

19/00678/OUT

Applicant Rushcliffe Borough Council

Location Rushcliffe Borough Council Central Works Depot Abbey Road West
Bridgford Nottinghamshire

Proposal Demolition of existing buildings, residential development with associated infrastructure and access points from Abbey Road and Buckfast Way (outline with all matters reserved except access)

Ward Abbey

THE SITE AND SURROUNDINGS

1. The site was, until very recently, used primarily as the Borough Council's depot for the storage of refuse freighters, vehicle maintenance and the storage of some recyclables including glass bottles. There are a number of buildings on the site that were used as vehicle workshops, offices, canteen and stores. The refuse collection/recycling operations have recently been relocated to another site within the City, but remain a function of the Borough Council. The site itself is broadly rectangular in shape and is situated in a predominantly residential area of West Bridgford with the majority of properties having been constructed in the interwar period.
2. To the north of the site there are houses and a small parade of shops serving the surrounding residential neighbourhood. There are allotments and residential properties to the immediate east of the site, residential properties built in the 1950's/60's on Buckfast Way and a primary school (Abbey Road) to the south and further interwar residential properties to the west, beyond the footpath that runs along the immediate western boundary of the site. Access to the site is presently via a single point from Abbey Road, at its junction with Eltham Road. The site is predominantly flat, hard paved and occupied by a mix of historic and modern buildings and structures, up to two storeys high, including a former Victorian water pump house last used as offices. Whilst the former pump house building is not without architectural merit, it is not a listed building, nor are any of the other structures on the site. The site is not within a Conservation Area, however like much of West Bridgford, the site is entirely within Floodzone 2 and predominantly within Floodzone 3.

DETAILS OF THE PROPOSAL

3. Outline planning permission is sought for the residential development following the demolition and clearance of all the buildings and structures on the current 1.9ha site. All matters are reserved, except for the access arrangements, namely a revised access point from Abbey Road and a new access point onto Buckfast Way. Therefore, the application must be assessed on the basis of whether the principle of residential development is acceptable on this site, and whether any impacts of that principle could be mitigated by use of suitably worded conditions. The submission includes indicative information regarding plot designs, layouts, heights of buildings, number of units etc., however with the exception of access, all matters are reserved.

4. The application is supported by the following documents:
 - Existing Site Plan 3573 01 rev C
 - Proposed Masterplan 3573 03 Rev D
 - Proposed Regulatory Plan 3573 12
 - Planning Statement/Design and Access Statement
 - Design Code
 - Illustrative Scheme Document
 - Topographical Survey sheets
 - A Tree Survey
 - Phase 1 and 2 Environmental Assessment dated 10 May 2018
 - Transport Statement dated March 2019
 - Flood Risk Assessment and Drainage Strategy rev A March 2019
 - Ecological Appraisal dated January 2019
 - Historic Environment Desk Based Assessment dated 20 March 2019

5. During the course of the application further documents were requested and provided:
 - Plans: Proposed Regulatory Plan 3573 12 REV A (showing a street tree on Abbey Road to be removed)
 - Bat Emergence Survey and Impact Assessment dated 10 May 2019
 - Health Matrix
 - Revised Flood Risk and Drainage Strategy to respond to the Sequential Test, Emergency Planner and LLFA comments
 - Mitigation CAVAT for the loss of the Street Tree on Abbey Road
 - Archaeological trench investigation

6. The application proposes that 30% of the dwellings would be affordable homes.

7. Vehicular access to the proposed development would be via a new access from Abbey Road at the north west end of the site and a new access from Buckfast Way at the south of the site.

8. The submission and supporting documents illustrate a proposed development of up to 76 dwellings, which gives a gross density of approximately 40 dwellings per hectare. The illustrative masterplan has been designed to comprise a mix of flats and linked properties of 1, 2, 3 and 4 bedrooms with supporting information showing a range of private amenity spaces in the form of ground and upper floor terraced areas.

SITE HISTORY

9. The site has an extensive planning history, however as the Borough Council have used the site as its central depot from 1976 until May 2019, its history entirely relates to that usage. The most relevant planning history is listed below:
 - 12/01745/FUL - Siting of two portacabins for use as an operations office and training room – Approved December 2012.

- 91/01212/A1P - Conversion of pump house to offices (Gen Regs 4) – Approved March 1992.
- 91/01208/A1P - Conversion of pump house to offices (Gen Regs 5) – Approved March 1992.
- 88/01030/A1P - Single storey office building with basement – Approved October 1988.
- 88/01029/A1P - Construction of 2 garage blocks – Approved October 1988.
- 82/03281/HIST - Erect timber amenity block – Approved July 1982.
- 76/03014/HIST - Pre-fabricated office accommodation – Approved July 1976.

REPRESENTATIONS

Ward Councillor(s)

10. One Ward Councillor (Cllr Bushman) supports the application.

Statutory and Other Consultees

11. The Environment Agency does not object to the proposal subject to conditions being attached to any grant of permission.
12. Nottinghamshire County Council as Lead Local Flood Authority (LLFA) has objected to the proposal as there is insufficient information regarding: how Sustainable Urban Drainage Scheme (SuDS) can be incorporated into the proposal; the discharge rates; surface water management, the provision of surface water run-off attenuation storage; the justification for the use (or not) of infiltration); and the lack of information regarding how all the exceedance is to be contained within the site without flooding new properties in a 100year+40% storm.
13. Nottinghamshire County Council Planning Department advises that contributions towards bus stop infrastructure (raised kerbs etc) and Education are sought.
14. Nottinghamshire County Council as Highway Authority initially sought clarification regarding the future of the Lime tree at the proposed new access point from Abbey Road. Clarification was provided that the tree was proposed to be felled. The County Council confirmed that mitigation would be required to justify the removal of the large, high value highway tree (the Lime).
15. They advise that the *“quantum of development is not clearly defined within the application, however based on information contained within the Transport Statement (TS) it is assumed the development will comprise of circa 77 dwellings.*
16. *In order to ascertain the traffic impact of the development on the local highway network, the TS uses TRICS data to compare the traffic generated by current*

use of the site to the proposed use. This suggests that overall the revised use would result in a modest reduction in vehicle trips in the peak hour. In view of this we consider it unlikely that the development will have a severe impact in terms of traffic generation/junction capacity or congestion.

17. *It is proposed that the development is served by two points of access, one in the northern end of the site onto Abbey Road, the other at the southern end of the site onto Buckfast Way.*
18. *The northern access replaces the existing depot access and seeks to relocate it further south away from the Abbey Road/Eltham Road cross roads. This change is welcomed as it simplifies the existing junction arrangement making it safer from highway perspective. The revised junction complies with design standards in terms width and layout. It also meets the requisite standards with regard to visibility.*
19. *We would point out however, that construction of the access will require the removal of a mature highway tree. Whilst we note the presence of the tree has been acknowledged in the documentation associated with the application, no mitigation for its removal has been proposed. We therefore would welcome further discussion in this regard.*
20. *The southern access point layout has been reviewed and is considered acceptable.*
21. *With regard to the internal site layout, we note this is reserved matter and therefore will be considered in detail at a later date. We would however, point out that the layout that is proposed is likely to be unadoptable in its current form and changes will be required to provide an adoptable layout. We have concerns regarding the multiple cross road arrangements within the development and their potential for causing confusion with regard to vehicle priority. Whilst these concerns are not enough to merit a recommendation of refusal at this stage, they should be borne in mind when preparing a reserved matters application.”*
22. The officer recommends approval of the application subject to resolution of the issues surrounding the highway tree and subject to conditions requiring the quantum of development be limited to 77, the creation of the proposed site access prior to first occupation, the submission of a tree replacement mitigation scheme, the submission of individual highways aspects of the internal arrangement and the details of a Construction Method Statement.
23. The Borough Council’s Emergency Planner does not object to the proposal subject to conditions being attached to any grant of permission. They have sought clarification in respect of the levels of water on site for the flood events above the in a 1-100+30% climate change. On the basis of the additional information they advised the document is proportionate and appropriate to the development with details of safe access and egress.
24. The Borough Council’s Sustainability Officer advises that the content of the Ecology Report has been produced in accordance with best practice and is in date. The Officer notes that the site consist mainly of hard surface, buildings and ivy covered walls and fences with some scattered trees. No protected species were identified to reside on the site, however there is potential for wild

birds, bats and hedgehogs to reside on site. The officer recommended a number of conditions to any outline approval relating to an ecological and landscape management plan, the installation of bird and bat boxes, the creation of new wildlife habitat including native trees and hedgerows. Conditions also required in relation to external lighting and good practice during construction.

25. The Borough Council's Design and Landscape Officer advises that, if Via are objecting to the re-routing of the footpath along the western boundary to run along the pavements within the site, it doesn't look there is much to be gained by the applicant trying to divert or stop it up under S257 of the Town and County Act, such objections would need to be resolved or submitted to the Secretary of State for confirmation, this would considerably extend an already complicated and slow process. As the applicant owns the access road to the rear of Abbey Road, the officer queried if the alignment of the right of way could be diverted along this, in their experience it is little used by vehicles and runs parallel to the route so there would be little overall change in alignment/distance and it would still be predominantly traffic free.
26. The officer also commented on the removal of the Lime tree from a public amenity perspective stating that *"the tree survey identifies it as a BS5837 category A tree, "a tree of high quality with a life expectancy of at least 40 years." Having visited the depot site on numerous occasions I'm aware whilst the current access does work, it is far from ideal and always appears to me as a lay person to be a risky junction and I can see the logic in creating a new access. As Via East Midlands are prepared to allow its removal subject to a contingency sum being paid to fund replacement planting I don't object, but would hope that funding provides replacement trees in the local area and I'm sure as a Council we would allow tree planting on our land at Buckfast Way if it would help.*
27. *The Poplars are considered to be BS5837 category B, "trees of moderate quality with an estimated remaining life expectancy of 20 years." These have been pollarded in the past due to their large size and the trees will need to be re-pollarded on a cyclical basis as the new growth will have relatively weak attachment points. If the trees were retained they would need to be pollarded again in the near future and this would return them to being little more than a trunk with a scaffold of short limbs, but they would recover over the coming 2-3 years. At present the trees are located on a little used green space on Rushcliffe land and they have been allowed to grow much larger than would be appropriate if they formed part of a residential development. For this reason I don't believe they would be suitable for inclusion within the design as they would need regular pollarding which would restrict their size and amenity value and I don't object to their removal.*
28. *Given the loss of 3 mature trees on the Abbey Road frontage it will be important to ensure suitable replacement planting takes place, not just within the site, but also so that trees can be viewed from Abbey Road. I wouldn't expect large trees to be planted and would accept the use of fastigate trees (trees with a narrow canopy). The red line boundary excludes a parcel of Rushcliffe owned land to the west of the substation on Eltham Road and this would seem an ideal opportunity for a replacement tree.*

29. *In terms of the indicative design the central open space looks positive as does the proposed tree planting at a ratio of 1 tree per 2 dwellings. At the southern end of the site the development is pushing into the wide grass verge and later in the planning phase I would be looking to ensure the proposed screening planting is sufficiently robust and given sufficient space to have a visual impact and be able to reach maturity.”*
30. The Borough Council’s Environmental Sustainability Officer initially requested that a further survey for bats be undertaken. This was submitted and the officer notes that an Ecological Appraisal and Bat Emergence Survey and Impact Assessment was undertaken, with surveys completed in Jan, April and May 2019, and that it has been produced according to best practice and is in date. He advises that the *“site consists of hard standing, buildings, hedgerow, ivy covered walls and fences, scrub and scattered trees. No protected or priority species were identified resident on the site. There is potential for wild birds, bats and hedgehogs to reside and forage on the site. The development provides opportunities for ecological enhancement and should provide a biodiversity net gain. The conservation status of European Protected Species is unlikely to be impacted by this development.”* Conditions and notes to applicant are recommended.
31. The Borough Council’s Environmental Health Officer does not object to the proposal subject to conditions being attached to any grant of permission relating to the submission and approval of a Contaminated Land Report including details of the remediation and validation strategy. A further condition is requested requiring the submission of a construction method statement detailing techniques for the control of noise, dust and vibration during demolition and construction to be agreed with the Council.
32. The Borough Council’s Design and Conservation Officer in relation to heritage assets, advises that there are no designated heritage assets within the site or within its immediate vicinity.
33. In respect of archaeology, the officer questions the conclusion of the Archaeological Desk Based Assessments (DBA) that the former pumping station building is a “non-designated heritage asset” as no details have been provided to indicate how this conclusion was reached, especially when assessed against the criteria in the NPPF. *“It is for the LPA and its advisors to determine whether a building (in this case) should be considered as a non-designated heritage asset. To this end the emerging Local Plan Part 2 provides criteria for the identification of non-designated heritage assets at paragraphs 9.14 and 9.15, the criteria in turn heavily influenced by criteria recommended by Historic England. In my view the pumping station can just barely be argued to meet the first core criteria in 9.14, but only realistically criteria d. from the list within 9.15 of which two criteria should be met for the structure to be considered as a non-designated heritage asset. In my view had the document author applied the criteria from the emerging Part 2 plan (a plan found sound by the planning inspectorate and to which recommended modifications do not refer to these paragraphs of the document) they would not have concluded that the building qualify as a non-designated heritage asset. The building dates to 1900, after the point in the 1860 where selection for listing become more important as the number of sites being developed increased, and the architectural and landscaping quality and innovation began to decrease. The guidance suggests that survival of plant and equipment is a key consideration*

and in this case nothing remains. In my view the building is a relatively late example, unexceptional in its standard and extent of decoration, unaccompanied by a landscape setting even at the time of its construction and having been stripped of its original machinery. In my view the building falls well short of the standard for statutory listing, and by a degree which leaves great doubt as to whether it would be legitimate to consider it as a non-designated heritage asset.

34. *It is agreed that the bunker beneath the surface of the site should be subject to building recording, a matter that can be conditional to the grant of any permission, and in light of the DBA such a condition should also require the pumping station be subject of a building recording too.”*
35. In terms of the archaeological potential of the site the officer agrees with the findings of the DBA regarding the low-moderate potential for prehistoric archaeology and that if bronze age archaeology in particular exists within the site this may be of national significance. The officer agrees that the potential does warrant exploration and it would be prudent to ensure that any trial excavations target the areas of the site where there is the greatest potential for undisturbed archaeology to survive. He does not advocate trial excavation in the area previously occupied by allotments as it would likely not encounter any undisturbed ground within which archaeological finds could be made. The officer has also had sight of details of servicing within the site and has looked at historic mapping to consider the various structures which have appeared within the site in the 19th and 20th centuries. From all of this information the officer has identified the areas of the site most likely to retain undisturbed ground suitable for archaeological investigation, this amounts only to around a 1/4 of the site area.
36. Given the low potential for archaeology in conjunction with the low proportion of the site where it has a realistic prospect for survival, and that the application is made in outline with all matters reserved, the officer recommends a condition for archaeological trial trenching, with the condition to be discharged prior to any application for approval of reserved matters, to allow any archaeology needing preservation insitu to be factored into the final scheme. A written statement of investigation (WSI) for trial trenching in the areas most likely to feature undisturbed ground has been submitted and the officer has agreed this approach. Initial results may be available prior to the determination of this application. If a preliminary report is available for consideration prior to the determination of the application then the proposed archaeological conditions would need to be reconsidered depending upon the findings.
37. On the basis of the additional information being submitted, having undertaken trial trenches, the officer is of the opinion that the proposed approach is acceptable given the constraints of the site and that a condition be imposed to secure the trial trenching as described within the WSI to be undertaken and the findings provided to the Local Planning Authority for review prior to the commencement of development.
38. In respect of design, matters of appearance, scale, and layout are all reserved for subsequent approval and, as such, the officer has not commented on the illustrative details provided at this stage.

39. The Borough Council's Waste and Recycling Officer has voiced concerns regarding the accessibility of the site to refuse collection vehicles and for the provision of suitable bin storage for each dwelling based on the indicative material provided.
40. The Borough Council's Community Development Manager has requested financial contributions towards off-site play equipment, sports pitches and improvements to allotment provision.
41. The Borough Council's Strategic Housing Officer has advised that "*The site lies within the 'West Bridgford' housing submarket area. Under Policy 8 (Housing Size, Mix and Choice) of the Rushcliffe Local Plan Part 1: Core Strategy we would therefore seek the provision of 30% affordable housing on the site.*"
42. *Based on an overall scheme of 76 dwellings, this would equate to 22 affordable units. The level of provision is evidenced in the Nottingham Core Strategic Housing Market (SHMA) Needs Update (2012). As indicated by the SHMA update, Core Strategy paragraph 3.8.9 states that 42% should be intermediate housing, 39% should be affordable rent and 19% should be social rent. This equates to 9 intermediate units, 9 affordable rent and 4 social rent units.*
43. *On a standard S106 site, a model produced as part the SHMA 2012 update is used to generate the required mix of house types for each of the tenure types. This assumes an average scenario for each site, one that involves all house types (houses, bungalows and apartments). It does not take into account specific site characteristics that may restrict the types of dwelling that are considered appropriate. It is therefore not appropriate to use this model in all instances. For example, brownfield sites may be more restricted in terms of size and layout which limits the range of appropriate house types. Other schemes for apartments or retirement living would likewise not be appropriate for input into the model. Accordingly, in this instance the model outputs have not been applied as it involves apartment and retirement accommodation and addresses site contamination issues.*
44. *The applicant is proposing 7 x 1 bed flats and 7 x 2 bed flats for elderly needs in a sheltered housing "apartment suite". No other rented units are proposed. Ordinarily, a more balanced mix of house types for the rental tenure would be sought and would involve a request for houses and bungalows. The weighting in this proposal towards the flats for the elderly is not objected to as it would provide for a type of accommodation that would meet a priority need as evidenced in both the SHMA studies and "A Strategic Approach to Older Persons' Accommodation for Nottinghamshire and Erewash" May 2011. The design of the flats should reflect the needs of the older demographic i.e. include lift provision.*
45. *In terms of tenure split, the applicant is providing in accordance with the intermediate housing requirement of 42% as specified at paragraph 3.8.9 of Policy 8. The applicant is proposing 9 x 2 bed flats for this tenure. Since the financial market crash in 2008, which significantly affected the desirability of intermediate apartment products, the Borough Council has requested that S106 sites only provide houses for the intermediate tenure and has not requested apartments due to the concern that these would not find a willing purchaser. However, more recently we have introduced flexibility in this*

regard, with the acknowledgement that a significant amount of time has passed since this original position was adopted.

46. *The rented element does not distinguish between affordable rent and social rent as required by Policy 8. However, as the rented units are intended to be accommodated in a single apartment block, it would be considered acceptable to provide for a single rented tenure type (either Affordable Rent or Social Rent) instead of both.*
47. *The intermediate dwellings should be sold at 50% or less of the open market value to ensure that they are affordable having regard to local incomes and prices. The dwellings should be provided through a Registered Provider or through another appropriate mechanism which ensures that the dwellings remain affordable.*
48. *An Affordable Housing Scheme that identifies the Registered Provider and includes a plan showing the layout of affordable units by type and tenure should be submitted to and approved by the Council before commencement of development.*
49. *The provision of 30% affordable housing on this site will assist the Borough Council in meeting its strategic aims to address housing need in the Borough whilst reducing the number of households in temporary accommodation by increasing the supply of permanent affordable housing.”*
50. *The Borough Council's Policy Officer has advised that “Decisions on any planning application should be taken in accordance with the Rushcliffe Development Plan unless material considerations indicate otherwise. The relevant statutory policies that form part of the Development Plan for Rushcliffe consist of the adopted Local Plan Part 1: Core Strategy and five saved policies of the Rushcliffe Borough Local Plan 1996. None of the five saved policies are applicable to this proposal. Other material considerations include the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (the Guidance) and the Rushcliffe Borough Non Statutory Replacement Local Plan (NSRLP) (2006). In accordance with paragraph 2 of the NPPF, these material considerations include the NPPF itself and, critical to the determination of residential proposals within Rushcliffe, its direction within paragraph 49 that in the absence of five years supply of deliverable homes relevant policies for the supply of housing should not be considered up-to-date. At the present time there is an absence of a five years supply of deliverable housing sites across Rushcliffe. The publication version Local Plan Part 2: Land and Planning Policies is also a material consideration and this is currently under examination with hearing sessions held in November and December 2018. The Council has received an initial response from the Inspector and this indicates that subject to modifications, none of which have significant implications for this application, the plan could be found sound. These policies should therefore be given greater weight. Consultation on the main modifications to the plan is expected to commence imminently.*

51. *Policy 3 of the adopted Local Plan Part 1: Rushcliffe Core Strategy outlines the distribution of housing development in the borough over the duration of the plan period. It ensures sustainable development is achieved by focusing residential development toward the built up area of Nottingham and the identified Key Settlements of Bingham, Cotgrave, East Leake, Keyworth, Radcliffe on Trent and Ruddington. In the context of Policy 3, development of the proposed site for residential use would be acceptable given its location in West Bridgford which is within the main built up area of Nottingham.*
52. *The site lies within Flood Zone 3 in an area benefitting from flood defences. A Flood Risk Assessment has been prepared as part of the application. As required by Policy 2 (Climate Change) of LP1, Policy 17 (Managing Flood Risk) of LP2 and the NPPF, a sequential test is required to determine whether or not the proposal is acceptable. The Borough Council currently has a 3.4 year supply of housing (as detailed in the 2018 Five Year Housing Supply Assessment). The proposal is considered to have passed the sequential test on the basis of the lack of suitable alternative sites as evidenced by the lack of five year land supply, and the location of the site within the main built up area in an otherwise sustainable location for development.*
53. *As set out in national and local policy, if a proposal is considered to have passed the sequential test then the exceptions test needs to be applied. This is a two part test. The first part requires that a proposal demonstrates that there are wider sustainability benefits to the community that outweigh the flood risk and the second part requires that it is demonstrated that the development will be safe for its lifetime, without increasing the flood risk elsewhere, and where possible, reduce flood risk overall. Justification for the wider sustainability benefits is considered to be provided by the redevelopment of a brownfield site for residential use which includes the provision of affordable housing and new open space for the community. The Flood Risk Assessment provided as part of the application provides more detail in regards to the first part of the test.”*
54. The Nottinghamshire Clinical Commissioning Group (CCG) has requested financial contributions to mitigate the impact of the proposed development on St Georges Medical Practice/West Bridgford Medical Centre on Musters Road or Embankment Primary Care Centre as the residents of this development could register at any of these practices.
55. VIA (on behalf of NCC Rights of Way) have objected to the proposed extinguishment and the loss of public footpath no. 43. They encourage the applicant to retain the recorded line of footpath no. 43 and explore options to improve the adjacent fencing design and street lighting scheme.
56. They consider that the move of the PROW to an adoptable path as part of the highway would offer fewer public benefits than the existing arrangement, potentially increasing its length by around 70m, and removing the current separation from vehicular traffic movement.
57. Western Power have advised that any live electricity apparatus must be disconnected/diverted prior to any demolition works commencing and that their records indicate multiple low voltage cables present onsite and to refer to HSG47 for guidance with any works in proximity to their apparatus.

Local Residents and the General Public

58. Four representations have been received objecting to the proposal for reasons that can be summarised as follows:
- a. Further loss of privacy, especially of rear gardens adjoining the site.
 - b. Further impact on the roads which are old and in a poor condition.
 - c. Highway safety issues as a result of the large volumes of traffic using the two schools – further housing will exacerbate the situation.
 - d. Impact on the already difficult parking situation as a result of the revised access point on Abbey Road displacing cars that currently park here.
 - e. Traffic calming along Abbey Road needs to be considered.
 - f. Proposal is too large and will impact on surrounding houses, schools, roads and parking.
 - g. The pump house should be retained – it is not only beautiful, but also an important part of the history of the area.
 - h. Not clear how many houses are proposed on the site.
 - i. Three storey apartment buildings are too tall for the site.
59. One representation has been received neither objecting to nor supporting the application stating:
- a. The current fencing around the site is in a poor state and needs removing and replacing with something substantial to aid security.
 - b. Additional landscaping on the site needs to be maintained and not just left to grow and encroach on neighbouring land.
 - c. The existing access arrangements to garages via the site needs to be retained.

PLANNING POLICY

60. 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, whilst they have been the subject of an examination they have not yet been adopted. The Inspector's Interim letter was received by the Council on 5 February 2019 and additional modifications are now proposed. Since receipt of the Policy Officer's comments on this application, the consultation on these modifications has commenced.

61. Other material considerations include the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG) and the Rushcliffe Borough Non-Statutory Replacement Local Plan.

Relevant National Planning Policies and Guidance

62. The National Planning Policy Framework (NPPF) (updated in 2019) 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.
63. 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.
64. 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
65. Conservation of Habitat and Species Regulations 2017, and the Wildlife and Countryside Act (as amended) 1981 - These regulations/legislation 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 provides 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.

66. 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.
67. The Community Infrastructure Levy Regulations 2010 (As amended) places the Government's policy tests on the use of planning obligations into law. It is unlawful for a planning obligation to be a reason for granting planning permission when determining a planning application for a development, or part of a development, that is capable of being charged CIL, whether or not there is a local CIL in operation, if the obligation does not meet all of the following tests:
- a. necessary to make the development acceptable in planning terms;
 - b. directly related to the development; and
 - c. fairly and reasonably related in scale and kind to the development.
68. Since April 2015 Regulation 123 has also come into effect, this states:
- “1. *This regulation applies where a relevant determination is made which results in planning permission being granted for development.*
 2. *A planning obligation may not constitute a reason for granting planning permission for the development to the extent that the obligation provides for the funding or provision of relevant infrastructure (as defined).*
 3. *A planning obligation (“obligation A”) may not constitute a reason for granting planning permission to the extent that:*
 - a. *obligation A provides for the funding or provision of an infrastructure project or type of infrastructure; and*
 - b. *five or more separate planning obligations that:*
 - i. *relate to planning permissions granted for development within the area of the charging authority; and*
 - ii. *which provide for the funding or provision of that project, or type of infrastructure, have been entered into before the date that obligation A was entered into.”*
69. Design Council Building for Life 12 - This assessment sets 12 criteria to measure the suitability of schemes and their locations in relation to design, layout, sustainability criteria, adaptability and effect of existing local character and reduction of crime, amongst other things.
70. Environmental Impact Assessment Regulations – The proposed development has been screened in accordance with the Environmental Impact Assessment Regulations 2017, however, as the site does not exceed the thresholds applicable to the relevant category of Schedule 2 development, the Local Planning Authority is of the opinion that an Environmental Impact Assessment need not be required to support this development in this instance.

Relevant Local Planning Policies and Guidance

71. 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.
72. The following policies in the Rushcliffe Local Plan Part 1: Core Strategy are relevant:
- Policy 1 – Presumption in Favour of Sustainable Development
 - Policy 2 - Climate Change
 - Policy 3 – Spatial Strategy
 - Policy 8 – Housing Size, Mix and Choice
 - Policy 10 – Design and Enhancing Local Identity
 - Policy 19 - Developer Contributions
 - Policy 17 – Biodiversity
73. 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 WET2 (Flooding)
74. 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 been subject to examination with suggested modifications now having been received. The proposed modifications are now under consultation and, therefore, the policies within this document are attributed significant weight, albeit not as much weight as those which have been adopted. 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 12 - Housing Standards
 - Policy 13 - Self Build and Custom Housing Provision
 - Policy 17 – Managing Flood Risk
 - Policy 18 – Surface Water Management
 - Policy 32 - Recreational Open Space
 - Policy 37 - Trees and Woodlands
 - Policy 39 - Health Impacts of Development
 - Policy 40 - Pollution and Land Contamination
 - Policy 41 - Air Quality
 - Policy 43 - Planning Obligations Threshold

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

APPRAISAL

Principle of development

76. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The 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. Paragraph 11 of the NPPF advises that there is a presumption in favour of sustainable development and for decision-making this means approving development proposals that accord with the development plan without delay.
77. NPPF paragraph 15 states that the planning system should be genuinely planned. Succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for addressing housing needs and other economic, social and environmental priorities; and a platform for local people to shape their surroundings.
78. Section 5 - 'Delivering a Sufficient Supply of Homes' states that local planning authorities should identify, and update annually, a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old.
79. However, in considering this application, it has to be borne in mind that the Council does not currently have a 5 year housing land supply. Consequently, in accordance with footnote 7 of the NPPF, Policy 3 of the Core Strategy, which is a policy for the supply of housing, is not up to date. In such circumstances, paragraph 11 of the NPPF and the so-called 'tilted' balance is engaged.
80. Paragraph 11 explains that the presumption in favour of sustainable development requires that, where the development plan is out of date, permission is granted unless:
- The application of policies in the framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed; or
 - Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
81. The site represents a significant previously developed area of land (brownfield) within a sustainable location in the principal urban area of West Bridgford, in an area which is predominantly residential in character. Subject to all other

matters being satisfactorily addresses later in the report, the principle of re-development is acceptable.

Sequential Test/ Exceptions Test

82. The site lies within Flood Zone 2 and 3, as identified on the Environment Agency Flood Risk mapping, although the site is within an area which benefits from protection from the flood defences along the River Trent. Additional information was sought to demonstrate how the developer considered the proposal passes the Sequential Test and the Exceptions Test.
83. The proposal is considered to have passed the sequential test on the basis of the lack of suitable alternative sites, as evidenced by the lack of five year land supply, and the location of the site within the main built up area in an otherwise sustainable location for development.
84. If a proposal is considered to have passed the sequential test, then the exceptions test needs to be applied. The first part requires that a proposal demonstrates that there are wider sustainability benefits to the community that outweigh the flood risk and the second part requires that it is demonstrated that the development will be safe for its lifetime, without increasing the flood risk elsewhere, and where possible, reduce flood risk overall.
85. It is considered that the justification for the wider sustainability benefits to be provided by the redevelopment of a brownfield site for residential use, which includes the provision of affordable housing and new open space for the community, outweighs the flood risk.
86. It is also considered that it has been demonstrated that the development will be safe for its lifetime without increasing the flood risk elsewhere, and where possible reducing flood risk overall. The Emergency Planner has confirmed that no objection is raised to the approach taken within the Flood Risk Assessment and that the document is proportionate and appropriate to the development with details of safe access and egress provided.

Drainage

87. Section 14 of the NPPF relates to 'Meeting the challenge of climate change, flooding and coastal change' and advises that Major development should incorporate sustainable drainage systems, unless there is clear evidence that this would be inappropriate. The systems should:
 - a. Take account of advice from the lead local flood authority;
 - b. Have appropriate proposed minimum operational standards;
 - c. Have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
 - d. Where possible, provide multifunctional benefits.
88. A site specific Flood Risk Assessment and Sustainable Drainage Strategy has been submitted with the application and a revised document was subsequently received seeking to address concerns raised by the consultees (LLFA). It

recommends that:

- “• *Ground finished floor levels at this site shall be elevated 300mm above the 1 in 100-year plus 30% climate change breach flood level to give freeboard above the potential flood water. This sets the minimum ground floor level at 24.47m AOD.*
 - *The proposed surface water drainage system should be designed to accommodate the 1 in 30-year rainfall event without any surface water flooding and should be capable of retaining the 1 in 100-year plus climate change (30%) storm event on site without flooding any buildings.*
 - *For the purpose of this report it has been assumed that soakaways or similar will not be viable.*
 - *It is proposed to restrict surface water runoff to a peak runoff rate of 60 l/s for all storms up to and including the peak 10 year return period event with a graded increase in allowable runoff up to 137 l/s for the peak 100-year plus 30% climate change event. In order to achieve these discharge rates an attenuation volume in the order of 365m³ will need to be provided.*
 - *The prospective occupants should register to receive flood warnings.*
 - *The Flood Warning & Evacuation Plan for the site should be brought into place prior to occupation of the development with this information being made available to any subsequent occupants.”*
89. *Paragraphs 4.2.21 onwards of the report advise that the drainage proposals rules out “infiltration devices and ground-based SuDS that could potentially mobilise contamination into the water table. This has left us with the potential use of roof gardens, permeable paving and sealed below ground attenuation. Ground level garden areas have been minimised in line with the urbanised design concept and to help the viability of the scheme. Remediating the garden areas to an acceptable level requires a significant cost to mitigate the contamination with sufficient imported clean capping.*
90. *The proposed development will comprise on an impermeable footprint of circa 1.58ha. This represents a notable decrease in impermeable area, and this will decrease the volume and rate of site runoff. Calculations for the surface water attenuation have been undertaken using Microdrainage Source Control software. A two-stage flow control has been utilised to provide enhanced restriction of flows in the higher frequency, lower order, flood flow events. This increases the need for surface water attenuation as the rate of the flows leaving the site are lower until the attenuation is greater than half full.*
91. *In order to restrict offsite flows to a peak discharge rate of 126.4 l/s for all storms up to and including the 100-year return period with a 30% allowance for climate change, attenuation which is capable of providing circa 306m³ of surface water storage would be required. This does not however provide any great control of peak offsite flows in lower order flood flow events such as those with a return period of 1 in 10 years or lower.*

92. *A preliminary drainage strategy layout is included in Appendix D. This shows the primary attenuation provision as a bank of 1400mm diameter pipes laid under the central greenspace area. This primary level of attenuation (308m³) is supplemented by a conveyance drainage network of 360m of 450mm diameter. The volume of the 450mm diameter pipes is a further 57m³. For the attenuation calculations this additional pipework has been equated to 37m of 1.4m diameter pipe. Taking allowance of this additional storage capacity has allowed us to remodel the attenuation and reduce flows for the lower order rainfall events. The piped system provides site control ... for a variety of flood flow events. It should be noted that the near surface source control permeable paving has not been included in the attenuation volume and flow calculations ... and as such these represent a worst case.*
93. *Source control will be provided in the form of permeable paving to the private driveways and shared surfaces. Given that the subsoils are not suitable for infiltration the permeable paved areas will be Type C – drained permeable paving.*
94. *The surface water discharge rate will be subject to agreement with STW and the new public sewer connections will be subject to a Section 106 (Water Industry Act 1991) application to STW.”*
95. *The report advises that, “a foul sewer connection will need to be sought for the proposed development, possibly utilising existing connection points. Foul sewers are suitably located at the site entrance to receive foul flows from the development by gravity. They advise that new foul public sewer connections will be subject to agreement with STW via a Section 106 (Water Industry Act 1991) application.”*
96. *The submitted flood risk assessment (ref: 18-0250/FRA/Rev A, dated March 2019) outlines mitigation including that finished floor levels shall be set no lower than 24.47m above Ordnance Datum (AOD). The EA have no objections to the proposal subject to conditions ensuring that the mitigation measures indicated in the report are adhered to in full for the life of the development.*
97. *Both the EA and the Emergency Planner have advised that a flood warning and evacuation plan should be provided as a condition of planning so that it is in place prior to occupation.*
98. *As the site does not flood in a 1- 100+30% climate change, there will be safe access and egress. However, the Emergency Planner requested clarification on the levels of water on site for the flood events above this as the plan refers to ‘partial inundation’ of the site, although they appreciate there have been discrepancies in the LiDAR data with levels. The consultant has confirmed that, “As the proposed development includes the construction of dwellings at ground floor level it is appropriate that the finished floor levels at this site shall be elevated 300mm above the 1 in 100-year plus 30% climate change breach flood level to give a significant freeboard above the potential flood water. This sets the minimum ground floor level at 24.47m AOD. This is 1.25m above the existing low-spot within the site. However, it should be noted that the existing ground levels in some parts of the site are already in excess of 24.47m AOD. This suggests a discrepancy between the LiDAR data level used for the model of the River Trent and the actual surveyed ground level. As a result, it is likely*

that only parts of the site are likely to be affected during the 1 in 100-year plus 30% climate change breach scenario flood event. The proposed floor level of 24.47m AOD is higher than the modelled 1 in 100-year plus 50% climate change flood level of 24.07m AOD." The Emergency Planning Officer raises no objection to this.

99. The LLFA initially objected to the application on the basis that insufficient information had been provided as to how a Sustainable Urban Drainage Scheme could be incorporated into the proposal and sought further clarification in relation to surface water run-off attenuation storage. As described above, further information has been provided in respect of this and, at the time of writing this report, is being considered by the Lead Local Flood Authority (LLFA). However, on the face of the information before the Local Planning Authority, it appears that it would be possible to control the discharge rate of the surface water run off if developed in the manner similar to that contained within the indicative layout plan. This, therefore, further supports the scheme in so far as the indicative quantum of development proposed (76 dwellings) however, the Local Planning Authority would not be able to secure this particular drainage scheme by condition as it may not suit an alternative layout which may come forward for assessment at the reserved matters stage. It is, therefore, more appropriate to secure a suitable Sustainable Urban Drainage scheme to accompany the reserved matters application, once the layout of the site is further defined. Any further comments received from the LLFA prior to the committee meeting will be reported to Members by way of a late representation.

Contamination

100. The NPPF (Section 15) requires that decisions should ensure that a site is suitable for its proposed use taking into account ground conditions and any risks arising from natural hazards or former activities. Part of the site is included on the Councils prioritized list of potentially contaminated land sites, specifically the buildings and surrounding yards. No objections have been received from the Environmental Health Officers to the principle of residential development on the site, subject to conditions.
101. The submitted report confirms that "contamination" exists, and a remediation strategy and validation statement will be required. Once demolition of the buildings is complete a further study will be required beneath the floor slabs of these buildings. A remediation strategy cannot be fully agreed until the eventual site layout is finalised and agreed.
102. The EA have advised that, *"the site overlies the Holme Pierrepont Sand and Gravel which is classified as a secondary A aquifer. Several potentially contaminating activities have taken place at the site during its use as a council depot. Having reviewed the report we are satisfied that all accessible areas of the site have been adequately characterised in terms of risks to controlled waters. We are satisfied with the assessment of risks to controlled waters and the revised conceptual site model. We are therefore happy with the conclusions, presented in section 11 of the report, that the identified contamination does not present a risk to controlled waters."*

103. No objections have been received from either the EA or Environmental Health Officer, therefore, it is considered that the site can be developed having regard to the contamination that exists on site and subject to remediation. Conditions are proposed in respect of this. This is not unusual and it is not considered that this prevents residential development on the site, and will ensure compliance with the requirements of emerging Policy 14 (Environmental Protection) of the Local Plan Part 2 Land and Planning Policies and with paragraph 178 of the NPPF.

Highway matters

104. In considering applications, Policy 1 (Development Requirements) of the Local Plan Part 2: Land and Planning Policies requires that a suitable means of access can be provided to the development without detriment to the amenity of adjacent properties or highway safety and the provision of parking is in accordance with advice provided by the Highways Authority. Means of access to the site is a matter that is not reserved for subsequent approval and needs to be considered at this stage.
105. The application is supported by a Transport Statement (TA). The application has been assessed by the relevant technical consultees in relation to its potential impact on both the local and strategic road network. In addition, the proposal has looked at walking, cycling and bus proposals and Travel Plan measures to encourage alternative modes of transport to the private car. There are no highway safety reasons to refuse the planning application.
106. No objections on highway grounds are raised from the statutory consultees. In particular, the NPPF makes it clear in paragraph 109 that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
107. The County Council, as Highways Authority, have not objected to the application on the basis of highway safety matters and have recommended conditions.
108. Whilst a number of the conditions relating to the creation of the access are considered necessary and proportionate, given that the matter of access is for approval as part of this application, conditions requiring the submission of details relating to the internal layout and appearance of the site are not as these matters will be considered at a later stage through the submission of the appropriate reserved matters application.

Landscape/visual amenity

109. Consideration has also been given to the impact of the access arrangements on the amenity of nearby residents and the visual amenity of the area. The relocated access on Abbey Road would result in the need to remove a category A street tree (Lime). Whilst the loss of the tree needs to be carefully considered, it is considered that the need to provide additional dwellings within the Borough overrides the limited loss of a street tree.
110. Whilst the removal of the category A Lime tree is not ideal from a public amenity perspective, there is clear logic and benefits in creating a new access. On the

basis that VIA are willing to see the tree removed for mitigation, the Landscape Officer has not objected to its removal. The officer would like to see replacement trees in the local area and has suggested possibly planting trees on Council land at Buckfast Way and such a scheme for mitigation will be secured via condition upon any approval.

111. The Poplars (category B trees), have been pollarded and would need to be pollarded again in the near future. The Landscape officer does not consider that they would be suitable for inclusion within the design as they would need regular pollarding, which would restrict their size and amenity value and, therefore, does not object to their removal.
112. In total there would be a loss of 3 mature trees on the Abbey Road frontage and it will be important to ensure suitable replacement planting takes place, not just within the site, but also so that trees can be viewed from Abbey Road. The supporting information submitted with the application suggests a central open space and tree planting at a ratio of 1 tree per 2 dwellings. This is all considered to be positive enhancements. At the southern end of the site the landscape officer has advised that screen planting will need to be sufficiently robust and given sufficient space to have a visual impact and be able to reach maturity. As landscaping is a reserved matter, this will be addressed in detail on submission and consideration of an application for reserved matters.

Public Right of Way

113. The comments of the Rights of Way Officer and the Landscape Officer in relation to the footpath along the western boundary of the site are noted, however, this is an outline planning application with the layout being reserved for future approval. Therefore, the concerns raised in respect of the potential extinguishment of footpath 43 may have some influence over the final layout of the development and will need to be considered when an application for reserved matters is submitted for consideration. The granting of outline planning permission does not override the separate legal requirements relating to public footpaths their diversion or extinguishment.

Archaeology and non –designated historic assets

114. In order to ascertain the potential for archaeological assets within the site, which could potentially be permanently damaged or destroyed during the construction phase, the Conservation Officer advised that a condition would be required for trial trenching prior to the approval of Reserved Matters. A WSI was submitted and agreed by the Conservation Officer. Subsequent to the submission of the Conservation Officer's consultation response and at the time of writing the report it is understood that the trial trenching had been undertaken but the report of the findings had not been formally submitted, although verbal confirmation has been provided that no archaeology was found.

Ecology

115. At the request of the Sustainability Officer, a bat survey has been undertaken and submitted during the assessment of the application and this has established that there were no bats or roosts present at the site.

116. The report advises that *“No bats were seen to emerge from the buildings at Abbey Road Depot. In addition to this, although noctule and common pipistrelle bats were recorded on all three visits, there was very little activity observed in relation to the site itself, as opposed to surrounding areas. The site offers little in terms of suitable foraging habitat and is also brightly lit by flood lighting positioned on all of the buildings. There is suitable habitat to the east of the site, including the allotments and the Grantham Canal and it is considered likely that activity recorded on site came from this direction.*
117. *As no bat roosts have been found at the Abbey Road Depot, no direct impacts on bats are anticipated as a result of the proposed development. Therefore, no adverse impacts on the favourable conservation status of bats is expected as a result of the proposed development.*
118. *It is recommended that any future development proposals include bat (and bird) boxes on retained trees and incorporate gardens and soft landscaping in the design of the scheme. These will help to enhance the value of the site for local bat populations.”*
119. It is, therefore, considered that the LPA’s duty in this regard has been discharged in relation to protected species and that the development of the site would not have an adverse impact. Conditions are proposed to ensure that further surveys are undertaken if the development is not undertaken within 1 year and to ensure that bat and bird boxes are incorporated within a detailed scheme.
120. Core Strategy policy EN1 requires development to contribute towards the conservation, enhancement or restoration of biodiversity and ecological networks throughout the landscape. The NPPF (Section 15) advises that the planning system should contribute to and enhance the natural and local environment by: minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. Under Section 40 of the Natural Environment and Rural Communities Act (2006), every local authority has a statutory duty, in exercising its functions, to have regard, so far as it is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity. Whilst the application is in outline only, the Ecological Mitigation recommendations within the ecological reports provide for ecological enhancement on the site. The proposal would, therefore, accord with the aims of Paragraph 174 of the Framework and the provisions of Policy 17 of the Core Strategy.
121. The reports submitted do not indicate that it will be necessary for a licence from Natural England under the Conservation of Habitat and Species Regulations 2010 to be obtained and, therefore, it is not necessary to consider, in the determination of this application, whether a license is likely to be granted under the requirements of the Habitat Regulations.

Design and amenity

122. It should be acknowledged that this application is for outline planning permission with appearance, landscaping, layout and scale reserved for subsequent approval. It is considered the application has demonstrated that

the proposed development can be accommodated on the site and achieve high quality design and, therefore, is in accordance with the Framework. Careful consideration of layout and design will be given at the reserved matters application stage. It is considered that the proposed development can be designed to ensure that it would not result in any material overbearing, overlooking or overshadowing impact on neighbouring residential amenity due to the scale of the properties and their relationship with neighbouring dwellings. It is, therefore, considered that the indicative details and the information within the Planning Statement, Design and Access Statement and Design Code relating to development and design objectives would ensure that the amenity of neighbouring properties is not unduly and unacceptably affected.

123. Information has been submitted by the applicant to demonstrate that a development of potentially 76 dwellings could be accommodated on the site and provide the gardens, adequate car parking provision and general amenity space. Thus, it is considered that the application accords with Policy 10 of the Core Strategy, and the updated NPPF, which acknowledges at Section 12 (Achieving well designed places) that good design is a key aspect of sustainable development, and that acceptable standards of amenity will be maintained and achieved. The indicative details indicate a scheme that, rather than large traditional gardens laid to lawn, illustrates courtyard gardens, balconies and terraces. This would address contamination, flood risk and amenity matters.
124. It is noted that as part of the new highway junction designs, a category A tree will be required to be removed in order to provide adequate visibility in the interests of highway safety. The tree has been assessed and whilst not currently protected with a Tree Preservation Order, this is due to the tree currently being sited on public land (public highway) rather than due to the health or appearance of the tree. Abbey Road contains a number of street trees, which contribute to the character apparent within this part of West Bridgford, and the tree to be removed also makes a valid contribution. However, the redevelopment of this now vacant brownfield site provides an opportunity for urban regeneration on a significant scale, which will bring many economic, social and environmental benefits. The proposed access design cannot be altered in a manner which would result in the tree's retention. As such, the loss of the tree is considered to be justified in this instance, provided that a scheme be provided by the developer for the replenishment of the tree within the public realm to adequately mitigate against the amenity lost through this part of the development.
125. It is considered that careful consideration of the relationship of the proposed dwellings with the existing adjacent properties, including the location of windows, together with mechanisms for preventing overlooking whilst providing adequate private amenity space for the occupiers of the development and boundary treatment could be achieved at the Reserved Matters stage.
126. In respect of design, again, this is for future approval, however the indicative details within the submission illustrate a mix of 2 and 3 storey dwellings of a contemporary appearance. As the site is largely enclosed with limited street frontage to Abbey Road and Buckfast Way, it is considered that the site lends itself to a more contemporary design approach, provided that the impact on surrounding existing properties is addressed to prevent unacceptable overlooking and other significant impacts.

127. It is proper to consider the potential impact of the points of access on the existing properties as this forms part of the assessment of the current application. The proposed vehicular access on Abbey Road is proposed to be relocated from the existing corner junction arrangement, to a point adjacent to 49 Abbey Road. No 49 is a two storey white rendered property that has no windows directly facing the point of access to its side elevation. It also has an enclosed car port structure and a 2m high concrete boundary to the northern (side) of the property which would be between the proposed new vehicular access and the property. The relocated access would be opposite 2 Abingdon Road. This two storey red brick property has a number of windows fronting onto Abbey Road and its rear garden and vehicular access would be in the vicinity of the new entrance to the site. This property has a mature hedge boundary of around 2m in height. It is considered that the proposed access would not result in significant adverse impacts on either of these properties.
128. The new access on Buckfast Way would be opposite 10-16 Buckfast Way. These properties are single storey bungalows, which would, following the development, potentially be subject to headlight disturbance as a result of vehicles exiting the new development. However, as a result of the distances involved, the intervening road and front gardens, together with treed and landscaped verge on their side of Buckfast Way, it is not considered that the new access would result in significant adverse impacts to these property occupiers and such an arrangement is not uncommon in dense urban areas such as West Bridgford.

Waste

129. The National Planning Policy for Waste advises that, when determining planning applications for non-waste development, local planning authorities should, to the extent appropriate to their responsibilities, ensure that:
- The likely impact of proposed, non-waste related developments on existing waste management facilities, and on sites and areas allocated for waste management, is acceptable and does not prejudice the implementation of the waste hierarchy (prevention - preparing for reuse - recycling, other recovery – disposal) and/or the efficient operation of such facilities.
 - New non-waste development makes sufficient provision for waste management and promotes good design to secure the integration of waste management facilities with the rest of the development and in less developed areas with the local landscape. This includes providing adequate storage facilities at residential premises for example by ensuring that there is sufficient and discrete provision for bins, to facilitate a high quality, comprehensive and frequent household collection service. The handling of waste arising from the construction and operation of development maximises reuse/recovery opportunities and minimises off-site disposal.
130. The National Planning Practice Guidance follows this advice and suggests that for proposals that are likely to generate significant volumes of waste through the development or operational phases, it will be useful to include a waste audit as part of the application. This audit should demonstrate that, in both

construction and operational phases of a proposed development, waste will be minimised as far as possible and that such waste as is generated will be managed in an appropriate manner in accordance with the Waste Hierarchy. Bearing in mind the relatively small number of properties proposed to be delivered on this site, it is not considered that a waste audit is essential in this instance to ensure consideration of the waste hierarchy is achieved. It is considered that waste matters can be adequately considered by way of planning conditions as set out in the recommendation.

131. Consideration has been given to waste matters in the application and it would be normal practice for the construction management plan to include a requirement for a scheme for recycling/disposal of waste resulting from site clearance and construction works. On a development of this size it is not considered necessary for the site to achieve appropriate provision to allow for the recycling of waste for items which are not covered by the Council's kerbside collection service, e.g. glass and textiles. Reserved matters applications would ensure that adequate provision for storage facilities at residential premises are achieved by ensuring that there is sufficient and discrete provision for bins. The road layout would ensure that adequate provision for servicing of the development is achieved.
132. Taking into account the above comments and suggested conditions, it is considered that waste management is adequately considered alongside other spatial planning concerns, and reserved matters applications will be able to ensure the design and layout of new residential properties compliments sustainable waste management, including the provision of appropriate storage and segregation facilities to facilitate collection of waste.

Economic Impact

133. In line with policy 5 (7) of the Core Strategy, during the construction phase of the development the Council will work with the developer to implement and deliver employment and training opportunities for local residents and a planning condition is recommended to achieve this. Taking into account the above it is, therefore, considered that the application satisfies the requirements of Policy 5 of the Core Strategy and satisfies the aims of the NPPF in relation to the economic role of planning, and the corporate priority of supporting economic growth to ensure a sustainable, prosperous and thriving local economy.

Health and Well Being

134. The NPPF, Policy 12 of the Core Strategy (Local Services and Healthy Lifestyles), Rushcliffe's Sustainable Community Strategy and Nottinghamshire Health and Wellbeing Strategy support the promotion of healthy communities through the creation of safe and accessible environments; high quality public spaces, recreational space/sports facilities, community facilities and public rights of way. Consideration also needs to be given to access to community facilities and services, as a lack of these can lead to people being isolated and suffering from mental health conditions, therefore adversely affecting their health and wellbeing.
135. The provision of open and green space is proposed as part of the development, which would support these policy ambitions. Improvements to existing bus

facilities will also support the ability of less mobile members of the population to visit community facilities as required and to access the facilities within West Bridgford.

Planning Obligations

136. Planning obligations assist in mitigating the impact of unacceptable development to make it acceptable in planning terms. Planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind. These requirements are set out as statutory tests in the Community Infrastructure Levy Regulations 2010 and as policy tests in the National Planning Policy Framework. Attached to this report is a table which sets out the contributions being sought by infrastructure providers or equivalent and the Borough Council's considered position on this, as local planning authority.
137. The contributions requested have been challenged with the infrastructure providers and additional information provided where necessary to justify the level or type of contribution being sought. Legislation and guidance state that planning obligations should not be sought where they are clearly not necessary to make the development acceptable in planning terms and this has been taken into account in the preparation of the S106 Table. In relation to the S106 contributions sought, consideration has been given to the potential pooling of contributions. The financial contributions relate to contributions required as a direct result of the development for education, health, bus stop improvements, off site play equipment, play pitches and improvements to existing allotments, together with the provision of 30% affordable housing on site.

Grampian Condition

138. It is considered that a Grampian condition, requiring the completion of a S106 obligation (agreement/undertaking) prior to commencement of development is appropriate and may be necessary in this case because the Borough Council is the applicant.
139. It is considered that this amounts to the exceptional circumstances that would allow the use of a Grampian condition and that it is entirely reasonable to prohibit the commencement of development until the obligation has been signed. The obligation is required to support the direct impacts of the development if approved.

Conclusion

140. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. For these reasons, not only would the scheme accord with the development plan as a whole, but the balance of material considerations also weighs in its favour. Consequently, it is recommended that the Planning Committee support the resolution to grant planning permission, subject to Grampian condition requiring the signing of a planning obligation prior to the commencement of development.

141. The principle of the redevelopment of this brownfield site is acceptable subject to conditions. Notwithstanding the submitted illustrative layout and design code, matters of internal layout and details, together with the impact of adjacent residential amenity, will be considered fully at the reserved matters stage.
142. Discussions have taken place in an attempt to resolve issues raised by interested parties, which has resulted in the submission of additional information. Negotiations have been undertaken in relation to securing appropriate levels of planning obligation to mitigate impacts of the proposal. This has ultimately resulted in a favourable recommendation to the Planning Committee.

RECOMMENDATION

It is RECOMMENDED that planning permission be granted subject to the following conditions:

1. Application for approval of reserved matters must be made within three years from the date of this permission and the development shall be begun not later than two years from the date of approval of the last of the reserved matters to be approved.

[To comply with Section 91 of the Town and Country Planning Act 1990, as amended by the Planning & Compulsory Purchase Act 2004 and to ensure appropriate early delivery of the development.]

2. Approval of the following details (hereinafter called “reserved matters”) shall be obtained from the local planning authority in writing before any development is commenced:
 - a) The layout of the development including internal access, parking and manoeuvring arrangements, plot boundaries and the position of all buildings, structures and open space including bin and waste storage provision
 - b) The scale of each building proposed in relation to its surroundings
 - c) The appearance of all buildings and structures of the development as well as sections and cross sections of the site including roads and footpaths.
 - d) The landscaping of the site including the treatment of public and private spaces through hard and soft measures.

[To ensure the development will be satisfactory and in the interests of visual amenity and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

3. The details submitted for approval of reserved matters in relation to the hard and soft landscaping of the site shall include the following:
 - a) the treatment proposed for all ground surfaces, including hard areas;
 - b) full details of tree planting;
 - c) planting schedules, noting the species, sizes, numbers and densities of plants. Including measures to provide habitat enhancements including:

the use of native fruiting species within landscaping, the retention and gapping up of hedgerows, creation of new hedgerows, retention of mature trees, and the use of bat and bird boxes / tubes).

- d) finished levels or contours;
- e) all existing trees, hedges and other landscape features, indicating clearly those to be removed;
- f) details of all boundary treatments including height, design, location, materials and finish;
- g) details of the means of protection of existing hedgerows and trees whilst construction works are being undertaken;
- h) details of how the landscaping scheme will be phased; and
- i) a landscape management plan and schedule of maintenance.

[To make sure that a satisfactory landscaping scheme for the development is agreed in the interests of the appearance of the area and to comply with policy EN13 (Landscaping Schemes) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

4. The development shall be carried out in accordance with the submitted application details as follows: - Existing Site Plan Drawing Number 01 Rev C and the site access arrangements hereby approved shall be carried out in broad accordance with the Proposed site Access Arrangements 18-00250-002 Rev (contained within Appendix B of the BSP Consulting Transport Assessment dated March 2019) and these access arrangements shall be fully completed prior to the occupation of any of the dwellings hereby approved.

[To define the permission and to ensure the development is served by a safe means of access so as not to cause harm to highway safety in accordance with Paragraph 108 of the National Planning Policy Framework 2019]

5. The development shall only be carried out in accordance with details of finished ground and floor levels in relation to an existing datum point, existing site levels and adjoining land which shall be submitted to and approved in writing by the Borough Council before the development commences and the development shall only be undertaken in accordance with the details so approved.

[To ensure a satisfactory development in the interests of amenity and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

6. The development shall be carried out in accordance with the submitted flood risk assessment (ref: 18-0250/FRA/Rev B, dated May 2019) and in particular the following mitigation measure detailed within:

Finished floor levels shall be set no lower than 24.47m above Ordnance Datum (AOD).

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

[To ensure protection against flooding and to comply with policy WET2 (Flooding) of the Rushcliffe Borough Non-Statutory Replacement Local Plan]

7. Before implementing each phase of development approved by this planning permission no development shall commence until such time as a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:
 1. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
 2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

[To ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 170 of the National Planning Policy Framework and to make sure that the site, when developed is free from contamination, in the interests of public health and safety and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

8. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

[To ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 170 of the National Planning Policy Framework and to make sure that the site, when developed is free from contamination, in the interests of public health and safety and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

9. No occupation of each phase of development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in

accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

[To ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 170 of the National Planning Policy Framework and to make sure that the site, when developed is free from contamination, in the interests of public health and safety and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

10. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

[To ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 170 of the National Planning Policy Framework and to make sure that the site, when developed is free from contamination, in the interests of public health and safety and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

11. No development shall commence until a scheme for surface water disposal has been submitted to, and approved in writing by, the local planning authority. Infiltration systems shall only be used where it can be demonstrated that they will not pose a risk to groundwater quality. The development shall be carried out in accordance with the approved details.

[To ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 170 of the National Planning Policy Framework].

12. No development shall take place until the details of a Construction Method Statement is submitted and approved in writing by the Local Planning Authority. The Statement shall provide for:

- i. Access and parking of vehicles of site operatives and visitors
- ii. Loading and unloading of plant and materials
- iii. Storage of plant and materials used in constructing the development
- iv. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- iv. Wheel washing facilities

- v. Measures to control the emission of noise, dust, dirt and vibration during construction
- vi. A scheme for recycling/disposing of waste resulting from construction works
- vii. Hours of operation (including demolition, construction and deliveries)
- viii. A scheme to treat and remove suspended solids from surface water run-off during construction.
- ix. An earthworks strategy to provide for the management and protection of soils.
- x. 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
- xi. Scheme for temporary signage and other traffic management measures, including routing and access arrangements. The agreed access shall be provided before development commences.

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

[In order to minimise the amount of mud, soil and other materials originating from the site being deposited on the highway; to prevent inadequate parking, turning and manoeuvring for vehicles; inadequate materials storage and to ensure adequate recycling of materials in the interests of highway safety, visual amenity and environmental management. This is a pre commencement condition to ensure that the amenity of existing occupiers are protected during construction and to ensure regard is had to the existing on-site wildlife in accordance with Policy 10 of 17 of the adopted Core Strategy and the National Planning Policy Framework.]

13. During any ground works, demolition or construction of the development hereby approved, there shall be no burning of waste on the site.

[To protect the amenities of neighbouring residential properties and to comply with policies GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

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

[To make sure that the site, when developed is free from contamination, in the interests of public health and safety and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan

15. No development shall commence until a detailed foul water drainage scheme has been submitted and approved in writing by the Local Planning Authority.

No dwelling shall be occupied until the works have been carried out in accordance with the approved scheme.

[To ensure that adequate drainage facilities are provided in connection with the development as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution and to comply with policy WET3 (Ground Water Resources) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

16. No development shall take place until an Employment and Skills Strategy for the construction phase of the approved development has been submitted to and approved in writing by the Borough Council. This strategy will be based on the relevant CITB framework and will provide opportunities for people in the locality to include employment, apprenticeships and training, and curriculum support in schools and colleges. The strategy will be implemented by the developer throughout the duration of the construction in accordance with the approved details and in partnership with relevant stakeholders.

[In order to promote local employment opportunities in accordance with Policies 1 and 5 of the Rushcliffe Local Plan Part 1: Core Strategy. This is a pre-commencement condition because recruitment and employment takes place prior to commencement.]

17. Prior to first occupation of any dwellings hereby approved, a bat-sensitive lighting scheme should be submitted and approved in writing by the local planning authority. The lighting scheme should be in accordance with Conservation Trust (2018) "Bats and artificial lighting in the UK. The scheme shall include details of lux plots of the estimated luminance . The scheme shall be designed to minimise skyglow. The lighting scheme shall be implemented in accordance with the approved details and maintained thereafter.

[To protect the amenities of the area and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan, Core Strategy Policy 17 and the National Planning Policy Framework]

18. 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 shall be carried out and submitted to and approved by the Local Planning Authority in writing prior to the commencement of development. Any mitigation measures recommended by the survey shall be implemented in accordance with approved details and in line with other conditions.

[To ensure that the proposed development contributes to the conservation and enhancement of biodiversity within the site and for the wider area in accordance with paragraphs 174-175 of the NPPF and Policy 17 of the Local Plan Part 1: Rushcliffe Core Strategy of biodiversity within the site and for the wider area in accordance with paragraphs 174-175 of the NPPF and Policy 17 of the Local Plan Part 1: Rushcliffe Core Strategy. This is a pre-commencement condition due to the need to ensure adequate mitigation is in place before any intrusive site works take place]

19. No development shall take place until a Landscape & Ecology Management Plan (LEMP) is submitted to and approved in writing by the local planning authority. The LEMP shall include:

- Details of habitat creations and enhancement.
- Bird and bat boxes shall be integrated into the building fabric (the former targeting house sparrow, starling and swift) into the fabric of a proportion (circa 20%) of the proposed dwellings/their garages.
- Vegetation clearance shall not occur during the bird nesting season, which runs from March to September inclusive.
- The plan will detail the formal management agreement, aftercare and monitoring of the retained and newly created habitats on the site and shall their the ongoing maintenance.

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

[To ensure that the proposed development contributes to the conservation and enhancement of biodiversity within the site and for the wider area in accordance with paragraphs 174-175 of the NPPF and Policy 17 of the Local Plan Part 1: Rushcliffe Core Strategy]

20. Prior to the occupation of each dwelling approved by this planning permission each dwelling shall be provided with ducting to enable the connection to high speed fibre optic Broadband.

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

21. No demolition of the existing subterranean 'bunker' rooms or the above ground former water pumping station shall take place until the applicant or their agents or their successors in title has secured the implementation of a programme of building recording addressing all of the requirements of a Level 2 record and some select components of a Level 3 record in accordance with a written scheme which has been submitted by the applicant and approved in writing by the local planning authority. The onsite recording works shall be fully completed to allow the production of a final building record prior to demolition commencing, the record shall then be submitted to the local planning authority prior to first occupation of any dwelling on site.

[To ensure that any archaeological items are recorded and to comply with policies GP1 (Sustainable Development), GP2 (Design & Amenity Criteria) and EN7 (Sites of Archaeological Importance) of the Rushcliffe Borough Non Statutory Replacement Local Plan and in accordance with Rushcliffe Local Plan Part 1: Core Strategy Policy 11 and the National Planning Policy Framework]

22. Prior to commencement of development a programme of archaeological trial trenching broadly in accordance with the submitted WSI shall be undertaken and a report detailing the findings of the trial trenching shall be submitted to the Borough Council prior to the determination of any reserved matters application for the development of the site.

[To ensure that any archaeological items are recorded and to comply with policies GP1 (Sustainable Development), GP2 (Design & Amenity Criteria) and EN7 (Sites of Archaeological Importance) of the Rushcliffe Borough Non Statutory Replacement Local Plan and in accordance with Rushcliffe Local

Plan Part 1: Core Strategy Policy 11 and the National Planning Policy Framework]

23. The number of dwellings constructed pursuant to this permission shall not exceed 76.

[To ensure the level of traffic generated by the development does not exceed levels suggested by the Transport Assessment and for the avoidance of doubt and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan and the National Planning Policy Framework].

24. No dwelling shall be occupied until the site access arrangements have been completed in broad accordance with the Proposed site Access Arrangements 18-00250-002 Rev - (contained within Appendix B of the BSP Consulting Transport Assessment dated March 2019).

[In the interest of ensuring suitable, safe and adequate access to the development in accordance with the Rushcliffe Local Plan Part 2:Land and Planning Policies and the National Planning Policy Framework]

25. No works to or associated with the construction of the Abbey Road access referred to in condition 24 above shall commence until a scheme of mitigation for the removal of the mature highway tree designated as Tree 15 in the AT2 tree survey has been agreed in writing by the LPA. The mitigation scheme shall then be carried out in the next available planning season following the removal of the tree.

[In the interest of amenity and ecology in accordance with GP1 (Sustainable Development), GP2 (Design & Amenity Criteria) and EN7 (Sites of Archaeological Importance) of the Rushcliffe Borough Non Statutory Replacement Local Plan and in accordance with Rushcliffe Local Plan Part 1: Core Strategy Policy 17]

26. The reserved matters shall include full details of the following which shall be subject to consultation with the Highway Authority:

- a. tactile paving
- b. vehicular, cycle, and pedestrian accesses
- c. vehicular and cycle parking
- d. vehicular turning arrangements
- e. manoeuvring arrangements
- f. access widths, gradients, surfacing, street lighting,
- g. structures,
- h. visibility splays and
- l. drainage

The development shall be carried out in accordance with the approved details and no dwelling shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved under this Condition for that dwelling:

- a. have been constructed in accordance with the approved drawings to binder course level.

b. are available for use

[To ensure the internal site roads are of a suitable layout, quality and standard to cater for the traffic commensurate with quantum of development in accordance with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan and Core Strategy Policy 10]

27. The development shall be carried out and operated in accordance with the approved Travel Plan (Bryan G Hall dated February 2019) which shall be implemented in accordance with the details and timetable as set out therein.

[To encourage alternative methods of travel and to comply with policy MOV6 (Facilities in New Developments of the Rushcliffe Borough Non-Statutory Replacement Local Plan)].

28. Prior to the occupation of any dwelling hereby approved a Flood Evacuation Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall implemented prior to the first occupation of any of the dwellings hereby approved.

[To ensure the safety of those living and working at the site during an extreme flood event, including any emergency services personnel called to assist in such an event and to comply with policy WET2 (Flooding) of the Rushcliffe Borough Non-Statutory Replacement Local Plan]

29. No development shall commence on the land until such time that the owner/developer of the land has entered into an obligation under Section 106 of the Town and Country Planning Act 1990 binding the land in respect of potential obligations (subject to negotiation) relating, but not limited to open space, health, education, bus stop improvements, off-site play equipment, play pitches, improvements to existing allotments and affordable housing.

[To ensure that the impacts of the development are sufficiently mitigated in accordance with Policy 19 of the Rushcliffe Local Plan Part1: Core Strategy].

Notes to Applicant

There is an active waste management permit at the site (reference EA/EPR/PP3090CG/A001, also reference WML no: 43426). The permit holder should ensure that they follow the correct procedure for surrendering their permit when required. Information about how to do this can be found at the following link: <https://www.gov.uk/government/collections/environmental-permit-application-forms-to-surrender-a-permit>.

New wildlife habitats should be created where appropriate, including wildflower rich neutral grassland / wet grassland / pond / wetland / woodland and native hedgerows.

- The existing native trees/hedgerows should be retained where possible, any hedge / trees removed should be replaced.
- Where possible new trees / hedges should be planted with native species (preferably of local provenance and including fruiting species). See <https://www.rushcliffe.gov.uk/conservation/treeshedgesandlandscaping/lands-capingandtreeplanting/plantingonnewdevelopments/> for advice including the planting guides (but exclude Ash (Fraxinus excelsior))

- The use of external lighting (during construction and post construction) should be appropriate to avoid adverse impacts on bat populations, see http://www.bats.org.uk/pages/bats_and_lighting.html for advice and a wildlife sensitive lighting scheme should be developed and implemented.
- Good practise construction methods should be adopted including:
 - Advising all workers of the potential for protected species. If protected species are found during works, work should cease until a suitable qualified ecologist has been consulted.
 - No works or storage of materials or vehicle movements should be carried out adjacent to the ditch.
 - All work impacting on vegetation or buildings used by nesting birds should avoid the active bird nesting season, if this is not possible a search of the impacted areas should be carried out by a suitably competent person for nests immediately prior to the commencement of works. If any nests are found work should not commence until a suitably qualified ecologist has been consulted.
 - Best practice should be followed during building work to ensure trenches dug during works activities that are left open overnight should be left with a sloping end or ramp to allow animal that may fall in to escape. Also, any pipes over 200mm in diameter should be capped off at night to prevent animals entering. Materials such as netting and cutting tools should not be left in the works area where they might entangle or injure animals. No stockpiles of vegetation should be left overnight and if they are left then they should be dismantled by hand prior to removal. Night working should be avoided.
 - Root protection zones should be established around retained trees / hedgerows so that storage of materials and vehicles, the movement of vehicles and works are not carried out within these zones.
 - Pollution prevention measures should be adopted.
- Consideration should be given to energy efficiency, alternative energy generation, green travel (including travel plan, cycle storage and electric vehicle charging), water efficiency, management of waste during and post construction and the use of recycled materials and sustainable building methods

Please contact the Environment Agency on (0115) 846 3654, to discuss their requirements for the above condition relating to Flood Mitigation.

You are advised that your property falls within an area identified to be at risk of flooding in the Environment Agency's Flood Risk Maps. It is therefore recommended that the design and construction of the extension incorporates advice with regard to flood resilience and resistance techniques which is available to view on the Environment Agency's website

Attention is drawn to the fact that this permission does not entitle the applicant to obstruct in any way the footpath which crosses the land to which this application relates. If it is intended to divert or stop up the footpath, the appropriate legal steps must be taken before development commences. Please contact the Borough Solicitor for advice on the procedures. (Tel 01159 9148215)

With regard to works affecting the highway you are advised that Nottinghamshire County Council are the Highway Authority and it is suggested that you contact the Highways Area Office by telephoning 08449 808080 for further information.

Nottinghamshire County Council as the highway authority advise that a suitable agreement will be required with them under the provisions of S278 of the Highways Act 1980 in respect of works in the public highway, contact Mr Harrison on 08449 808080.

The provision of a vehicular footway crossing requires works within the public highway on land outside your control. You are therefore advised to contact the Highways Area Office by telephoning 08449 808080 to arrange for these works.

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

The owner of the neighbouring property claims that there is a legal right of access to your ground in order to maintain that property. You may wish to seek legal advice as to whether that is the case. This grant of planning permission does not override or supersede any such right.

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

This decision relates to planning law only. It is not a legal agreement either to remove or relocate any right of way affected by the development given planning permission.

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

The provisions of the Party Wall Act 1996 may apply in relation to the boundary with the neighbouring property. A Solicitor or Chartered Surveyor may be able to give advice as to whether the proposed work falls within the scope of this Act and the necessary measures to be taken.

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

You are advised to contact Development Control at the Borough Council 14 days before you start work in order to ensure all the necessary conditions have been met.

For further information on the content of contaminated land reports please refer to the Borough Council's publication "Developing Land within Nottinghamshire - A Guide to submitting Planning Applications for Land that may be contaminated". This booklet is available from Rushcliffe Borough Council's web site www.rushcliffe.gov.uk or by contacting the Environmental Health Services direct on 0115 9148485

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

Swifts are now on the Amber List of Conservation Concern. One reason for this is that their nest sites are being destroyed. The provision of new nest sites is urgently required and if you feel you can help by providing a nest box or similar in your development, the following website gives advice on how this can be done:

<http://swift-conservation.org/Nestboxes%26Attraction.htm>

Advice and information locally can be obtained by emailing:
carol.w.collins@talk21.com

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. If bats are present you should contact Natural England on 0300 060 3900 or by email at enquiries@naturalengland.org.uk.

Although the submitted protected species survey found no evidence of bats, it points out that there is the possibility that they may be found behind pantiles etc. You are reminded that it is an offence under the Countryside and Wildlife Act 1981 to interfere with bats or their roosts and you are advised to follow the procedure as outlined in the survey report.

The overall scheme for the development of this site will involve the provision of on-site infrastructure including road, foul and surface water sewers, mains water and other direct services. In addition to discussing normal planning requirements with the planning authority, the developer should approach the highway authority with regard to the formation of access to the highway and the requirement for the adoption of the estate road(s), if applicable. Severn Trent Water on 0800 783 4444 should be contacted about the design and provision of foul and surface water sewers and for adoption information; the Environment Agency, for information on any on- or off-site storm water requirements; the Nottinghamshire Constabulary Architectural Liaison Officer regarding measures to combat crime; the Council's Leisure Services Division for information on the provision and specification for open spaces and play areas, including adoption; the Council's Landscape Officer for advice on incorporating existing landscape features as well as the principles for new landscaping and planting species and specifications; and other agencies, including East Midlands Electricity, if provision needs to be made for a new sub-station.

This is subject to obligations under the provisions of Section 106 of the Town & Country Planning Act 1990 (as substituted by the Planning & Compensation Act 1992) relating to education, health, bus stop improvements, off site play equipment, play pitches and improvements to existing allotments, together with the provision of 30% affordable housing on site. Any payments will increase subject to the provisions set

out in the obligations.

EA Informative advice - flood warning and emergency response

We support the recommendation in the flood risk assessment that a flood warning and evacuation plan will be prepared for the development. None the less, please note that we do not normally comment on or approve the adequacy of flood emergency response

In relation to soil management details you are advised to refer to DEFRA Construction Code of Practice for the sustainable use of soils on Construction sites

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

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

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

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

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.

All correspondence with the Highway Authority should be addressed to:-

NCC Highways (Development Control, Floor 3)

Nottinghamshire County Council

County Hall

Loughborough Road

West Bridgford

Nottingham, NG2 7QP

The Borough Council and Nottinghamshire County Council are keen to encourage the provision of superfast broadband within all new developments. With regard to the condition relating to broadband, it is recommended that, prior to development commencing on site, you discuss the installation of this with providers such as Virgin and Openreach Contact details:

Openreach: Nicholas Flint 01442208100 nick.flint@openreach.co.uk Virgin: Daniel Murray 07813920812 daniel.murray@virginmedia.co.uk

All workers/contractors should be made aware of the potential of protected/priority species being found on site and care should be taken during works to avoid harm, including during any tree works. If protected species are found during works, work should cease until a suitable qualified ecologist has been consulted.

All work impacting on vegetation or buildings used by nesting birds should avoid the active bird nesting season, if this is not possible, a search of the impacted areas should be carried out by a suitably competent person for nests immediately prior to the commencement of works. If any nests are found, work should not commence until a suitably qualified ecologist has been consulted.

The use of external lighting (during construction and post construction) should be appropriate to avoid adverse impacts on bat populations and a wildlife sensitive lighting scheme should be developed and implemented.

Best practice should be followed during building work to ensure trenches dug during work activities that are left overnight should be left with a sloping end ramp to allow animals that may fall in to escape. Also, any pipes over 200mm in diameter should be capped off at night to prevent animals entering. No stockpiles of vegetation should be left overnight and if they are, they should be dismantled by hand prior to removal. Night working should be avoided.

Where possible, new trees/hedges should be planted with native species (preferably of local provenance and including fruiting species) and existing trees/hedgerows should be maintained and hedgerows gapped up if necessary. If removal of trees is necessary, they should be replaced with new native trees (preferably of local provenance). Root protection zones should be established around retained trees/hedgerows so that storage of materials and vehicles, the movement of vehicles and works are not carried out within the zones.

Consideration should be given to energy efficiency, alternative energy generation, water efficiency, sustainable travel (including electric car charging points and cycle storage and improved cycle connectivity and green travel), management of waste during and post construction and the use of recycled materials and sustainable building methods.

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.

In order to satisfy the requirements of condition 26 the Highway Authority will need to undertake a full technical design check of the your detailed design drawings. Discharge of any reserved matters conditions relating to highway layouts will not be recommended until this process is complete and full technical approval of the highways drawings has been granted. We therefore strongly recommend technical approval for your drawings is obtained from the Highway Authority prior to any formal reserved matters submission.

The applicant is encouraged to incorporate bird and bat boxes into the fabric of buildings where practicable.

Public footpath no 43 West Bridgford is situated within the boundary of the proposed development VIA have advised that they object to the proposed extinguishment and the loss of public footpath identity. They encourage the applicant to retain the recorded line of footpath no 43 and explore options to improve the adjacent fencing design and street lighting scheme.

Western Power has advised that any live electricity apparatus must be disconnected/diverted prior to any demolition works commencing. Their records indicate multiple low voltage cables present onsite, please refer to HSG47 for guidance with any works in proximity to our apparatus

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