Facilities)
29. The emerging Local Plan Part 2, Land and Planning Policies, has undergone its necessary preparation including the identification of preferred housing sites and extensive consultation. This has now been submitted for examination and the hearing took place in Nov/ Dec. An initial view from the Inspector has been received suggesting minor changes to a few of the policies. Some weight should, therefore, be given to this emerging policy document. In particular the following planning policies are considered material to the consideration of this application;
  - Policy 1 - Development Requirements
  - Policy 11 – Housing Development on Unallocated Sites within Settlements
  - Policy 21 – Green Belt
  - Policy 30 – Protection of Community Facilities

30. The Gotham Neighbourhood Plan has been submitted and is awaiting examination, it can therefore be afforded limited weight.
31. The Rushcliffe Residential Design Guide has been adopted as Supplementary Planning Guidance.

## **APPRAISAL**

32. The key issues to consider are, firstly, the principle of development in terms of Green Belt, housing on unallocated sites and re-use of a site that was previously a community building. It then falls to consider the highway safety aspects of the scheme, whether the proposed layout and design is acceptable in relation to the surrounding area and the amenity impact on any existing residential properties, and the potential future occupiers of the houses themselves.

33. In terms of Green Belt, paragraph 145 makes clear that the construction of new buildings in the Green Belt is inappropriate development, and goes on to list some exceptions to this, including:

*“limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:*

- *not have a greater impact on the openness of the Green Belt than the existing development; or*
- *not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.”*

34. It is considered that the current proposal would constitute the complete redevelopment of previously developed land in redundant use. In terms of openness, it would, arguably, have no greater impact on the Green Belt than the present building. The site is already hard surfaced, and some of this would be returned to garden land, the built form would be more spread out across the site, but would have the advantage of being broken up into smaller dwelling houses rather than one large mass of the British Legion building. The proposed development is, therefore, not considered to represent inappropriate development in the Green Belt. It is also worth noting that through Policy 21 (Green Belt) of Part 2 of the emerging Local Plan (Land and Planning Policies) this area would be inset from the Green Belt along with the rest of Gotham.

35. The existing British Legion building is an existing community facility and as such its loss must be justified. The site is also listed as an Asset of Community Value. The agent for the scheme has provided supporting information which in summary states that:

- a. The site has been vacant in excess of 5 years
- b. There is an existing village hall, church hall, pub and shop in the village
- c. The Asset of Community Value process has effectively tested the market for any potential community re-use

- d. The marketing agents for the site have confirmed there has been no interest from existing local community groups
36. In accordance with the provisions of the Localism Act, where it is proposed to dispose of a building which has been designated as an Asset of Community Value, the community must first be given the opportunity to bid for the property and to raise the necessary funds to purchase it. In this instance, the Borough Council was notified of the owner's intention to dispose of the building in October 2015. A moratorium was triggered on the disposal of the building which ended in April 2016, during this time a bid to purchase the asset was not forthcoming. On the conclusion of the moratorium, the owners again indicated their intention to dispose of the site but in the absence of any bids to acquire the asset, no moratorium was triggered. In these circumstances the owner is free to dispose of the property on the open market.
37. Overall, it is therefore considered the proposal meets the policy criteria to demonstrate that its loss as a community facility is justified. In terms of its status as an Asset of Community Value, this is a material planning consideration. However, the site has been on the list since 2015 with an unsuccessful bid from the Parish Council and the submitted Neighbourhood Plan supports the redevelopment of the site for housing.
38. The proposed development would result in housing on an unallocated site, Policy 3 (Spatial Strategy) of the Local Plan Part 1 (Core Strategy) does not define Gotham as an area for growth and sets out that any new homes in "other villages" will be solely to meet local need. In terms of development on unallocated sites, the proposal is considered to be of an appropriate scale and in a sustainable location within walking distance of the school, play area and village hall and the existing building on site is not architecturally or historically worthy of retention. In principle, the redevelopment of the site accords with local policy.
39. The site layout has been the result of negotiation to arrive at the current scheme, which has reduced the overall number of dwellings at the site to 8. The scheme as revised allows for four properties fronting onto the main road which reflects the existing pattern of development along Nottingham Road. The internal layout of the site is quite dominated by the roads and car parking, however, on balance it is considered this can be accepted as it provides a good level of parking for future residents and it is also proposed that, notwithstanding the submitted plans, a condition is added to any grant of planning permission requiring details of 'green' boundary treatments and landscaping of the site.
40. The garden sizes are slightly smaller than set out in the Rushcliffe Residential Design Guide. The Guide requires rear gardens with a depth of 10m measured to the rear boundary but the plots have a rear garden sizes of 6.3m (plot 4) to 9.3m (plot 7). The garden area requirements are also approximately 25% below that recommended in the Guide. However, the gardens are not directly overlooked and there is good access to open green spaces at the rear of the site and the local play park. On balance, it is not considered that the proposal results in overdevelopment of the site and the layout is considered to be acceptable.

41. The proposal does not significantly impact on any neighbouring residential properties given that it is bounded on three sides by roads and to the rear by open Green Belt land.
42. The Gotham Neighbourhood plan proposes this site as a brownfield site for housing, of up to 11 dwellings. The plan also includes reference to housing need being predominantly for smaller homes. In principle, therefore, the redevelopment of this site is supported by the neighbourhood plan, although the mix does not reflect the survey work undertaken. However, given that this plan has not yet been adopted, limited weight can be given to the policies within the plan and it is not considered this could be supported as a reason for refusal.
43. On balance, it is considered that significant weight should be given to the benefit of redevelopment of this sustainable village centre site and the additional housing stock created and it is recommended that planning permission be granted.
44. Following concerns raised by officers and consultees regarding the scheme, as originally, submitted negotiations have taken place and several iterations of revised plans have been considered before arriving at the final scheme, thereby resulting in a more acceptable scheme and the recommendation to grant planning permission.

## **RECOMMENDATION**

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

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.  
  
[To comply with Section 91 of the Town and Country Planning Act 1990, as amended by the Planning & Compulsory Purchase Act 2004].
2. The development hereby permitted shall be carried out in accordance with the following approved plan(s): Layout Plan 7249 P 100K and House Types 7249 P 111, 112, 113, 114, 115 & 116.  
  
[For the avoidance of doubt and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].
3. The development hereby permitted shall not progress beyond foundation level until details of the facing and roofing materials to be used on all external elevations and details of materials to be used on hard surfaces through the site have been submitted to and approved in writing by the Borough Council and the development shall only be undertaken in accordance with the materials so approved.  
  
[To ensure the appearance of the development is satisfactory and to comply with policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan].
4. Notwithstanding the submitted details, and prior to occupation of any of the dwellings, details of the proposed boundary treatments shall be submitted to



and approved in writing by the Borough Council. The boundary treatments shall be implemented in accordance with the approved details prior to first occupation.

[To ensure the appearance of the development is satisfactory and to comply with policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan].

5. No operations shall commence on site until the existing trees and hedges which are to be retained have been protected in accordance with details to be approved in writing by the Borough Council and that protection shall be retained for the duration of the construction period. No materials, machinery or vehicles are to be stored or temporary buildings erected within the perimeter of the fence, nor is any excavation work to be undertaken within the confines of the fence without the written approval of the Borough Council. No changes of ground level shall be made within the protected area without the written approval of the Borough Council.

[To ensure existing trees are adequately protected during the development and to comply with policy EN13 (Landscaping Schemes) of the Rushcliffe Borough Non Statutory Replacement Local Plan. This condition is required to be implemented prior to commencement of development to protect the trees and hedges during construction.]

6. Prior to occupation, the site shall be landscaped in accordance with a detailed landscaping scheme for the site, to be first submitted to and approved in writing by the Borough Council. The submitted scheme shall detail the proposed gapping up/infilling of the hedge to the rear (north western boundary of the site). The approved scheme shall be carried out in the first tree planting season following the substantial completion of the development. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Borough Council gives written consent to any variation.

[In the interests of amenity and to comply with policy EN13 (Landscaping Schemes) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

7. In the event that the planning permission is not implemented within 1 year of the date of the planning permission being granted a further protected species survey shall be carried out and submitted to the Borough Council. Any mitigation measures required shall be implemented in accordance with the approved details to the satisfaction of the Borough Council.

[To ensure the survey reflects the situation pertaining at the time and to comply with policies GP2 (Design & Amenity Criteria) and EN12 (Habitat Protection) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

8. Prior to occupation a scheme for external lighting shall be submitted to and approved in writing by the Borough Council, the lighting shall be implemented in accordance with the approved scheme and maintained in perpetuity.

[To ensure the lighting is sensitive to local wildlife including protected species and to comply with policies GP2 (Design & Amenity Criteria) and EN12 (Habitat

Protection) of the Rushcliffe Borough Non Statutory Replacement Local Plan

9. The development shall not be brought into use until facilities for the disposal of foul and surface water drainage have been provided, in accordance with details to be submitted to and approved in writing by the Borough Council.

[To ensure that adequate drainage facilities are provided in connection with the development and to comply with policy WET3 (Ground Water Resources) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

10. Notwithstanding the provisions of Schedule 2, Part 1 Classes A - E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) there shall be no enlargement or alteration of the proposed dwelling(s), no alteration to or insertion of windows or rooflights other than those shown on the approved plans, and no outbuildings or other buildings incidental to the enjoyment of the dwelling house constructed without the prior written approval of the Borough Council by way of planning application.

[The development is of a nature whereby future development of this type should be closely controlled and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

11. The garages and parking spaces shall be maintained in accordance with the approved plans and the garages shall not be converted to habitable living accommodation but shall be kept available for the parking of cars for the lifetime of the development.

[To ensure sufficient car parking remains to serve the development and in accordance with Policy GP2 (Design and Amenity) of the Rushcliffe Borough Non-Statutory Replacement Local Plan]

12. No development, including any demolition and site clearance, shall take place until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- a. the means of access for demolition and construction traffic;
- b. parking provision for site operatives and visitors;
- c. the loading and unloading of plant and materials;
- d. the storage of plant and materials used in constructing the development;
- e. the erection and maintenance of security hoarding, including decorative displays and facilities for public viewing, where appropriate;
- f. wheel washing facilities (including full details of its specification and siting);
- g. measures to control the emission of dust and dirt during construction; and
- h. a scheme for recycling/disposing of waste resulting from and construction works;
- i. the location and layout of the site compound and cabins.
- j. the days and times of construction activity and of materials delivery and disposal activity.
- k. The siting and appearance of contractors compounds including heights

of stored materials, boundaries and lighting together with measures for the restoration of the disturbed land and noise mitigation;

- I. A scheme for temporary signage and other traffic management measures, including routing and access arrangements.

[In the interests of highway safety and to protect the amenities of the area and to comply with Policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan and Policy 10 of the Rushcliffe Core Strategy. This is a pre-commencement condition due to the need to establish acceptable construction methods and working arrangements before such works commence]

13. The development hereby permitted shall not progress beyond foundation level until a sound insulation scheme to effectively reduce the transmission of noise from external sources shall be submitted to and approved by the Local Planning Authority having regard to BS8233:2014 Sound Insulation and Noise Reduction for Buildings. If appropriate a complimentary ventilation scheme shall be designed to ensure that the windows can remain closed. The upper limit for living rooms shall be an LAeq, 16h of 35dB and for bedrooms an internal LAeq, 8h of 30dB and an LMax of 45dB. Furthermore, the Noise Rating Curve of 30 shall not be exceeded in any octave band. The scheme shall be implemented in full prior to occupation of the dwellings and thereafter retained for the life of the development.

[In the interests of residential amenity and to comply with policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan]

14. Occupation of the proposed dwellings shall not take place until their respective driveways have been surfaced in a bound material (not loose gravel) for a minimum distance of 5m behind the highway boundary, and which shall be drained to prevent the discharge of surface water from the driveway to the public highway. The bound material and the provision to prevent the discharge of surface water to the public highway shall be retained for the lifetime of the development.

[In the interest of highway safety and to comply with Policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan]

15. Occupation of the proposed dwellings shall not take place until the site access arrangement as shown for indicative purposes on the approved plan has been provided.

[In the interest of highway safety and to comply with Policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan]

16. Before development is commenced, an addendum shall be made to the supporting Phase II investigation from BSP Consulting (Report Ref 16-0320 dated July 2018) to cover further soil testing for possible Polychlorinated biphenyls, PCBs associated with the electrical substation to the North of the site. The resulting revised Phase II Investigation Report shall be submitted to and approved by the Borough Council. If this report confirms that

"contamination" exists, a remediation report and validation statement will also be required. In such instances, all of these respective elements of the report will need to be submitted to and approved by the Borough Council and the agreed measures shall be implemented in full before the development is occupied.

[In the interests of residential amenity and to comply with policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan]

## **Notes to Applicant**

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.

The Borough Council is charging developers for the first time provision of wheeled refuse containers for household and recycling wastes. Only containers supplied by Rushcliffe Borough Council will be emptied, refuse containers will need to be provided prior to the occupation of any dwellings. Please contact the Borough Council (Tel: 0115 981 9911) and ask for the Recycling Officer to arrange for payment and delivery of the bins

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 958 8242 or by email at [info@nottswt.co.uk](mailto:info@nottswt.co.uk). If bats are present you should contact Natural England on 0300 060 3900 or by email at [enquiries@naturalengland.org.uk](mailto:enquiries@naturalengland.org.uk).

Asbestos may be present in the building and the applicant is reminded of their duty under the Control of Asbestos Regulations and must ensure that a qualified asbestos contractor is employed to remove all asbestos and asbestos containing materials and arrange for the appropriate disposal of such materials.

The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the Highways Authority. The new roads and any highway drainage will be required to comply with the Nottinghamshire County Council's current highway design guidance and specification for roadworks.

- a) The Advanced Payments Code in the Highways Act 1980 applies and under section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the Highway Authority with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the Highway Authority as early as possible.
- b) It is strongly recommended that the developer contact the Highway Authority at an early stage to clarify the codes etc. with which compliance will be required in the particular circumstance, and it is essential that design calculations and

detailed construction drawings for the proposed works are submitted to and approved by the County Council (or District Council) in writing before any work commences on site.

Correspondence with the Highway Authority should be addressed to:  
[hdc.south@nottsc.gov.uk](mailto:hdc.south@nottsc.gov.uk)

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 [hdc.south@nottsc.gov.uk](mailto:hdc.south@nottsc.gov.uk) for details.

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.

Due to the presence of Cadent and/or National Grid apparatus in proximity to the specified area, the contractor should contact Plant Protection before any works are carried out to ensure the apparatus is not affected by any of the proposed works. Relevant contact are:

E-mail: [plantprotection@cadentgas.com](mailto:plantprotection@cadentgas.com) Telephone: +44 (0)800 688588