

18/02920/HYBRID

Applicant Wilford Lane Developments Limited

Location Land On Wilford Lane West Bridgford Nottinghamshire

Proposal Hybrid application comprising full planning permission for construction of retail units (Class A1), café / restaurant (Class A3), and drinking establishment (Class A4), along with associated highway works including new access off Wilford Lane, servicing, landscaping and boundary treatments, and outline planning permission (with all matters reserved except for access) for residential development (Class C3)

Ward Compton Acres

THE SITE AND SURROUNDINGS

1. The application relates to a site of about 4.6 hectares, which has a frontage onto Wilford Lane to the south and the Becket Way to the west. To the east the site wraps around the western and northern sides of a small cul-de-sac of houses (Bede Ling) and adjoins the Gresham Playing Fields. To the north is the Beckett Secondary School campus. Opposite the site, on the southern side of Wilford Lane, is the Roko Health Club and the Compton Acres housing development. To the west is an undeveloped plot of land between the site and a tram stop which forms the Borough's boundary with Nottingham City. To the west, beyond the tramlines is Wilford, a suburb within the City boundary.
2. Part of the site was formerly occupied by The Chateau restaurant, now demolished, and its associated car park, and by a disused rifle range. There is a mature hedge and some tree planting to the Wilford Lane frontage and the site has become somewhat overgrown since the restaurant use ceased, however the trees remaining on site are subject of Tree Preservation Orders (TPOs). The site lies within the floodplain of the River Trent and the Greythorne Dyke runs along its eastern edge.

DETAILS OF THE PROPOSAL

3. The submission is a hybrid application (a combination of a full and an outline planning application as a single submission) comprising a full proposal for a commercial elements, made up of a food supermarket (Class A1); a public house (Class A4); three retail units (Class A1) and a coffee shop (including a drive-through facility) (Class A3). The outline element is for residential development, with all matters reserved for future approval except for the access arrangements.

The 'Full' Commercial Element

4. The documents and plans submitted provide the full details of the positioning, the scale, the design/appearance, access arrangements and the landscaping for the commercial elements, which constitute the full element of the application.

5. The 'full' commercial element of the application is proposed to be accessed from Beckett Way utilising the area currently occupied as a turning on the eastern side of road. The proposed supermarket (unit 1) would be located to the rear of the site, close to the northern boundary with the Beckett School. The application proposes a broadly rectangular, single storey building of 1,950m² floor area with a monopitched roof 6.75m above ground level at its highest point. The building would be accessed by the public from its south-western frontage and a service yard would be located to the immediate north of the building, tight to the common boundary with the neighbouring school.
6. To the immediate south of unit 1, a terrace of three A1 (retail) units (unit 2) are proposed, detached from, but tight to the south-eastern frontage of the proposed supermarket. The proposed retail buildings comprises three units of equal size (each 230m²), rectangular in shape and accessed by the public from their southern façades. The proposed retail units would again be single storey with a partial monopitched roof design reducing to an almost flat roof to the rear with an overall maximum roof height of 6.53m above ground level. To the south and west of units 1 and 2 an expanse of open, landscaped car parking is proposed.
7. On the southern (Wilford Lane) frontage of the site a small (167m²) coffee shop with drive through facility (A3 use) is proposed (unit 3). The building would only be accessibly from within the site, that is to say there is no filter lane or vehicular access proposed direct from Wilford Lane to serve the proposed coffee shop. The building is proposed to be a single storey, rectangular building with a monopitched roof and an upstanding projection onto which company branding/advertising could be attached. The building is proposed to be 4.4m high to the highest point of the monopitched roof and public access would be from the northern façade, i.e. facing into the site, not onto Wilford Lane.
8. The public house (unit 4) is proposed to be located in the south-western corner of the site, therefore fronting onto both Wilford Lane and Beckett Way. The proposal is predominantly a single storey building, although there is a small two storey element to the proposed building comprising living accommodation for the licensee/manager which would be 10.04m high above ground level at its highest. The building would have a ground floor area of 588m² and a first floor area of 137m² therefore proposing a total of 725m² floor area. As with the other buildings proposed, the proposed public house is broadly rectangular in shape, however the design proposed is contemporary in its appearance. The pallet of proposed materials is common across all four units, to create a cohesive 'family group', rather than four standalone buildings of individual designs and materials.
9. These details of scale, layout, appearance, design and landscaping for the above commercial units proposed on the site are all to be determined as part of the submission.

The 'Outline' Residential Element

10. The submission also seeks outline planning permission for residential development on approximately 18,000m² of the overall site area. The residential element would be located to the eastern half of the site, fronting onto Wilford Lane, but also located to the rear of the residential street of Bede

Ling, filling the part of the site between the Beckett School sports courts (located to the immediate north of the site) and Gresham Playing Fields (located to the sites east). The residential element is currently only seeking permission in principle with detailed approval for the vehicular access point into the site, directly from Wilford Lane, from a position roughly opposite the entrance to the Roko building. As the residential element is in outline form only the principle of residential development and the vehicular access are to be considered at this time. The other details of the scale, layout, appearance and landscaping for the residential element are reserved at this time for future approval as part of a separate application.

11. The submitted documents and application forms make reference to 5 tall blocks of accommodation, four containing residential accommodation (indicated to be a total of 204 residential apartments) and the fifth, a single retirement complex of 63 apartments on the frontage of the site i.e. a total of 267 apartments on site. As the application for the residential element is submitted in outline form, the applicants have stipulated that they only wish the principle of residential development and the access arrangements to be considered as part of the submission. The access to the residential element of the proposal is shown separate to the access for the commercial element, via a separate access point from Wilford Lane on the southern (frontage) boundary of the site. Four tall blocks of accommodation are shown positioned behind the retirement block to the south-eastern part of the site.
12. The plans submitted also include indicative details of the proposed landscaping for the whole site, an indication of the positioning of residential blocks of accommodation, including a parking layout, potential positioning of the accommodation blocks and annotations of their overall heights and internal configurations i.e. floor plans, size of units etc. However, it should be noted that whilst these details give an indication of how the residential element of the proposal *could* be laid out, save for the vehicular access arrangements to the residential element (including the retirement accommodation), all other matters (i.e. the siting, appearance, scale and landscaping) of the residential element are reserved for future approval. Therefore whilst the indicative details can be used to help frame any planning conditions, and demonstrate that the level of accommodation could potentially be accommodated on the site, no reliance can be offered that the details as provided would form the exact basis of any subsequent reserved matters application, nor should this application be determined based on the indicative layouts of the residential element.
13. Nevertheless, it should be noted that due to the size of the site, the level of accommodation indicated (267 units of accommodation) and the sites location within the floodplain that, if approved, the application could require development of multiple storeys in height. The site is not physically large enough to accommodate 267 traditional two storey properties (although the number 267 also does not form part of the application), and the flood issue requires no habitable accommodation at ground floor level to mitigate that impact. The technical highway reports are also based on the indicative level of accommodation to demonstrate that the highway network is capable of supporting the level of traffic commensurate with what the developers perceive to be the sites future potential. Therefore the indicative information is useful so far as demonstrating how the site could be laid out; to confirm that the level of accommodation could be physically accommodated on the site, and to help form any potential planning conditions to mitigate any material considerations

of matters reserved at this stage of the planning process.

SITE HISTORY

14. The site has a lengthy, recent planning history relating to the now expired permissions for a supermarket (Sainsbury's) on the site including a petrol filling station - permissions that were never implemented. As mentioned above, the last lawful use of the site was as a public house/restaurant (The Chateau), although the building that occupied a central location in the plot has long since been demolished and this use has arguably been abandoned. The other use, a rifle shooting range, ceased operating many years ago although the remnants of the rifle range buildings are still visible beyond the turning head within Bede Ling, but the remains of the building have largely been "reclaimed" by nature. The most recent, relevant planning history is noted below.
15. 14/01414/VAR - Vary condition 2 and 14 on planning permission 12/00564/FUL to amend approved plan numbers – Approved January 2015
16. 14/01389/FUL - Erection of petrol filling station including six pumps, vacuum, air/water, car wash facilities and kiosk – Approved January 2015
17. 13/00772/NMA – Amendments to the construction of a foodstore (Use Class A1) with ancillary customer restaurant and concession units; associated servicing, car parking and parent pick-up/drop-off parking area, landscaping and highways works – Approved May 2013
18. 12/00564/FUL - Construction of a foodstore (Use Class A1) with ancillary customer restaurant and concession units; associated servicing, car parking and parent pick-up/drop-off parking area, landscaping and highways works – Approved October 2012
19. 03/00428/OUT - (Demolish existing buildings). Residential development – Withdrawn July 2009.

REPRESENTATIONS

Ward Councillor(s)

20. One Ward Councillor (Cllr D Wheeler) objects to the proposal citing concerns that:
 - The proposal does not include details of the overall heights of the proposed accommodation blocks due to the fact that this element is submitted in outline form. Nevertheless the blocks would be a blight on the landscape and the open aspect of the site would be lost forever as the blocks would dominate the landscape;
 - The proposed open green space within the site is negligible with no meaningful green space for residents, a result of the scale of development proposed;
 - Safeguarding concerns (shared by the adjoining school) as a result of school children using the same space as vehicles, including delivery vehicles;

- The previous permission for Sainsbury's is noted, however since then further development has been approved and built along Wilford Lane including substantial new housing, the new ATC building, the Medical Practice, new buildings all adding traffic to Wilford Lane. Wilford Lane cannot accommodate any more traffic;
 - Air pollution concerns as a result of increased traffic levels;
 - Impact on the trade of existing business, there are currently two vacant units in Compton acres shopping centre;
 - Questioned the need for another public house, especially as the former pub in Compton Acres has been closed for many months now and others in the area have changed hands several times in a short period of time;
 - The proposed drive-through coffee shop will attract additional and unwanted vehicles onto Wilford Lane and the application site;
 - The proposed access to the residential element is opposite Roko (gym) and there are concerns of conflicting traffic movements and safety implications of this;
 - The level of car parking for the residential element is too low, occupiers will have two cars so where will these additional cars park?; and
 - The local schools and medical centre are already fully stretched, how will they cope with the influx of new residents?
21. One Ward Councillor (Cllr Phillips) also objected echoing Cllr Wheelers concerns.

Town/Parish Council

22. There is no Town or Parish Council in West Bridgford.

Statutory and Other Consultees

23. Highways England raise no objection to the proposal.
24. Environment Agency does not object subject to conditions being attached to any grant of permission.
25. Sport England submitted a holding objection to the proposal citing two areas of concern; firstly concerns of noise and impact on the residential amenity of future occupiers from the neighbouring school site including the use of the sports pitches, which may prevent or restrict the development of sports facilities/improvements at the adjacent site. Secondly, concerns were expressed regarding the potential conflict between school paying field being used for cricket, and the potential of balls striking neighbouring residential units/causing personal injury. An independent risk assessment was requested by Sport England to gauge the likely impact of the proposed development on

the residential element and the need for or design of the necessary mitigation to prevent any ball strike, whether it be cricket, football or other types of ball.

26. Nottinghamshire County Council advised that contributions towards Highways, Education and Waste would be sought to mitigate the impact of the proposal.
27. Nottinghamshire County Council as Lead Local Flood Authority (LLFA) does not object to the proposal subject to conditions being attached to any grant of permission.
28. Nottinghamshire County Council as Highway Authority reviewed the submitted Transport Assessment and undertook their own Safety Audit of the proposal and raised a number of concerns they wished to be addressed prior to determination and as such advised they were unable to support the proposal.
29. Public Health England have provided information on the sites proximity to primary and secondary schools both in Rushcliffe and the City, expressing concerns that a fast-food provision on site would impact on childhood obesity levels and the health and well-being of children and young people within Rushcliffe.
30. The Borough Council's Design, Conservation Officer has confirmed that there are no listed building on or adjoining the site and no heritage assets within or adjoin the site. There are also no concerns regarding the impact on the setting of any listed buildings as a result of the proposal. Comments were offered regarding an apparent discrepancy in the submitted documents regarding the scale of the residential element, the lack of space between buildings, however it was acknowledged that the issues of scale, design and landscaping are reserved at this time. Concerns were expressed regarding the need for trolley stores for the supermarkets, and more significantly regarding the "uninspiring" design of the proposed public house.
31. The Borough Council's Archaeological Adviser does not object to the proposal noting that as part of the previous application for the site (Sainsbury's) a desk based assessment and trial excavations were previously undertaken in 2014 and no features and no artefacts or materials of archaeological interest were previously found.
32. The Borough Council's Environmental Sustainability Officer initially objected to the proposal raising concerns regarding the ecological assessment, noting that it didn't seem to address issues of common lizards or reedbed satisfactorily, nor did it provide a thorough enough assessment of the losses and gains of the biodiversity as a result of the proposal when compared to the current situation. Subsequent information addressed the issue of the lizards and the reedbeds, however the issue of biodiversity remained unresolved, with the Environmental Sustainability Officer advising that no net loss in biodiversity would need to be demonstrated.
33. The Borough Council's Community Development Officer sought clarification to the use class of the coffee shop with drive through facility (NB, A3 use) due to the proximity of the proposal to the local secondary schools and the potential impacts on health and obesity levels of young people passing the site regularly if fast-food outlet(s) were to be permitted on the site.

34. The Borough Council's Health Development Officer expressed concerns regarding the proximity of a drive through/takeaway coffee shop to two secondary schools, which poses a significant health risk to young people through the consumption of high fat, sugar and salt foods.
35. The Borough Councils Planning Policy Manager highlighted the current policies for consideration and the need for a sequential test for all development within Floodzone 3 and the need to satisfy the sequential approach to town centre uses in this location, which is outside the West Bridgford's District Centre or a Centre of Neighbourhood Importance.
36. The Borough Council's Housing Manager requests the provision of 30% affordable housing on the site, which equates to 61 units on a scheme for 204 residential properties. The tenure types (intermediate, affordable rent and social rents) required were also clarified.
37. The Borough Council's Design and Landscape Officer objects to the proposal as it requires the removal of trees on the site which are currently subject to a Tree Preservation Order (although that preservation order has not yet been confirmed).
38. The Borough Council's Emergency Planner comments that at the time of flood, significant depths of water would occur on site and that it is impossible to produce a Flood Risk Assessment that demonstrates a totally dry access and egress. However, the Emergency Planner does acknowledge that the developers have spent significant time considering the flood inundation issues on the site and although the units are raised and could provide an evacuation option i.e. evacuation into the buildings, there are a number of units proposed and this would place undue pressure on emergency services. When clarification was sought, the Emergency Planner confirmed they did not wish to object to the proposal, but that consideration should be given to the points of concern raised.
39. The Borough Council's Environmental Health Officer noted the proximity to the school and that uses sensitivity to noise, especially during examinations. The sites proximity to the Trent Bridge air quality management area (1km away) was also considered. The Environmental Health Officer does not object to the proposal, subject to conditions being attached to any grant of permission.
40. The Borough Council's Growth Team support the proposal subject to a condition being attached to any grant of permission.
41. The Borough Council's Waste and Recycling Manager does not object to the proposal subject to conditions being attached to any grant of permission.
42. Pedals comment that there is an increased risk of conflict between cyclists and motor vehicles in the currently quiet area of Beckett Way, along Wilford Lane at the entrance to the residential element of the proposal and that consideration to the design, layout and signage needs to be carefully considered. Greater permeability through the site for cyclists (and pedestrians) was requested highlighting a desire to connect the site to the footpath in Bede Ling that leads through to Gresham Park Road. Concerns were also voiced regarding increases in traffic and air quality (as a result) and the need to encourage the

use of sustainable modes of transport with more selective use of the private motor car.

43. The Beckett School have objected to the proposal citing concerns regarding increased traffic flow and the potential conflict with students, the sale of fast-food adjacent to the school and concerns of noise and disruption during exams.

Local Residents and the General Public

44. Fifty Four (54) representations have been received objecting to the proposal raising the following:
- a. Significant pressure on traffic flow and noise pollution on Wilford Lane, especially at the bottle necks around the tram crossing and at morning and evening rush hours around the cross roads and with traffic leaving Roko.
 - b. Impact on air quality as a result of increased traffic in the area.
 - c. Highway safety concerns with school children using the roads around the site, especially with HGVs delivering to the site.
 - d. The protected trees on the frontage, and on the rest of the site must be retained.
 - e. There is no demand for another pub in this area, evident in the recent closure of The Dorset Arms, the relatively constant changes in management/rebranding at others in the area.
 - f. There is no need for another supermarket in the area.
 - g. The provision of a pub at the entrance to a secondary school seems unnecessary and irresponsible.
 - h. West Bridgford is well served by existing supermarkets, convenience stores, pubs and cafes – the proposal is likely to impact on them if approved.
 - i. Impact on habitat and wildlife.
 - j. Wilford Lane cannot take any more development.
 - k. Impact on the capacity at the local GP surgery.
 - l. Impact on the capacity at local schools, which are already oversubscribed.
 - m. Litter from the coffee shop.
 - n. Insufficient parking levels will lead to new residents parking in existing side streets.
 - o. There are empty stores on retail parks in the city that could accommodate the proposed uses.

- p. Proposed apartments are an eyesore and too tall/overbearing compared to their surroundings and not in keeping with the local character – no visual impact assessment has been provided.
 - q. The design and layout of the whole proposal is poor.
 - r. Too many apartments for the site/overdevelopment.
 - s. Lack of green spaces and landscaping on the site and along the sites frontage.
 - t. No provision of parking for the tram or for parents delivering/collecting children from school is proposed.
 - u. Nothing to indicate sustainable credentials of the site.
 - v. Traffic and noise from the public house.
 - w. Flood risk concerns, hard paving the site will exacerbate the existing known issues.
 - x. Potential for anti-social behaviour on the site.
 - y. Lack of obvious connectivity through the site, missed opportunity for cyclists and pedestrians.
 - z. Damage to properties as a result of vibration from piling foundations, as per Linden Homes site.
 - aa. Loss of outlook/views across the site.
 - bb. No need for additional residential properties in the area.
 - cc. No need for additional older person's accommodation in the area.
 - dd. Impact on privacy (visual and acoustic) of properties on Bede Ling.
 - ee. Why not build something that the community wants and will benefit them?
 - ff. Covenants should be placed on the flats preventing the owners from owning more than one car.
 - gg. A number of the supporters of the proposal live nowhere near the site, and some of them are associated with companies involved in the proposed construction.
 - hh. Support the need for housing but this is not the answer.
 - ii. Why were the parents of the children at Beckett school not notified?
45. An objection from Asda has also been received citing concerns over the proposals impact on the West Bridgford District Centre.

46. An objection has also been received from Heineken UK, the parent company of Scottish and Newcastle Plc, who own the land on the opposite side of Beckett Way. They state that the proposal would neutralise any future application they wish to make as it does not allow for the safe and free flowing egress from their site. However, if the current applicants were to include a small roundabout on Beckett Way (to serve the school, the proposal site and Heineken's site), then they would withdraw their objection.
47. Twenty Four (24) representations supporting the proposal have been received stating:
- a. The supermarket, coffee shop and other retail are a welcome addition as are the flats but preference for more green space and need for another pub is questioned.
 - b. Proposal brings a varied and balanced use of the site that enhances both the services and facilities in the area.
 - c. As an elderly resident unable to drive, welcome the news of a Lidl on doorstep.
 - d. The site has been dormant for years – the proposal will bring much needed jobs and housing to the area.
 - e. The old pub on the site was popular so the new one should bring some life back to the site.
 - f. Great for locals to have somewhere cheaper to shop.
 - g. West Bridgford has hardly any flats.
 - h. Support the principle but request that the occupiers of the retail units be made public and the coffee shop be restricted from becoming a fast food outlet. Planning conditions were also suggested.
 - i. Residential development makes sense with such good public transport links and community facilities such as schools, playing fields, medical centre, health club and the gym.
 - j. Apartments offer needed choice for those trying to get on the housing ladder and opportunities for those looking to downsize.
 - k. Good reuse of a brownfield site, rather than just more houses on Greenfield sites.
 - l. Indication that many would use the site.
48. Two (2) representations neither objecting to nor supporting the proposal have been received stating:
- a. Do not object to the principle of the development but have concerns about Wilford Lanes ability to accommodate additional traffic.

- b. Alterations to the access arrangements so nothing comes of Beckett Way to segregate school children from delivery vehicles.
- c. Extend the double yellow lines all the way along Wilford Lane and the roads in Wilford that come off Wilford Lane.

Revised Plans – first set

49. As a result of the above comments the applicants sought to address the concerns raised by revising the submission. The revisions predominantly related to the landscaping within the commercial part of the site, including increased planting along the Wilford Lane frontage and within the car parking areas. The plans, and the accompanying cover letter, also depicted alterations to the landscaping, the retention of one of the protected trees between the proposed residential and retirement blocks, a greater degree of separation between the apartment blocks and alterations to the residential parking layouts. However, whilst those alterations were seen as an improvement, Members are reminded that all of the alterations to the residential part of the site are not matters for consideration, and again no reliance can be placed on any future reserved matters submission incorporating the matters as depicted. Nevertheless, as some of the revisions relate to matters for consideration, namely those on the commercial part of the scheme, a further consultation exercise was undertaken and the following responses were received.

Ward Councillor(s)

50. Neither of the Ward Councillors have commented on the revised submission. However, officers have met with both Ward Councillors and they both advised (verbally) that the revisions did not alter their objections.

Town/Parish Council

51. There is no Town or Parish Council in West Bridgford.

Statutory and Other Consultees

52. Highways England have no objection to the proposal.
53. Sport England maintained their objection to the proposal.
54. Environment Agency confirmed that the revisions do not alter their previous response i.e. they do not object.
55. Nottinghamshire County Council Planning confirmed they have no further comments to make.
56. Nottinghamshire County Council as Lead Local Flood Authority (LLFA) confirm that their previous “no objection” response remains their position.
57. The Borough Council’s Licensing Officer does not object to the revised proposal.
58. The Borough Council’s Community Development Officer welcomes the additional landscaping’s inclusion.

59. The Borough Council's Emergency Planner had no additional comments to make and reiterated their previous response.
60. The Borough Council's Planning Policy Manager had no additional comments to make and reiterated their previous response.
61. The Borough Council's Housing Manager reiterated their previous comments.
62. The Borough Council's Design and Landscape Officer maintained his objection to the proposal on the grounds of the removal of the Lime tree along the sites frontage.

Local Residents and the General Public

63. It is noteworthy that a number of parties, predominantly residents, who previously commented did phone the office to confirm that their previous comments still stood and they were advised that they did not need to reiterate any previous concerns/support, but they could if they wished to. They were also advised that if the revisions altered their previous views that this was the opportunity to advise the local authority accordingly. Nevertheless, rather than repeating any comments already summarised above (both positive and negative), only new matters raised as a result of the re-consultation exercise are reported below:
64. Seventy Two (72) further representations objecting have been received citing:
 - a. Whilst the pub is not needed (due to the proliferation of other establishments in the area), the location of the building and the car park should be flipped to retain the tree along the frontage of the site.
 - b. Note the proposer of this development has been individually writing to residents to try to encourage a more positive local response.
 - c. The number of Lidl and Aldi supermarkets open and opening in the Nottingham doesn't increase competition, it means consumers have a lack of choice.
 - d. Pub food is generally high in fat and salt, Costa Coffee items are high in sugar. Both outlets are on schools doorstep, close enough to visit during a free period.
 - e. There is nothing to stop people living in flats having children despite what the developers claim.
 - f. The area should remain a wildlife refuge in these times of declared climate emergency.
 - g. Inadequate parking provision.
 - h. Residents in the locality seem unaware of the proposal and are horrified when told about the scale of development proposed.

65. The objection from the Beckett School remains citing increased traffic flow down Beckett Way, children crossing the car park to enter and leave the school site, the potential sale of fast food on the proposal site, the impacts of noise and disturbance during exam season and the height of the proposed flats.
66. Nine (9) further representation in support have been received stating:
- a. Parents delivering/collecting children will no doubt use the car park within the proposal, but they will also continue to use Beckett Way.
 - b. There are three pelican crossings on Wilford Lane and children aged 11-18 are well equipped to use them without needing 'lollipop' assistance.
 - c. The proposal will deliver economic, social and environmental benefits to the area, Wilford has lost its Post Office, Village Shop and Library in recent years, the Coop caters for passing trade and sells ready meals and the prices are significantly higher than in larger stores. Lots of residents don't have cars and therefore a budget supermarket would be welcomed offering a wider range of fresh fruit, veg, meat and fish.
 - d. Whilst in favour, having two access arrangements seems silly and could create conflicts of movements with other traffic and the school.
67. One (1) representation neither objecting to nor supporting the proposal has been received stating (amongst other things already reported):
- a) The proposal should aim to be a zero carbon development.

Revised Plans – second set

68. As a result of the highway concerns raised by the County Council, the applicants requested a meeting to discuss the specific areas that the Highway Authority had concerns with. Following that meeting the applicants sought to address the concerns raised by further revising the submission, primarily the access arrangements for the residential element of the proposal through alterations to Wilford Lane and revising the Transport Assessment. As previously, due to the fact that the revisions relate to matters for consideration, namely the access into the residential element which alter the current highway layout of Wilford Lane, a further consultation exercise was undertaken and the following responses were received.

Ward Councillor(s)

69. Both Ward Councillors have previously met with officers, and their initial objections, as reported above, still remain.
70. Cllr Philips also confirmed that he does not agree with everything in the revised Transport Assessment and would like to record the following comments:
- *“Parking - regardless of what the report says there will be inadequate parking for the apartments, therefore you should not be relying on a misguided apartment surplus to mitigate the shortfall of commercial parking. Not only this I don't believe there is a through route from the*

commercial parking area to the apartment area for parking so this assumption is flawed and should not be taken into consideration. This means the applicant still needs to find a solution before this can come to planning.

- I am not aware that there will be any parking time limits at Lidl or any of the other commercial properties. This will lead to trammers using the free car park to hop on a tram and spend the day in Nottingham city centre.*
- At certain times of the day the Lidl car park will be used by parents and the like dropping and picking up their school children from the Becket school.*
- The report says the Tram crossing and Compton Acres crossing will be aligned to keep traffic flowing along Wilford Lane. Currently the tram gets priority every time causing backups so are you saying the trams will now have to wait and the Wilford Lane traffic would now take priority because this is how it needs to be in order to stop total gridlock.*
- I am also aware that NCC were due to make imminent changes to the tram crossing to make cycle crossing at this point less of a dangerous dog leg that it currently is. Has this been taken into consideration before we change the cycle crossing just to possibly change it again a few more months down the line.*
- I am aware that the land opposite to the Lidl development on Becket Way is to be developed although an application is yet to be submitted but is imminent. Once this application goes in and if approved it is likely to be built at the same time as the Lidl development. Has this been taken into consideration and the impact two big sites developed at the same time might cause.*
- The entrance to the new development opposite Lidl would be in line with the Lidl entrance and so it is inevitable there will be confusion, congestion and safety concerns given the proximity of the school too. Has this been taken into consideration and should a roundabout be put in place at this point to ease the flow of traffic between the two developments and to create a safer crossing for the school children.”*

Town/Parish Council

71. There is no Town or Parish Council in West Bridgford.

Statutory and Other Consultees

72. Nottinghamshire County Council as Highway Authority no longer object to the proposal subject to conditions being attached to any grant of planning permission.

Local Residents and the General Public

73. Sixteen (16) further letters of objection have been received citing issues previously reported.

PLANNING POLICY

74. 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).
75. The publication version Local Plan Part 2 (LPP2): Land and Planning Policies is also a material consideration, and whilst the policies within this document do not currently carry as much weight as those that are adopted, they have been subject to an examination in public, with Hearing sessions in November/December 2018. Whilst The Planning Inspector has requested Modifications (that themselves have also been subject to a further consultation period) none of the proposed modifications affect the Local Plan Part 2 Policies relevant to this proposal. Therefore, whilst the Plan has not yet been adopted, it is considered that significant weight can be afforded to the LPP2 Policies in the determination of this application.
76. Other material considerations include the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG), the Rushcliffe Borough Non-Statutory Replacement Local Plan and the Rushcliffe Residential Design Guide.

Relevant National Planning Policies and Guidance

77. 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.
78. As such, the following national policies in the NPPF with regard to achieving sustainable development are considered most relevant to this planning application:
- Policy 5 'Delivering a sufficient supply of homes'.
 - Policy 6 'Building a strong, competitive economy', particularly paragraph 80.
 - Policy 9 'Promoting sustainable transport', paragraph 103 states "*...Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health...*" Paragraph 109 states that "*... development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*"

- 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. Paragraph 127 states; “*Planning policies and decisions should ensure that developments:*
 - a) *will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
 - b) *are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
 - c) *are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
 - d) *establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
 - e) *optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
 - f) *create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”*
- Paragraph 130 goes onto state that; “*Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.”*
- Policy 14 ‘Meeting the challenge of climate change, flooding and coastal change’, specifically paragraph 155 which states; “*Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.”* Paragraph 163 goes onto state that; “*When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:*

- a) *within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;*
 - b) *the development is appropriately flood resistant and resilient;*
 - c) *it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;*
 - d) *any residual risk can be safely managed; and*
 - e) *safe access and escape routes are included where appropriate, as part of an agreed emergency plan.”*
- With regard to Ecology, paragraph 175 states that; *“opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.”*
 - In terms of Pollution (including Noise), paragraph 180 states that; *“Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:*
 - a) *mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;*
 - b) *identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and*
 - c) *limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.”*

Relevant Local Planning Policies and Guidance

79. 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.
80. The following policies in the Rushcliffe Local Plan Part 1: Core Strategy are relevant:
- Policy 1 – ‘Presumption in Favour of Sustainable Development’ sets out the overarching spatial vision for the development of the Borough to 2028.
 - Policy 3 – ‘Spatial Strategy’ sets out the spatial strategy for sustainable development in Rushcliffe and establishes a hierarchy for housing development across the Borough. It identifies West Bridgford (being within the main built up area of Nottingham) at the top of the settlement hierarchy for housing growth. The Plan seeks to provide a minimum of 13,150 homes in the Borough by 2028, with approximately 7,650 of

these being located either in or adjoining the main built up area of Nottingham.

- Policy 8 – ‘Housing Size, Mix and Choice’ with regard to affordable housing states that new residential developments should provide for a proportion of affordable housing on sites of 5 dwellings or more or on 0.2 hectares or more. The proportion of affordable housing sought in West Bridgford is 30%.
- Policy 10 – ‘Design and Enhancing Local Identity’ states that all new development should be designed to make; a positive contribution to the public realm and sense of place; create an attractive, safe, inclusive and healthy environment; reinforce local characteristics; be adaptable to meet evolving demands and the effects of climate change; and reflect the need to reduce the dominance of motor vehicles.
- Policy 14 – ‘Managing Travel Demand’ states that the need to travel, especially by private car, will be reduced by securing new developments of appropriate scale in the most accessible locations following the Spatial Strategy in Policy 3, in combination with the delivery of sustainable transport networks to serve these developments. The priority for new development is selecting sites already, or which can be made, accessible by walking, cycling, and public transport. Where accessibility deficiencies do exist these will need to be fully addressed. In all cases it will be required that severe impacts, which could compromise the effective operation of the local highway network and its ability to provide sustainable transport solutions or support economic development, should be avoided.
- Policy 17 – ‘Biodiversity’ states the biodiversity of Rushcliffe will be increased over the Core Strategy period by, inter alia; c) seeking to ensure new development provides new biodiversity features, and improves existing biodiversity features wherever appropriate.
- Policy 19 – ‘Developer Contributions’ states that all new development will be expected to; meet the reasonable cost of new infrastructure required as a consequence of the proposal; where appropriate, contribute to the delivery of necessary infrastructure to enable the cumulative impacts of development to be managed, including identified transport infrastructure requirements; and provide for the future maintenance of facilities provided as a result of the development.

81. 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 EN12 (Habitat Protection)
- Policy EN22 (Pollution)
- Policy HOU2 (Development on Unallocated Sites)
- Policy WET2 (Flooding)

82. The emerging Local Plan Part 2, Land and Planning Policies, has undergone its necessary preparation including the identification of preferred housing sites and extensive consultation. This has now been submitted for examination and the Hearing sessions took place in Nov/ Dec 2018. An initial view from the Inspector has been received suggesting minor changes to a few of the policies. The Main Modifications have been subject to further consultation, which ended on 5 July 2019. Some weight should, therefore, be given to this emerging policy document. In particular, the following planning policies are considered material to the consideration of this application;
- Policy 1 - Development Requirements
 - Policy 11 – Housing Development on Unallocated Sites within Settlements
 - Policy 12 - Housing Standards
 - 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
83. The Rushcliffe Residential Design Guide has been adopted as Supplementary Planning Guidance.
84. 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.
85. 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 and great crested newts. 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
86. Natural Environment and Rural Communities Act 2006 at Section 40 states that *'every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'*. Section 40(3) of the same Act also states that; *'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat.'*
87. 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.

88. 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.
89. Equality Act 2010 - Under S149 of the Act all public bodies are required in exercising their functions to eliminate discrimination, advance equality of opportunity and foster good relation.
90. 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.
91. Environmental Impact Assessment Regulations – It was necessary to screen the application under the Environmental Impact Assessment (EIA) Regulations 2017 as the site has the potential to exceed 150 dwellings. The screening opinion concluded that the proposal is not considered to constitute EIA development and that matters could be adequately considered by way of general development management considerations as part of the determination of the application(s). It should be noted that the screening opinion only relates to the EIA regulations and does not imply any likely outcome of the planning application.

APPRAISAL

92. The planning process in England is underpinned by planning law requiring all applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. The Framework (NPPF) does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise.
93. 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.

94. The main considerations in the determination of this application are considered to be as follows:
- a) The Principle of development;
 - b) Locational issues associated with the delivery of town centre uses;
 - c) Flood risk - the Sequential Test/ Impact Test/ Exceptions Test;
 - d) Contamination;
 - e) Design, Scale of development and Impact upon the character of the area;
 - f) Impact on residential amenity;
 - g) Sport England holding objection;
 - h) Archaeology and non-designated assets;
 - i) Landscaping;
 - j) Highway Safety, Access and Parking;
 - k) Waste;
 - l) Economic Impact;
 - m) Health, Wellbeing and Obesity; and
 - n) Other matters

Principle of development

95. 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. 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. The NPPF is a material consideration in planning decisions.
96. 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.
97. 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.
98. 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.
99. 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.

100. The application site is unallocated for development in the Core Strategy or in the emerging Local Plan Part 2. The Council does not currently have a five year housing land supply. The site is located in West Bridgford, within the main built up area of Nottingham, which is identified in Policy 3 of the Local Plan as being at the top of the settlement hierarchy in terms of achieving sustainable housing development through a policy of urban concentration and regeneration. The application site is classed as a brownfield site (i.e. previously developed) in a highly sustainable location, surrounded by residential properties, close to local amenities and, therefore, the development of the site for residential purposes is considered to be acceptable in principle, subject to all other matters being satisfactorily addresses later in the report the principle of re-development.

Sequential Test/ Impact Test

101. The application is a mixed use scheme comprising commercial and residential elements.
102. The NPPF sets out two key tests that should be applied when planning for town centre uses i.e. the commercial elements, which are not in an existing town centre and which are not in accordance with an up to date Local Plan - the sequential test and the impact test. This is to ensure that the proposed development does not impact on the vitality of existing retail centres.

Retail Sequential Test

103. It is for the applicant to demonstrate compliance with the sequential test (and failure to undertake a sequential assessment could in itself constitute a reason for refusing permission). Wherever possible, the local planning authority should support the applicant in undertaking the sequential test, including sharing any relevant information. The application of the test should be proportionate and appropriate for the given proposal. Where appropriate, the potential suitability of alternative sites should be discussed between the developer and local planning authority at the earliest opportunity.
104. The checklist below sets out the considerations that should be taken into account in determining whether a proposal complies with the sequential test.
- With due regard to the requirement to demonstrate flexibility, has the suitability of more central sites to accommodate the proposal been considered? Where the proposal would be located in an edge of centre or out of centre location, preference should be given to accessible sites that are well connected to the town centre. Any associated reasoning should be set out clearly.

- Is there scope for flexibility in the format and/or scale of the proposal? It is not necessary to demonstrate that a potential town centre or edge of centre site can accommodate precisely the scale and form of development being proposed, but rather to consider what contribution more central sites are able to make individually to accommodate the proposal.
 - If there are no suitable sequentially preferable locations, the sequential test is passed.
105. The National Planning Policy Framework (NPPF) provides guidance on where new retail development should be located and the sequential approach set out therein identifies a preference for town centre sites, followed by edge of centre sites (i.e. up to 300 metres from the Primary Shopping Area) and lastly out of centre sites.
 106. Importantly, the NPPF notes that when considering edge of centre and out of centre locations preference should be given to accessible sites that are well connected to the town centre.
 107. Against the background of the above, the application site is out of centre, as it is circa. 2km from West Bridgford District Centre. That being said the site occupies a sustainable location where it can serve the wider resident population of West Bridgford and Wilford (which falls within the City i.e. outside of Rushcliffe).
 108. In recent years the Borough Council has accepted that the application site is an acceptable location for a new food store and planning permission (Reference: 12/00564/FUL) for a Sainsbury store of circa. 9,700m² with a net sales area of 4,640m² was granted in October 2015 but that scheme did not come forward.
 109. At the time of the Sainsbury planning permission the Officer's Report to Planning Committee stated that there were "no available sites more suitable for development", that the site had "excellent connections for non-car borne transport modes" and that the proposal would "increase consumer choice".
 110. The applicant's view is that the above position has not changed. Food shopping in West Bridgford remains dominated by the out of centre Asda on Loughborough Road with a significant proportion of residents also relying on the Morrison's at Gamston.
 111. The position with regard to the availability of suitable sites for a new food store was reconsidered again in the context of an application for a Waitrose store of circa. 3,716m² with a net sales area of 2,741m² at Landmere Lane/Melton Road, Edwalton which was granted planning permission (Reference: 14/00001/FUL) in June 2014. Again the Officer's Report to Planning Committee noted that there are "no suitable sites available within the town centre (West Bridgford) or other more sequentially appropriate location".
 112. Most recently the availability of suitable sites for a new food store in the local area was considered again as part of the determination of an application for an Aldi store of 1,725m² with a net sales area of 1,254m² at Landmere lane, Edwalton which was granted planning permission (Reference:

18/00460/HYBRID) in December 2018. The Planning Officer's delegated report notes that, notwithstanding objections from competing retailers, the local planning authority and their retail planning advisors conclude that there is no sequentially preferable site. Furthermore, an application to convert a former car dealership on Loughborough Road (19/00021/FUL) to a variety of uses, including small supermarket offering of circa 500m², was again approved earlier this year with officers accepting that no more suitable location existed.

113. For completeness the applicants have reconsidered the availability of any suitable site that could accommodate the application proposal, in accordance with the NPPF's requirement for flexibility in the format and scale of the assessment proportionate to the scale of the development proposed. The available sites considered included retail units on Melton Road, Tudor Square, Central Avenue, Bridgford Road and the Sandiccliffe Garage site on Loughborough Road.
114. To be clear, there is no requirement to consider disaggregation of a proposed commercial element and therefore any sequentially preferable site must be able to accommodate the total quantum of development proposed here. This means it is not possible to require specific elements of the whole proposal to be sited on separate, sequentially preferable sites, e.g. it is not possible to require the A4 public house to be sited on one site; the A1 retail units on another site etc. The proposal is for an A1 food store of 2,035.5m² gross external area, a terrace of 3 no. smaller A1 retail units equating to 748m² gross external area, an A3 drive through coffee shop equating to 197.8m² gross external area with 122 car parking spaces and servicing, an A4 public house equating to 780.1m² gross external area along with 44 car parking spaces. The application also provided indicative information showing 204 residential apartments and 63 retirement living apartments with car parking spaces. The application site, which accommodates the proposed development equates to 3.5 hectares.
115. The applicant's assessment concludes that there are no town centre, edge of centre or more sustainably located out of centre site available that could accommodate the entire proposal. The Local Authority have sought an independent assessment of the applicants report and, although they originally requested clarification on a number of matters, they have now concluded that the proposal has passed the sequential and impact tests.
116. In respect of the proposed development it is clear that whilst the application site is out of centre, it has got good accessibility and connectivity to West Bridgford District Centre and is considered to be in a sustainable location by virtue of its excellent public transport options. Therefore, in the absence of any sequentially preferable sites, the application site is acceptable for the purposes of the sequential test.

Retail Impact Test

117. The purpose of the impact test is to ensure that the impact over time (up to 5 years - 10 for major schemes) of certain out of centre and edge of centre proposals on existing town centres is not significantly adverse. The test relates to retail, office and leisure development (not all main town centre uses) which are not in accordance with an up to date Local Plan and outside of existing town centres. It is important that the impact is assessed in relation to all town

centres that may be affected, which are not necessarily just those closest to the proposal and may be in neighbouring authority areas.

118. The impact test should be undertaken in a proportionate and locally appropriate way, drawing on existing information where possible. Ideally, applicants and local planning authorities should seek to agree the scope, key impacts for assessment and level of detail required in advance of applications being submitted.
119. Paragraph 89 of the NPPF states that when assessing applications for retail and leisure development outside of town centres, which are not in accordance with an up to date development plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floors space threshold (if there is no locally set threshold the default threshold is 2,500m² of gross floorspace). This should include an assessment of:
- The impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
 - The impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme).
120. Against the background of the above it is noted that whilst Draft Policy 27 (Main Town Centre Uses Outside District Centres or Local Centres) of the Rushcliffe Local Plan Part 2: Land and Planning Policies Publication Draft proposes a local threshold of 500m² gross floorspace, as the Policy has not yet been adopted neither has the lower threshold. Nevertheless, as the application proposes 3,532m² gross internal floor space of main town centre uses it is necessary to apply the impact test to the proposal.
121. In so far as main town centre uses are concerned the application proposal equates to 3,532m² gross internal floorspace but the main element of that is the proposed supermarket which comprises 1,950m² gross internal floorspace (with a net sales area of 1,265m²).
122. The application site is located within Zone 4 of the study area for the Greater Nottingham Retail Study (GNRS) 2015 and it was this area which was utilised as the catchment area for the new Aldi food store at Landmere Road, Edwalton, which was granted planning permission in December 2018. Specifically the analysis in respect of that proposal identified a Primary Catchment Area based on a five minute drive time and a secondary area reflecting the wider Zone 4. This approach has previously been accepted by the Local Planning Authority and therefore was considered to be a sensible basis for assessing the impact of the application proposal.
123. The food stores and retail centres within the Primary Catchment Area and the wider Zone 4 area that are relevant to the consideration of impact are those closest to the application site and are set out below. These reflect those identified and accepted as relevant for the purposes of assessing the aforementioned Aldi application:
1. West Bridgford District Centre - which in terms of food stores is served

by a Marks and Spencer Simply Food, 2 no. Co-Op stores and an Iceland along with a number of small local stores including a green grocers and a bakers. There is also an out of centre Asda store.

2. Clifton District Centre - which in terms of food store provision is served by a Morrison's and an Iceland along with an edge of centre Lidl store, which opened in 2018.
 3. Gamston Centre of Neighbourhood Importance - which in terms of food store provision is served by a Morrison's which is outside of the centre.
124. The Retail Impact Assessment compiled by the applicants concludes that any impact on West Bridgford District Centre (which it concludes is the Centre most likely impacted by the proposal) arising from convenience trade diversion to the application proposal would not be material and would certainly not be significantly adverse which would be the trigger for the refusal of planning permission.
125. As a result, the report and its conclusion has been independently verified for the Local Planning Authority by an external consultant and they initially sought clarification on a number of matters. Once that information was provided they subsequently concluded that the proposal passed the impact test. They conclude that they are not aware of any existing, committed or planned public and private investment in centres within the catchment area of the application proposal. On this basis, they consider that this part of the impact test is passed.
126. Based on the evidence put forward, the independent assessor considers that the impact of the application proposal on the vitality and viability of West Bridgford District Centre is unlikely to be 'significantly adverse', either individually or cumulatively with existing commitments. On this basis, they consider that the second element of the impact test is passed.
127. Officers are therefore satisfied that both the sequential and impact tests for the commercial element of the proposal are passed; that the proposal would not have a significant adverse impact on the vitality and viability of the West Bridgford District Centre and therefore that the proposal complies with the requirements of Section 7 of the NPPF, with Policy 6 of the Local Plan Part 1 and with Policy 27 of the emerging Local Plan Part 2.

Flood risk and the sequential test

128. Paragraph 163 of the NPPF states that "*When determining any planning application, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:*
- a) *within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;*
 - b) *the development is appropriately flood resistant and resilient;*

- c) *it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;*
- d) *any residual risk can be safely managed; and*
- e) *safe access and escape routes are included where appropriate, as part of an agreed emergency plan.”*

129. The site is located within Flood Zone 3 (associated with the River Trent) and is, therefore, at a high risk of flooding (1 in 100 or greater annual probability of river flooding). However, this classification does not take into account the existing flood defences located along the southern edge of the River Trent.
130. The application site is protected by concrete flood defences and, therefore, flood risk to the site is limited to that associated with a failure of these defences or overtopping, when the river levels exceed the flood defence design standard. As a result, the site is at risk from flooding in a 1:100+30% and 1:100+50% event, but not during a 1:100+20% event. Following consultation with The Environment Agency they do not object to the proposal provided that the floor levels are raised as stated in the Flood Risk Assessment. Whilst the design, siting, appearance and landscaping for the residential elements are reserved matters, the application can be determined subject to conditions to mitigate such matters. Officers consider that the presence of the existing flood defences are an overriding reason as required by criterion a) of Para.163 of the NPPF to consider development in this location.
131. The submitted plans include a Flood Evacuation Plan, which details what action residents should take in the event of a flood, flood resistant and flood resilience methods and a means of egress from the apartments on to Wilford Lane, in the event of a flood. Therefore, the proposal is considered to conform with the requirements of criterion b) of Para.163 of the NPPF. The Council's Emergency Planning Officer has confirmed that this plan is appropriate and proportionate for the scale of development proposed and whilst concerns have been raised that the escape route would not be dry at all times, the Emergency Planner acknowledges that there is nothing else the applicants could do in the circumstances and, therefore does not object to the proposal. A condition is proposed requiring the Flood Evacuation Plan to be given to all future residents of the site. Officers therefore consider that the proposal complies with criterion d) of Para 163 of the NPPF, but acknowledge that depending on how long after any floor warning any future residents choose to evacuate any residential development will have an impact on the degree of compliance with criterion e) of Para.163 of the NPPF.
132. For the reasons outlined above, the Environment Agency raise no objections to the proposal subject to conditioning the finished floor levels and flood resilience measures being incorporated into the design of the buildings.
133. In terms of drainage, the application was accompanied by a Sustainable Drainage Strategy Report, which set out details of a sustainable drainage system to ensure that surface water run-off rates are at an acceptable level and that surface water is appropriately filtered to prevent pollution of the water environment. Following consultation with Nottinghamshire County Council Flood Risk Management Team as the Lead Local Flood Authority (LLFA), no objections to the surface water drainage proposals for the site are raised. A condition is proposed which would require a detailed scheme for a surface

water drainage strategy to be submitted for approval, which is considered to meet the requirements of criterion c) of Para.163 of the NPPF.

134. Sequentially, the site is located within West Bridgford, a highly sustainable location which has been identified for housing growth even though the site itself is not identified in the "Development Plan". A large majority of West Bridgford is located within Flood Zones 2 and 3 and there are no sequentially preferable sites of comparable size within the main urban area of West Bridgford which could accommodate housing currently proposed on this site. Furthermore, as another consideration, if there were sequentially preferable sites in terms of flood risk, given that the Council currently only has 3.4 years supply of housing land, all unallocated sites in West Bridgford would most likely be needed in order to meet its windfall housing target for the area.
135. The proposal is considered to have passed the sequential test on the basis of the sites location within an area currently protected by flood defences, the additional mitigation measures that can be secured by means of planning conditions (i.e. those requested by the Environment Agency and the LLFA), the lack of suitable alternative sites as evidenced by the lack of five year land supply and the sites location within the main built up area in an otherwise sustainable location for development.
136. Therefore, the exception test needs to be applied. Paragraph 160 of the NPPF states that; *"The application of the exception test should be informed by a strategic or site-specific flood risk assessment, depending on whether it is being applied during plan production or at the application stage. For the exception test to be passed it should be demonstrated that:*
 - a) *the development would provide wider sustainability benefits to the community that outweigh the flood risk; and*
 - b) *the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall."*
137. It is considered that the justification for the wider sustainability benefits is considered to be provided by the redevelopment of a brownfield site for residential (and commercial) use which would help address the current short-fall in housing provision across the Borough, and includes the provision of policy compliant level of affordable housing and some open space on site. As detailed above, the Environment Agency and the Lead Local Flood Authority are both satisfied (subject to conditions) that the proposal would not impact on the sites propensity to flood. Whilst the Emergency Planner has voiced concerns, namely that the escape routes would not always be dry, they do recognise that flood risk and evacuation has been considered and they have not objected to the proposal. For these reasons it is your officers opinion that the proposal complies with Para.160 of the NPPF and therefore that the exception test is also passed.
138. In respect of flood risk, subject to conditions, the proposal is considered to comply with the requirements of paragraphs 160 and 163 of the NPPF and also to comply with Policy 2 of the Local Plan Part 1 and Policy 17 of the emerging Local Plan Part 2.

Contamination

139. 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 Council's prioritised list of potentially contaminated land sites due to its proximity to a previously used landfill site. The part of the site affected is the area of land to the immediate north of Bede Ling, however it should be noted that the designation also covers the most easterly sports court at Beckett School, the properties on Bede Ling, the new Linden Homes' Development on Wilford Lane, the Rushcliffe Arena site and parts of Compton Acres housing development. The professional view of the Environmental Health Officers was, therefore sought to assess the risk based on the proposed development of the site.
140. No objections have been received from either the Environment Agency or Environmental Health Officer, and it is noted that both established and new housing development has been previously granted planning permission on land listed as potentially contaminated. The majority of the application site falls outside of the designation, and therefore, subject to suitably worded conditions being attached to any grant of permission, it is considered that the site can be developed whilst having regard to any contamination that may exist on site and subject to appropriate remediation. The designation for potential contaminants in the ground are not unusual and it is not considered that this would prevent residential development on the site, evidenced by other residential development in the area that were approved subject to suitable mitigation measures. The suggested condition require the developers to submit any remediation proposals for approval by the Borough Council if any unexpected, visibly contaminated or odorous material or tanks or structures of any sort are encountered during development, before further work is undertaken in the affected area and for future works only to proceed in accordance with the agreed remediation proposals.
141. Therefore, the proposal is considered to comply with the requirements of emerging Policy 14 (Environmental Protection) of the Local Plan Part 2 Land and Planning Policies and with Para.178 of the NPPF.

Design, scale of development and impact upon the character of the area.

The 'Full' Commercial Element

142. The commercial element is a full application and therefore the design (including materials), scale (including heights), location, access and landscaping details are all for consideration. The commercial element of the application proposes four separate buildings, none more than two storeys high and proposed to be built from a pallet of materials common across all four buildings to create a 'family group' rather than individual, off-the-peg designs that may otherwise jar or contrast with one another.
143. As previously described, the proposed (A1) supermarket (unit 1) would be located to the rear of the site, close to the northern boundary with the Beckett School. The application proposes a broadly rectangular, single storey building of 1,950m² floor area with a monopitched roof 6.75m above ground level at its highest point. The building would be accessed by the public from its south–

western frontage and a service yard is located to the immediate north of the building, tight to the common boundary with the neighbouring school. The building is proposed to be built from a mixture of red brick with curtain wall glazing and dark grey cladding.

144. To the immediate south of unit 1, a terrace of three (A1 – retail) units (unit 2) are proposed, detached from, but tight to the south-eastern frontage of the proposed supermarket. The proposed retail buildings comprises three units of equal size (each 230m²), rectangular in shape and accessed by the public from their southern façades. The proposed retail units would again be single storey with a partial monopitched roof design reducing to an almost flat roof to the rear with an overall maximum roof height of 6.53m above ground level. The units are proposed to be built from a mixture of red brick, with glazing in the front and side facades, with a front façade comprising contemporary curtain walling and profiled cladding. To the south and west of units 1 and 2 an expanse of open, landscaped car parking is proposed.
145. On the southern (Wilford Lane) frontage of the site a small (167m²) (A3), coffee shop with drive through facility (A3 use) is proposed (unit 3). The building is only accessibly from within the site, and is proposed to be a single storey, rectangular building with a monopitched roof and an upstanding projection onto which company branding/advertising could be attached. The building is proposed to be 4.4m high to the highest point of the monopitched roof and public access would be from the northern façade, i.e. facing into the site, not onto Wilford Lane. The building is proposed to be built from a mix of red brick punctuated with large glazing panels and the standing seam roof would wrap around the corners of the building.
146. The (A4) (public house (unit 4) is proposed to be located in the south-western corner of the site, therefore fronting onto both Wilford Lane and Beckett Way. The proposal is predominantly a single storey building, although there is a small two storey element to the proposed building comprising living accommodation for the licensee/manager which would be 10.04m high above floor level at its highest. The building would have a ground floor area of 588m² and a first floor area of 137m² therefore proposing a total of 725m² floor area. As with the other buildings proposed, the proposed public house is broadly rectangular in shape, however the design proposed in contemporary featuring a coloured standing seam roof wrap around. The elevations facing customer car parks are primarily brick and curtain walling, with feature projecting pitched roof designs highlighting the pedestrian access to the building.
147. The pallet of proposed materials for the commercial element is proposed to be common across all four units, seeking to create a cohesive 'family group', rather than four standalone buildings of individual designs constructed of differing/contrasting materials that have no relationship to one another. The illustrative landscaping masterplan and landscape strategy that accompany the submission detail significant, mature landscaping along the entire Wilford Lane frontage of the commercial element as well as improvements at the entrance to the site from Beckett way and throughout the car parking areas within the site. The approach in terms of the use of materials and the heights of the commercial units is considered to be acceptable, and subject to conditions requiring samples of materials to be agreed officers consider the approach adopted to be acceptable.

The 'Outline' Residential Element

148. The design intent document that accompanied the submission does detail a pallet of materials for residential units that include brick, render and stone and that the buildings would be up to 6 storeys high, varying in height across the residential part of the site. As previously stated, the matters of design, appearance, scale and landscaping are reserved for future determination. Objections have been received from residents commenting on the heights of the proposed residential blocks and the number of apartments proposed on the site, the resultant level of traffic and the lack of parking provision for the quantum of development proposed.
149. At the risk of labouring the point, Members are reminded that whilst all of these concerns are understood, the matters of scale, layout etc. are reserved for future determination at this time. The application includes plans and drawings showing the residential layout of apartment blocks, annotated with dimensions and access arrangements; however these cannot be relied upon as they do not form part of the matters for consideration as part of this application. The proposal is for outline permission with all matters reserved except for the access and, therefore, the aforementioned drawings are purely indicative and can be given little weight in the determination of this application.
150. The application for the eastern part of the application site is seeking outline planning permission to establish the principle of residential development (no numbers specified, however the reports are based on a quantum of 267 to demonstrate that the highway could accommodate the traffic levels that amount of development would create) on that part of the site with a new access road in the location shown on the plans. Whilst the application forms and the reports prepared are based on 267 dwellings on site, this level of accommodation only serves as a guide to demonstrate in the technical reports that the effects from that that quantum of development could be accommodated. The number also helps to guide officers in forming their recommendation, and provides an opportunity to set a limit on the number of residential units by way of condition. Nevertheless, the layout drawings depicting tall blocks in the locations shown, the number of apartments, the level of car parking, open space provision and other landscaping within the eastern part of the site are purely indicative and therefore no reliance or assurance can be given to the fact that any subsequent reserved matters submission(s) would be based on those indicative details.
151. The residential part of the application is for development in principle, i.e. is the location and dimensions of the site such that it could accommodate a residential use? The design intent document shows that 267 dwellings would physically fit on the site, and the potential separation distances that could be achieved from neighbouring buildings. However, the final position of the proposed dwellings, their heights, landscaping, number of properties/apartments and their appearance are not known at this time as they do not form part of the current application.

Impact on Residential Amenity

The 'Full' Commercial Element

152. As the commercial element comprises a 'full' planning application all factors are to be considered. Therefore, amongst other factors, the relationship between the proposed new commercial development and the neighbouring land uses is one of the many material planning considerations. Objections received have raised concerns regarding the impact of noise and disturbance from the development proposed, specifically, but not limited to, delivery noise towards the Beckett School (especially during exams); loss of trees; poor design and layout of the site and numerous others as summarised elsewhere in the report have been received. The application was accompanied by a suite of technical documents, including a noise assessment, design rationale documents, detailed drawings, and a landscape strategy amongst others. These technical documents have been scrutinised and assessed by both officers and relevant technical consultees.
153. During the determination of the application amendments were discussed with the applicants and revisions submitted, including to the initial design of the (A4) public house and the initial lack of landscaping within the car parking area, and implements to the landscaping level and quality. Those revisions sought to address those early objections, and through working with both the applicant's and technical consultees, officers are satisfied that the proposed commercial element will not have an unacceptable impact on neighbouring amenity. The suggested conditions, detailed in full at the end of this report, seek to control trading hours, but also require waste management plans; a noise management plan for supermarket deliveries; a detailed landscape and planting scheme including a landscape and ecology management plan (broadly in accordance with the principles set out in the documents that accompanied the submission); a construction environmental management plan and details of all lighting; extraction equipment (including noise details) to be submitted to and approved in writing by the Local Planning Authority before development can commence within any relevant phase of the development.

The 'Outline' Residential Element

154. Objections have been received from neighbouring residents, again voicing concerns regarding the heights of the residential units, their proximity to existing residential units, the visual impact on the otherwise open skyline the loss of privacy, as well as noise and disturbance from neighbouring activities including the sports pitches. Again Members are advised that as all matters are reserved for future consideration, except for the vehicle access, the concerns regarding amenity cannot be considered or assessed at this stage as there is no certainty as to the form any future residential development may take, where any residential development may be sited on the site or what the internal configuration of those residential units might look like. Nevertheless, consideration has been given to the potential impacts and, therefore a number of conditions are proposed requiring any future developer to consider the above concerns and either demonstrate that there would be no impact, or if there is a potential to mitigate for the impact on neighbouring amenity.

Sport England Holding Objection

155. Sport England have issued a holding objection to the proposal citing the potential noise and impact on residential amenity of future occupiers from the use of the neighbouring school's outdoor sporting facilities and the proposed Artificial Grass Pitch (AGP) and the potential for ball strike at residencies on the proposed development, requesting that a risk assessment be undertaken to gauge the likely impacts. Officers have written to Sport England to advise that the residential element of the proposal is submitted in outline form with all matters reserved save for the access arrangements from Wilford Lane. Therefore, despite the indicative information provided showing a number of tall blocks of accommodation on the site, no reliance can be placed on the fact that any subsequent Reserved Matters will follow the indicative layout. Furthermore, whilst the applicant has indicated that 267 residential units would be provided on the site the application is simply for 'residential use' and therefore no quantum of development is to be considered as part of this application. That is to say, the planning application does not allow the local planning authority to determine how many units would be built on this site or where they may be located, how tall they might be or where any windows might be in relation to the neighbouring uses. It is purely to assess whether or not the principle of residential use is acceptable on that part of the site with the access in the location shown.
156. As a further complication, the proposed application for an AGP, to the immediate east of the proposed residential part of the site, has also not yet been determined and, therefore the outcome of that application is not guaranteed. As a result, the application needs to be determined in light of the current situation, and therefore whilst consideration can be given to the fact that an AGP might be approved on the neighbouring site, there is no guarantee that this will be the outcome.
157. Therefore, whilst consideration can be given to the use of the site for residential development, the current neighbouring uses and the potential for a new AGP to be built, officers are not satisfied that, given the number of unknown factors at this time, any risk assessment would provide any assistance to prevent the matters Sport England are concerned about in the determination of the current application. Consequently, officers have advised Sport England that it proposes to address the concerns raised in their holding objection by using appropriately worded conditions once the matters can be fully assessed, i.e. during the determination of any subsequent reserved matters submission.
158. Sport England have subsequently responded and advised that in order to withdraw their objection they would require a condition which makes it clear that the residential layout is/will not be approved, until such time as both a noise and ball strike assessments have been submitted which provide an understanding of how any issues raised have been assessed and incorporated into the design with appropriate mitigation. Without this, they advised that they would not remove their objection to the proposal. Such conditions are considered to meet the relevant tests, and are attached to the recommendation (at the end of this report). It is, therefore considered that there are appropriate safeguards and that the proposed development would not prejudice the use of any existing neighbouring sports facilities, and that the application complies with the relevant exceptions in Sports England's Playing Field Policy.

Archaeology and non-designated heritage assets

159. The Council's advisor has not objected to any potential risk to buried archaeology noting that the previous site owners undertook the appropriate surveys when they secured planning permission in 2015. Whilst that planning permission has now lapsed, the desk based assessment and trial excavations previously undertaken found no features and no artefacts or materials of archaeological interest. Therefore, the proposal is not considered to impact on any potential buried archaeology and no conditions are suggested.

Landscaping

160. As previously described, the site is currently largely cleared of buildings, save for the former rifle range slowly being reclaimed by nature. Following the grant of planning permission to Sainsbury's proposal, the site was cleared of vegetation, including numerous trees and hedgerows within the main body of the site. As a result, the remaining mature trees tend to be located close to the sites boundaries. The Sainsbury's permission for the site has now lapsed and the site has become overgrown with a mixture of vegetation as a result of no attention or management of the site in the past years. The Design and Landscape Officer has recently made a Tree Preservation Order (TPO) to protect the trees on the site, following the pre-application discussions for this proposal whereby it became apparent that the site layout would require the majority of the mature trees on the site to be felled. The applicants have objected to the making of a TPO and, therefore the Planning Committee will, in due course, decide whether or not the TPO should be confirmed.

The 'Full' Commercial Element

161. As the application is a Hybrid, only certain elements can be determined in detail at this stage. The 'full' element of the hybrid application (the commercial uses) details all elements for consideration and the layout proposes the loss of the large mature Lime Tree located on the frontage of the site, broadly on the junction of Wilford Lane and Beckett Way. Officers have questioned the need for the loss of this large, mature, tree and voiced early concerns with the applicants about the need to fell this tree, to which the Landscape and Design Officer objects.
162. The applicants state that in order to deliver an economically viable proposal, all the commercial elements of the proposal need to be delivered on the site. They state that the Lime Tree needs to be felled to facilitate the (A4) public house development in the front corner of the site so that it is prominent to passing trade. Officers have questioned why this part of the site cannot be reconfigured such that the pub should sit deeper in the site. The applicants responded stating that if the pub were to be pushed deeper into the site, closer to the access from Becket Way as suggested by officers, then no operators would be interested in occupying the pub. They have also provided correspondences from a number of potential operators who have confirmed that they would only be interested in the pub offering if it were to be located in the proposed, prominent position. The applicants have also stated that if the pub were to be located closer to the entrance from Beckett Way then this would impact on the geometry and alignment of this access point and likely to attract an objection from the Highway Authority.

163. In response, officers also questioned why the locations of the proposed pub and coffee shop could not be swapped, thus providing prominence to the potential public house operators and potentially placing less pressure on the Lime Tree through a smaller building being located in proximity to it. The applicants have advised that if the public house were to be placed to the frontage of the site then the supermarket operator would not occupy the site as their store would be concealed by the taller public house. Due to its maturity, the size of the root protection zone for the Lime is significant and any building within circa 13m of it is likely to impact on its roots and, therefore its life expectancy. The applicants are proposing to significantly increase the levels of tree planting, not only across the frontage of the site, but also within the car parking areas of the commercial element to off-set the loss of the Lime. Whilst officers have explored options to retain the tree, this application for consideration does propose the loss of the Lime Tree and this is the proposal that must be determined accordingly.
164. Officers fully acknowledge that the loss of the protected Lime tree is regrettable and that this is a material consideration in the determination of the application. Nevertheless, in accordance with National Guidance the application must be assessed against the NPPF as a whole, including the economic benefits associated with delivering this site. Those economic benefits are not only limited to the construction of the development or the future employment opportunities that the development would create on site, but also the security and/or additional employment of feeder/related industries that the application would bring. In simple terms, does the retention of this tree outweigh the wider economic benefits of the commercial element of the site, especially when the proposed mitigation through the planting of significantly greater levels of mature tree planting on the site are also factored in? It is officer's opinion that, when the balance is applied, the loss of the Lime is, whilst regrettable, justified, despite the Landscape officer's objection to the felling of this tree.

The "Outline" Residential Element

165. Members are reminded that although the plans for the residential part of the scheme indicate that there would be other trees, currently afforded protection by the as yet unconfirmed TPO, felled to make way for the residential blocks of accommodation, neither the layout or the landscaping are matters for consideration at this time. The plans submitted are indicative and although they show the loss of the trees along the frontage of the residential part of the site and replacement planting throughout the residential part of the proposal, no reliance can be given on the layout as shown for the residential part of the scheme, other than the position of the residential access. The residential access does not require the felling of any trees, and therefore Members are advised that if it is resolved to grant planning permission for the site, any subsequent reserved matters submissions for the residential part of the site may propose the felling of trees, but equally, they may not. The residential element of the application is purely seeking permission for the principle of residential use of the site with an access in the location shown on the drawings. No other matters can be assessed as part of the application as they are reserved for a later stage i.e. the submission of reserved matters application(s).
166. It should also be noted that whilst the Design and Landscape Officer is objecting to the proposal (due to the felling of Lime tree), he does not object to the proposed landscape strategy of a hedgerow along Wilford Lane with

individual trees, something that is seen as a positive. The Design and Landscape Officer advises that they are not against the outline landscape scheme for Wilford Lane and think it is fit for purpose and would, with time, enhance the frontage and help mitigate the site clearance Sainsbury's previously undertook. In meetings, the applicant has proposed planting large semi-mature trees to give some initial impact and this is something which can be enforced through a landscape condition, should permission be granted, however Members are advised that only the landscaping associated with the commercial element of the proposal can be considered at this stage. The revised layout is regarded to be an improvement and whilst there is potential to compromise and allow the removal of some of the protected trees (matters not for consideration as part of the current proposal) the Design and Landscape Officer still objects to the removal of the Lime Tree. The Design and Landscape Officer has stated that they do not object to the principle of felling the protected trees along the frontage of the residential part of the site, based on the justification and mitigation proposed, however again Members are reminded that the illustrative Landscape Master Plan is just that, illustrative. Nevertheless, it can be used as the basis for conditioning that any approval is granted, broadly in accordance with the principles of what the illustrative master plan and landscape strategy propose.

Highway Safety, Access and Parking

167. Nottingham County Council, as Highway Authority initially objected to the proposal as, although the site is well connected with public transport options and cycle routes, the proposal raised concerns over the capacity of road junctions and concerns were also raised following a road safety audit undertaken by the Highway Authority. Specifically, concerns were raised regarding substandard road widths of the right turn lane on Wilford Lane, the conflict of movements with vehicles leaving Roko, the proximity of bus stops to the residential access as proposed, the lack of crossing facilities, parking provision and issues with kerb radii along Beckett Way. Clarification was also sought regarding the levels of parking provision proposed for each of the various uses. Concerns were also raised by the Highway Authority regarding the specific traffic model that had been used to support the submission and further clarification was sought regarding detailed matters within the Travel Plan relating to matters such as the management of the car parking areas, the timings for travel surveys and the apparent lack of consideration to the potential impact of visitors to the residential element of the proposal amongst others. As a result, the highway Authority raised a number of concerns and initially issued a holding objection to the proposal.
168. Subsequently, a series of meetings were held between the applicants and the Highway Authority to seek to address the above highlighted issues. An updated Transport Assessment (TA) as well as associated data including revised access details, trip rate assessments, junction modelling and mitigation measures was submitted for consideration

Site Access and Accessibility

169. In order to address the concerns raised in the Stage 1 Road Safety Audit a response has been provided in Appendix 5 of the TA, and a revised junction arrangement has also been provided.

170. The proposed junction arrangement is indicatively shown on drawing 181105-010 Rev I. The access now proposes to provide a full width dedicated right turn facilities for both the residential site and the Roko Gym opposite, a new uncontrolled pedestrian crossing to allow access to the site from the bus stop on the southern side of Wilford Lane and relocation of the existing bus stop on the northern side of Wilford Lane.
171. With regard to the new junction onto Becket Way, the proposed junction radii have been revised as was requested in the safety audit.
172. No layout changes are proposed to the existing Traffic Signal junctions adjacent to the development site.
173. The Highway Authority advises that the Highway Safety Team are content that the revisions satisfactorily address the issues previously raised and therefore are considered suitable to serve this element of the development.
174. The Highway Authority has previously requested a cycle connection from the residential element of the development to the adjacent cycle route on Bede Ling and this is addressed in Appendix 1 of the revised TA, with the applicant citing that such a link is not possible as it would require third party land. The Highway Authority advises that having checked the land registry, they can confirm this is indeed the case. However, their investigations suggest that the land in question is owned by Nottinghamshire County Council (NCC). If this is indeed the case then the issue of third-party land may not prove insurmountable, nonetheless as it is not Highway further negotiations would be required with NCC's property division to provide the route. It is unlikely that such negotiations could be concluded prior to determination of the planning application, and therefore following discussions with the applicant it is suggested the path is delivered by NCC via a S106 payment rather than by condition.

Parking Provision

175. The revised TA shows a modest increase in the amount of parking being provided on the commercial element of the development with the total number of parking spaces being increased from 172 to 187. Comparing this to the recommended level suggested by the Highway Authority's emerging Design Guide (237) suggests a shortfall of 50 spaces.
176. In order to demonstrate that the apparent shortfall is acceptable the applicant has undertaken a parking accumulation assessment, which takes into account the anticipated arrivals and departures to/from the development based on traffic generation profiles for the various elements of the development shown in TRICS data. This offers a more accurate approach than applying set standards as it takes into account the actual traffic generated by the development at any given time of day rather than assuming maximum demand will occur for all users at the same time.
177. The Highway Authority advises that, as expected, the data shows that the demand for parking gradually increases over the course of the day, peaking around lunch time and then gradually subsides again as the afternoon progresses. At peak, the demand for parking is around 90 spaces. This suggests that whilst the development may not meet the levels recommended

by the Highway Authority's emerging design guide, the Highway Authority nevertheless advise that this shortfall is unlikely to pose a significant problem.

178. Additionally, parking restrictions in the local area mean that if there is a short fall in parking and customers are unable to park on site, they would need to walk a reasonable distance to gain access the development. In this scenario it is considered more likely they would simply choose to shop elsewhere.
179. In view of the above, the Highway Authority advises that the proposed parking arrangements for the commercial element of the development are acceptable and that they do not object to this element of the proposal.
180. The Highway Authority's previous comments also raised issues with how the demand for residential parking had been calculated. This occurred as a result of differing datasets in the 2011 census being used to calculate parking demand. Subsequently, following discussions with the applicant the Highway Authority have agreed which data set would be most appropriate and this has been used in preparation of the revised TA.
181. Data suggests that based on prevailing trends shown in the most recent census that 53% of residents living in the proposed residential units are unlikely to own a car, circa 40% will own one car, and the remaining 7% will own two or more cars. Assuming a quantum of development of circa 204 flats this would generate a total demand of 96 parking spaces. This is significantly less than the 143 spaces being provided and hence the Highway Authority considers that the amount of spaces being provided to be acceptable.
182. Notwithstanding the above, the Highway Authority note that the actual quantum of development for the residential element of the proposal is not fully defined in the application, and that layout and parking are also reserved matters. Further consideration as to the adequacy of residential parking spaces will therefore need to be given should the scope or scale of the development significantly alter between the grant of outline permission and associated reserved matters applications being submitted for consideration.

Traffic Impact

183. A re-assessment of the suggested trip rates is included within the revised TA, with a summary of the changes made included in Appendix 1 to the TA. The revised trip rates accord with the recommendations made in the Highway Authorities previous comments and therefore are deemed to be acceptable.
184. The applicants and the Highway Authority have agreed the trip rates as being representative, the applicant has then modelled the impact of the development on local junctions to determine whether mitigation measures are required. Three scenarios are modelled, 2018 Base year, 2023 base plus committed development, and 2023 base plus committed development, plus the proposed development. Three junctions on the County road network are potentially impacted by the development these being:
 - A60/Wilford Lane/A606 crossroads
 - Gresham Park Mini Roundabout
 - Compton Acres/Wilford Lane/Becket Way and the NET tram crossing.

185. Modelling for the A60/Wilford Lane cross roads suggests that whilst the junction operates within capacity during the weekday am and pm peaks without the proposed development, the addition of development traffic pushes the junction over capacity.
186. To mitigate for this an improvement scheme is proposed to extend the length of the two northbound approach lanes on the A60 by circa 80m (as shown on drawing 18105-09 in Appendix 18 of the TA). This results in a capacity improvement such that the improved junction performs marginally better than it would in the scenario without development. As a result, the Highway Authority advises that the proposed mitigation at this junction would be adequate, which would be secured via the S106 (legal) agreement.
187. A review of the modelling at the Gresham Park roundabout suggests the junction operates within capacity in all scenarios and therefore no improvements are considered necessary by the highway Authority.
188. With regard to the Compton Acres/NET junctions, modelling shows the junctions to be operating within acceptable limits in the 2018 baseline scenario. Adding committed development causes the available capacity to significantly decrease, with the junction over capacity in the AM peak. Adding the development traffic to this situation only serves to worsen the situation and, therefore without mitigation it is anticipated the junction would suffer significant delays.
189. In order to mitigate for the impact of the development, the applicant proposes to link the Compton Acres and NET junctions such that they operate in a co-ordinated fashion. This offers benefits in terms of capacity as it reduces the amount of residual traffic left between the two junctions between cycles, which would otherwise be blocked in by either the tram crossing or pedestrian crossing, thus improving the overall throughput.
190. Modelling using LINSIG software shows that whilst improvement does not increase capacity to “without development levels”, the junction should operate within acceptable levels albeit with considerably less headroom than that which is currently available.
191. The Highway Authority advises that having reviewed the revised modelling for the junction their Traffic Signal Engineers have suggested further benefit and improvement could be offered with minimal cost by the introduction of on-crossing detection for pedestrians. Not only would this increase capacity at the junction by ensuring the lights only hold back traffic as long as is absolutely necessary to allow pedestrians to cross, but it would also offer safety benefits for a similar reason as it would ensure that pedestrians would be afforded adequate time to cross rather than a fixed time. This is particularly pertinent given the junctions proximity to the Becket School, which can often result high demand for crossing by groups of school children in both the AM and PM peaks.
192. Regarding the capacity of the two new junctions which are proposed, these have both been checked by the Highway Authority and they advise they should provide adequate capacity to cater for their respective demands.

Travel Plan

193. A revised Framework Travel Plan has been submitted which addresses most of the comments previously raised by the Highway Authority. The Highway Authority advises that they are content to move forward with this element, subject to Travel Plan conditions being attached to any grant of permission.
194. The Highway Authority advises that mixed use of the site and scale of the development mean that significant costs are likely to be incurred by the Highway Authority when monitoring the above plan. The Highway Authority therefore requests to recoup these costs via the S106 agreement.
195. The NPPF makes it clear in para 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. Having reviewed the additional information provided by the applicant, the Highway Authority are satisfied that the proposed development will not result in a severe impact on the local highway network in terms of traffic generation and congestion, nor will it result in an unacceptable risk to highway safety. In view of this they recommend approval of the development subject conditions.
196. Nottinghamshire County Council, as Highway Authority, are therefore satisfied that, despite the objections received from the community, based on the revised documents and technical reports submitted and subject to conditions and the completion of the S106 agreement that matters of access, highway capacity, and car parking have been satisfactorily addressed and that the proposal would not significantly impact on the highway network or highway safety. Officers therefore advise that the proposed development would not cause a severe impact to highway safety and is therefore compliant with the National Planning Policy Framework.

Ecology

197. 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. Paragraph 174 of the NPPF states that to "...*protect and enhance biodiversity and geodiversity, plans should:*
 - a) *Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation; and*

b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.”

198. Policy 17 of the Local Plan Part 1: Core Strategy requires biodiversity to be increased over the plan period, for designated national and local sites of biological or geological importance for nature conservation to be protected, and that development on or affecting other, non-designated sites or wildlife corridors with biodiversity value only to be permitted where it can be demonstrated that there is an overriding need for the development and that adequate mitigation measures are put in place.
199. As previously described, although the site was cleared shortly after the Sainsbury's planning permission was secured, in the intervening years the site had become very overgrown with dense scrub. There are a number of mature trees, largely on the perimeters of the site which itself is bounded by hedgerow. The application submission included an Extended Phase 1 Habitat Survey which concluded that no internationally important species for nature conservation were identified within 10km of the site, but that three statutory designated sites of nature conservation importance were identified within 2km of the site, all of which were over 1.5km from the site. Due to the distances involved the proposal is not anticipated to have any potential impacts on those statutory sites.
200. The Borough Council's Environmental Sustainability Officer initially objected to the proposal, raising concerns regarding the ecological assessment noting that it didn't seem to address issues of common lizards or reedbed satisfactorily, nor did it provide a thorough enough assessment of the losses and gains of the biodiversity as a result of the proposal when compared to the current situation. Subsequent information submitted for consideration addressed the issue of the lizards and the reedbeds, however the issue of biodiversity remained unresolved, with the Environmental Sustainability Officer advising that the applicant would need submit an assessment of the losses and gains, with any net loss avoided, mitigated or compensated for (in that order) advising that until such an assessment is supplied they were unable to support the proposal. The Environmental Sustainability Officer advised that applicant's clarification about common lizards, namely that the population size if present would be very small, has only been found once in 2011 and not in subsequent surveys, that the habitats present are largely unfavourable (the applicants provided photographs that were helpful) and there is likely to be no impact on the conservation status of this European protected species. Therefore, the Environmental Sustainability Officer advises that it can be deemed disproportionate to require further surveys.
201. The Environmental Sustainability Officer also accepts that due to the size, the reedbed is unlikely to support distinctive bird assemblages and therefore should not be deemed a S41 habitat of priority. They also note the agreement that the site is unlikely to provide a net gain in biodiversity and recommend that consideration is given to contributing to offsite work in mitigation (for example at the nearby Gresham Marsh LWS). The main issue of impact on protected species has also been resolved to the satisfaction of the Council's specialist. Officers sought clarification from the Environmental Sustainability Officer as the requirements to demonstrate a "net gain" in biodiversity is not a policy

requirement yet, however it is a policy within the draft Local Plan-Part 2 (Policy 38), where appropriate, but this is not yet adopted and it is a recommendation within NPPF.

202. The applicant does concede that the proposal would result in a net loss of biodiversity (however they also state the it is very difficult to quantify the extent of any loss) and that the application proposes significant levels of replacement planting and features such as bat and bird boxes to offset that loss. The applicants also advised that the loss of biodiversity on the site was previously considered acceptable as part of the Sainsbury approval and in any event the site could be largely cleared of all current biodiversity coverage without the requirement for planning permission. The applicants have advised that the issue of net gain/net loss of biodiversity is therefore a matter of planning balance, especially in light of the as yet adopted policy position and the fact that it is only a recommendation (note not a requirement) in the NPPF.
203. The Environmental Sustainability Officer subsequently advised that the issue of biodiversity could be dealt with within the full application and a reserved matter under the outline plan, as long as it does not get overlooked. Whilst the application for the residential element is in outline form and the Ecological Mitigation recommendations (planting and bird and bat boxes) within the ecological reports provide for ecological enhancement on the site.
204. It is, therefore considered that the LPA's duty in this regard has been satisfied 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 the ecological mitigation measures such as the planting of new trees and the erection of bat and bird boxes are incorporated within a detailed scheme through conditions.
205. It is, therefore considered that the proposal would not impact on any European Protected Species, but despite the levels of, and principles of landscape enhancements proposed across the site, the loss of biodiversity as a result of the levels of site clearance required fails to holistically comply with the requirements of Policy 17 of the Local Plan Part 1: Core Strategy and its recommendations.

Waste

206. 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.

207. The National Planning 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 fact that the overall number of houses proposed is yet to be determined, 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.
208. 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 (given the number of unknowns at this time) it is not considered necessary for the site to achieve appropriate provision to allow for the recycling of residential 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. Commercial waste would be collected by private companies i.e. not the Council and again, is proposed to be covered by planning conditions.
209. 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 complements sustainable waste management, including the provision of appropriate storage and segregation facilities to facilitate collection of waste.

Economic Impact

210. 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.
211. 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, Well Being and Obesity

212. The NPPF, Policy 12 of the Core Strategy (Local Services and Healthy Lifestyles), Rushcliffe's Sustainable Community Strategy and Nottinghamshire Health and Wellbeing Strategy all 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.
213. The provision of open and green space for the residential scheme does not form part of the matters for consideration at this time, however the indicative layout shows that it would be possible to incorporate open space within the residential element. Therefore, subject to any subsequent reserved matters submission the site is capable of supporting 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. Furthermore, the site is located within easy walking distance of the tram stop providing further options other than the private car.
214. In accordance with the Planning & Health and Engagement Protocol between local planning authorities & health partners in Nottinghamshire 2017, the application has been assessed using the Rapid Health Impact Assessment Matrix and it is considered that this development is likely to have a largely positive health impact. Public Health England, Rushcliffe's Health and Development Officer and the local community have all voiced objections to the provision of a coffee shop on the site due to the range of goods that it would sell, and would be available to school children travelling through the site to and from school. Specific concerns have been raised regarding the sale of high sugar drinks to children from a site in such close proximity to the school. Concerns have also been raised that the coffee shop may become a fast-food take away and that the provision of a public house on the frontage of a school is also not a good idea.
215. Officers don't dispute that coffee shops also sell a range of products and that they may appeal to school children on their commute to and from the school. However, the proposed supermarket is also likely to stock a range of products equally high (or potentially even higher) in salt, sugar and fat, as are other stores and shops that the children may pass on their commute. Rushcliffe proposed including the Health Matrix as a requirement in the submission of all planning applications through its Local Plan Part 2. However, in assessing the Plan, the Local Plan Inspector was not satisfied that there was sufficient data and evidence of obesity in the children of Rushcliffe to support the need for this, or any specific policy regarding regulation of takeaways. As a result, whilst the concerns are noted, there is no specific policy that limits the number or proximity of "less healthy food and drink options" in the Borough or their proximity to potentially higher risk users such as children.
216. The concerns regarding the potential for the coffee shop to become a takeaway are easier to regulate as the application is for a restaurant, an A3 use. Concerns have been raised regarding fast-food outlets occupying the unit,

however it should be noted that they would be classified as an A5 use and, therefore a separate planning application for change of use would be required, should a change in operators ever be proposed. Clearly, any such application would be assessed on its own merits at that time.

217. The objections to the proximity of the public house to the school are again noted, however the sale of alcohol is a licensable activity (as is the case with the sale of alcohol from the proposed supermarket) and covered by separate legislation that sits outside of the planning system. Therefore, whilst residents may have concerns, any licensee caught selling licenced products to underage children would be liable to prosecution. Therefore, it is not a matter for planning to regulate or seek to control. As a number of the objectors have pointed out, there are already a number of public houses currently trading in close proximity to the site, and therefore to the existing school.
218. Any reserved matters applications will be assessed against the matrix and Building for Life Criteria. Therefore, whilst the concerns are noted, as there is no policy position to support the concerns raised, and given the potential access to a range of unhealthy/less healthy options that exist within walking distance of the school presently, it is your officer's professional opinion that a refusal to grant planning permission on these grounds could not be defended at any subsequent appeal.

Other Matters

219. An objection has been received on behalf of Heineken and Scottish and Newcastle Brewery that the proposal may neutralise the access arrangements to their site (to the west of Beckett Way). The objection states that, under the previous Sainsbury's approval a mini roundabout was proposed on Beckett Way that served to provide access to the school, the application site and also to the parcel of land owned by Heineken UK. The letter claims that the current proposal would not allow for the safe and free flow of traffic from their site and that they would remove their objection provided that the applicants include a mini-roundabout on Beckett Way.
220. The objection cites paragraph 7 of the NPPF which states "*The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, **the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.***" No proposal has been put forward for the Heineken site, there is no ability to assess what they are considering to do with the site, where any development may take place on the site and what access arrangements it may require (or where).
221. The application before Members for consideration has been assessed by the Highway Authority and their comments are stated elsewhere in this report. In summary they have not voiced concerns about the potential neutralisation of the access to the adjoining site. Whilst it is accepted that the Heineken site is in a sustainable location and that it is not in the Green Belt currently, there have been no proposals put forward for this site. If and when any application is forthcoming it will be assessed on its own merits, including any potential impacts on the highway and its proposed access arrangements.

222. Therefore, given the number of unknown factors it is your officer's opinion that the proposal does not neutralise any potential access arrangement to the neighbouring site and that this proposal cannot be required to provide access arrangements to a neighbouring parcel of land which has not yet come forward and does not benefit from planning permission or a local plan allocation for development.

Planning Obligations

223. Planning obligations assist in mitigating the impact of otherwise 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 tests are set out as statutory tests in the Community Infrastructure Levy Regulations 2010 and as policy tests in the National Planning Policy Framework. This report has a table attached which sets out the contributions being sought by infrastructure providers or equivalent and the Borough Council's considered position on this. Where possible the triggers and potential phasing for the contribution are also set out within the table. In relation to the S106 contributions sought, consideration has been given to the potential pooling of contributions.

224. 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 Heads of Terms Table. It should be noted that the applicants have sought to challenge the Education request on the basis that they propose to build apartments and as such, assert that families are less likely to live in a 2 bed apartment. Detailed analysis of housing data from similar schemes both within the West Bridgford and also within the Borough as a whole has been submitted by the applicants to support their claim.

225. The residential element of the development has been assessed against the units at the Waterside Development (the Council's former offices) where only 2 of the units sold to date have been sold to families (with children). The evidence provided clarifies that the development is marketed at young professionals (58% of sales) and downsizers (39% of sales). Families with children equate to 3% of sales. The applicants state that the proposed apartments forming part of the application proposal will be similarly marketed and the same demographic breakdown is expected from a sales perspective.

226. In order to inform this response, Experian have provided data to the applicant which identifies the breakdown of accommodation types in West Bridgford and Rushcliffe and the number of each type that is occupied by families with children. That data set provided details that out of 2,218 flats in West Bridgford only 74 are occupied by families with children. That equates to 3.34%. Across non-flat accommodation and that out of 12,319 units 4,227 are occupied by families with children, which equates to 34.31%. For Rushcliffe out of 3,827 flats only 183 are occupied by families with children, which equates to 4.78%.

Across non-flat accommodation out of 40,809 units 12,522 are occupied by families with children, equating to 30.68%.

227. The point arising from the above data is that West Bridgford and Rushcliffe have an extremely low level of occupation of flats by families with children compared to other accommodation types. By way of validation the 3.34% figure for West Bridgford from Experian accords with the 3% figure for the sale of flats to families with children at the Waterside development.
228. The applicants also provided specific evidence in respect of two bed accommodation in West Bridgford and Rushcliffe. They provided a breakdown of two bed accommodation by flat and non-flat. In West Bridgford there are 1,155 two bed flats and 48 are occupied by families with children. Accordingly, 4.16% of two bed flats are occupied by families with children. In so far as other 2 bed accommodation types are concerned there are 1,480 units and 264 are occupied by families with children. Accordingly, 17.84% of other two bed accommodation types are occupied by families with children. In Rushcliffe 5.89% of two bed flats occupied by families with children compared to 17.38% of other two bed accommodation types.
229. A further layer of analysis has been provided by Experian, which is a breakdown of accommodation type by number of children present. Out of the 1,155 two bed flats in West Bridgford the data identifies that there are 38 (3.29%) occupied by families with 1 child and 10 (0.87%) occupied by families with 2 children. That would be a total of 58 children in 1,155 two bed flats. If these percentages are applied to the indicative layout of 96 two bed units in the application proposal then 3.16 units would be occupied by families with 1 child and 0.84 units would be occupied by families with 2 children. Rounded to the nearest whole number that is a maximum of 5 children which is significantly different to the 35 primary and secondary age children asserted by the County.
230. Going a stage further still, the data provides a breakdown by age. Of the 58 children present in the 1,155 two bed flats in West Bridgford 25 (43.10%) are children aged between 5 and 11 i.e. primary school age; and 8 (13.79%) are children aged between 12 and 17 i.e. secondary school age. If these percentages are applied to the 5 children likely to reside in the application proposal, that would equate to 2.16 children aged between 5 and 11 i.e. primary school age and 0.69 children aged between 12 and 17 i.e. secondary school age.
231. Rounded to the nearest whole number the applicant asserts that the requirement should be for two primary school places at £13,656 per place (£27,312) and one secondary school place at £17,753 per place (£17,753). That equates to a total education contribution of £45,065 rather than the £539,415 requested by the County.
232. Whilst Nottingham County Council as Education Authority have maintained their position, that a contribution should be sought for all 2 bed apartments, they have not provided any evidence to contradict or challenge the applicant's evidence on the basis of apartments, merely stated that families *could* occupy them. The data provided by the applicants is very detailed and convincing, and is based on recent information acquired from Experian and also based on sales information from similar apartment schemes elsewhere in West

Bridgford.

233. In assessing whether any contribution is justified, the Borough Council has to consider the statutory tests. Whilst each case must be assessed on its own merits, and the characteristics of what attracts different occupiers to different schemes may vary from site to site, appropriate weight must be given to the applicant's well evidenced argument with regard to the likelihood of families occupying all two bed apartments being less likely, and that their evidence that only a low percentage, circa 3% of occupiers of two bed apartments are likely to have children as such properties largely do not appeal to the family market. Therefore, it is recommended that the S106 agreement covers all eventualities with regard to property types that could be built on the site, and the relevant contribution triggers, but that education contributions are not sought for any 1 bed apartments that may be constructed on the site, and that reduced contributions are sought for 2 bed apartments.
234. Some of the initial requests from Leisure Services towards Sports Halls (£104,465) and Swimming Pools (£112,454) were queried by the applicant and upon review of the demand that the development would cause on sports halls and swimming pools, it was agreed by the Community Development Team that demand could be met and, therefore a contribution towards indoor sport infrastructure would no longer be sought in relation to the application.
235. It should also be noted that whilst Nottinghamshire County Council have requested £7,185 towards additional stock at West Bridgford Library, more than 5 other contributions towards stock at this library have previously been made from other developments elsewhere and, therefore the request for further contributions is not CIL compliant as it exceeds the 'pooling' allowances. Therefore, as the contribution is not 122 compliant the applicant is not willing to pay the request as legally, it is not justifiable. Officers have considered the matter and it is not considered that the failure to pay the monies towards library stock outweigh the benefits of the scheme (wider employment and housing levels) and when applying the tilted balance it is not felt that the non-payment of the library contribution request would result in a justifiable or defensible reason to refuse permission.

Planning Balance and Conclusion

236. The proposal would bring a vacant brownfield site in a key sustainable location back into use providing some much needed housing in the Borough, which would contribute towards the Council's Housing Land Supply, and provide policy compliant level affordable housing on site. The proposal would also generate a level of employment. Technical issues relating to highway safety, flood risk, noise, contamination and ecology can all be mitigated through the imposition of conditions. The application does propose the loss of some of the existing protected trees on the site, and whilst officers have sought to retain as many as possible, the application does nevertheless propose the loss of mature specimen tree on the site's frontage. However, the application does also propose the planting of significantly greater number of new trees along the Wilford Land frontage of the site, within the proposed car parking area and at the entrance to the site from Beckett Way. The Illustrative Landscape Masterplan also indicates that additional new trees could also be planted in the residential part of the scheme, however they would be determined as part of any subsequent reserved matters submission.

237. Clearly, the loss of mature trees is regrettable, however the applicants have provided confidential information from potential operators stating that if the public house were moved further back into the site, then none of the operators would be willing to take on the site. Therefore, in accordance with the guidelines set out in the Framework, and applying the tilted balance as the Borough Council does not have a five year housing supply, Members will need to assess whether the loss of the trees on the site outweighs the need for housing and employment that this application would deliver along with the proposed mitigation of additional tree planting that outnumbers the levels of losses proposed. Officers advice is that, on balance, it is considered that the benefits of housing provision on the residential site, including 30% on site affordable housing and the employment generation the application would deliver through the granting planning permission on this brownfield site would outweigh the adverse impacts, when assessed against the policies contained within the NPPF (2018) taken as a whole. As a result, the proposal is considered to constitute sustainable development having regard to economic, social and environmental objectives.
238. The proposal was subject of lengthy pre-application discussions with the agent, and advice was provided on the acceptability of the original proposals, together with any elements/aspects of the development that may be considered unacceptable. During the course of the application, further negotiations have taken place having regard to flood risk, noise, trees, highway safety, car parking, and the impacts upon neighbouring residential properties. Such negotiations have resulted in a more acceptable scheme and the recommendation to grant planning permission.
239. 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 generally 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 the proposed conditions and subject to the prior signing of the S106 agreement.
240. 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 of the residential element, together with the impact of adjacent residential amenity will be considered fully at the reserved matters stage.
241. 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 signing of a S106 agreement and subject to the following condition(s):

1. No residential development (other than demolition or site clearance) shall take place within any relevant residential phase of the development without the prior approval of the details for that phase of the layout, scale, appearance and landscaping (hereinafter called "the reserved matters") which shall be obtained from the local planning authority in writing before any residential development in that phase is commenced.

[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].

2. The development in any phase hereby approved shall be begun either before the expiration of three years from the date of this permission (in the case of the commercial elements for which full planning permission is hereby granted), or before the expiration of two years from the date of approval of the last reserved matter to be approved for that relevant phase, whichever is the later (in respect of the residential element for which outline planning permission is hereby granted).

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

3. The reserved matters application(s) shall be made within three years of the date of this planning permission.

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

4. The reserved matters to be submitted in accordance with condition 1 for any relevant phase shall include:

- a) Details of all earthworks, mounding, finished floor levels of all buildings and details of existing and proposed site levels in that phase;
- b) The disposition of roads, buildings and other site features in that phase and Sections and cross sections of the site showing their relationship with land and buildings adjacent to that phase;
- c) Details of the siting, design and external appearance of the proposed buildings and structures in that phase;
- d) Details of the Cycle and bin storage facilities within that phase;
- e) Details of any Plant, equipment and other structures within that phase;
- f) Sample details of facing, roofing, boundary and hard surfacing materials for that phase;
- g) Details of the means of pedestrian and cycle access, parking layout, and servicing and manoeuvring areas in that phase; and
- h) Details of soft landscaping in that phase in accordance with other conditions attached to this permission including those concerned with landscaping, trees, and ecology.

[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].

5. No development (other than demolition and site clearance) shall take place until a phasing plan has been submitted to and approved in writing by the local planning authority. This shall include a plan or plans and associated information to set out details of:
- i) the sequence of the provision of infrastructure to serve the proposed development or phase thereof, other off-site and on-site highways works, drainage and other utilities provision and improvements; and
 - ii) the sequence of the provision of green infrastructure within the site, habitat creation/enhancement works and other formal open space, informal open space, allotments, biodiversity, sustainable urban drainage and strategic landscaping features.

The phasing plan shall be prepared in accordance with other conditions attached to this permission relating to the timing of specified highways works. The development or phase thereof shall be carried out in accordance with the approved phasing plan.

[In the interest of highway safety; and to comply with policies GP2 (Design & Amenity Criteria) and MOV9 (Car Parking Standards) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

6. The development hereby permitted shall be carried out in accordance with the following approved plan(s):

Location Plan ref 170762-PL-01B;
Surface and Boundary Treatment Plan ref 170762-PL-05G;
Proposed Site Level Plan ref 170762-PL-06G;
Proposed Unit 01 - Ground Floor Plan ref 170762-PL-08A;
Proposed Unit 01 - Roof Plan ref 170762-PL-09A;
Proposed Unit 01 - Building Elevations ref 170762-PL-10C;
Proposed Unit 01 - Building Sections ref 170762-PL-11C;
Proposed Unit 02 - Building Plans ref 170762-PL-12B;
Proposed Unit 02 - Building Elevations and Sections ref 170762-PL-13C;
Proposed Unit 03 - Building Plans and Elevations and Sections ref 170762 PL-14E;
Proposed Unit 04 - Building Plans ref 170762-PL-15D; and
Proposed Unit 04 - Elevation and Section ref 170762-PL-16E.

[For the avoidance of doubt and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

7. The total quantum of residential development hereby approved shall not exceed 267 residential (C3) units, in the form of flats/maisonettes.

[To ensure an appropriate level of development in terms of likely traffic generation and parking demand and to comply with policies GP2 (Design and Amenity Criteria) and MOV9 (Car Parking Standards) of the Rushcliffe Non-Statutory Replacement Local Plan].

8. The development of any phase permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) compiled by RSK (Ref 881536-R1(01)) dated December 2018 and in particular

the following mitigation measure detailed within:

- Identification and provision of safe route(s) into and out of the site to an appropriate safe haven.
- All habitable finished floor levels (FFL) for the first floor residential areas (including retirement apartments) to be set no lower than 26.3m above ordnance datum (AOD) as stipulated within sections 8.1 of the FRA.
- All FFL for commercial 'less vulnerable' uses to be set no lower than 23.40mAOD as stipulated within sections 8.1 of the FRA.

The mitigation measures shall be fully implemented prior to occupation of any use in any phase and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

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

9. No part of the development within any phase shall commence until a detailed surface water drainage scheme based on the principles set forward by the approved Flood Risk Assessment (FRA) and Drainage Strategy for that phase have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to occupation of the development in that phase. The scheme to be submitted for each phase shall:

- Demonstrate that the development will use SuDS throughout the site as a primary means of surface water management and that design is in accordance with CIRIA C753.
- Limit the discharge rate generated by all rainfall events up to the 100 year plus 40% (for climate change) critical rain storm to the rates proposed by the FRA for the developable area.
- Include provision of surface water run-off attenuation storage in accordance with 'Science Report SCO30219 Rainfall Management for Developments' and the approved FRA.
- Provide detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- For all exceedance to be contained within the site boundary without flooding new properties in a 100year+40% storm.

Thereafter the surface water drainage scheme shall be implemented in accordance with the approved details for the lifetime of the development.

[To prevent the increased risk of flooding and to comply with policies WET2

(Flooding) and WET3 (Ground Water Resources) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

10. No development (other than demolition and ground works) shall take place within any phase of the development until a scheme for the remediation of land and/or groundwater contamination affecting the site as identified in the submitted geo-technical report by RSK required for that relevant phase have been submitted to and approved in writing by the Local Planning Authority.

- If soils are imported for use on the site then verification shall be provided to demonstrate that they are suitable for use and do not compromise the remediation strategy.
- Copies of a full completion / verification report and a non-technical summary confirming the objectives, methods, results and conclusions of all remediation works shall be submitted to and approved in writing by the Local Planning Authority prior to occupation.

The development shall thereafter be carried out in accordance with the approved details and retained as such for the lifetime of the development.

[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, including any site clearance, demolition or ground breaking, shall take place within any phase of the development until a Construction Environmental Management Plan (CEMP) required for that phase has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include details of:

- a) the means of access for demolition and construction traffic;
- b) parking provision for site operatives and visitors;
- c) working and delivery hours;
- d) the loading and unloading of plant and materials;
- f) The locations for any site compound(s), including the heights of any buildings or structures, lighting and means of enclosure;
- g) the locations for the storage of plant and materials used in constructing the development;
- h) the erection and maintenance of security hoarding, including decorative displays and facilities for public viewing, where appropriate;
- i) wheel washing facilities (including full details of its specification and siting);
- j) a risk assessment of construction activities with a potentially damaging effect on ecological receptors;
- k) the location and timing of sensitive work to avoid harm to biodiversity features;
- l) the disposal of surface water during construction;
- m) arrangements for the turning of vehicles within the site so that they may enter and leave the site in a forward gear;
- n) measures to control the emission of noise (including vibration suppression), dust and dirt during demolition, ground breaking, site clearance and construction;
- o) restrictions on burning;

- p) the use of generators;
- q) arrangements for the turning of vehicles within the site so that they may enter and leave the site in a forward gear;
- r) roles and responsibilities for the implementation of CEMP requirements and measures; and
- s) a scheme for recycling/disposing of waste resulting from and construction works.

Thereafter all demolition, ground breaking, site clearance and construction works for that phase shall be carried out in accordance with the approved CEMP.

[In the interests of highway safety and to protect the amenities of the area in accordance with Policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan].

12. Prior to the installation of any extraction equipment on any A1, A3 or A4 use, within any relevant phase, full details of all proposed extract ventilation system(s) for that phase shall be submitted to and be approved in writing by the Local Planning Authority. This submission(s) shall include the following:
- a. The extract vent should terminate not less than 0.6 metres (ideally 1 metre) above the ridge of the building and not less than 1 metre above any openable window/skylight;
 - b. Details of when the extraction systems will be used;
 - c. Details of the expected noise levels generated by the fan, including a full octave band analysis.
 - d. Details of how the equipment will suppress and disperse fumes and/or odour produced by cooking and food preparation and/or noise from vibration produced by the equipment's use; and
 - e. The siting and appearance of the equipment.

Thereafter the extraction ventilation system(s) shall be installed and operated in accordance with the approved details and shall be retained and maintained in accordance with those details for the lifetime of the development.

[To protect the amenities of nearby residents and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

13. No buildings in any phase of the development hereby permitted shall be occupied until a scheme for the provision of electric vehicle charging points for that phase has been submitted to and approved in writing by the Local Planning Authority. Provision should be made for electric vehicle charging points in all phases of both the commercial and residential developments. Thereafter the charging points shall be installed, maintained and operated in accordance with the approved scheme for the lifetime of the development.

[In order to address the causes and impacts of climate change and in accordance with Policies GP1 (Delivering Sustainable Development) and GP2[Design and Amenity Criteria] of the Rushcliffe Borough Non Statutory Local Plan].

14. Prior to the installation of any fixed plant and/or machinery to each of the A1, A3 or A4 units details of the siting and appearance of the equipment and a noise scheme detailing the noise outputs for both day-time and night-time operation shall be submitted to and approved in writing by the Local Planning Authority.

Thereafter any fixed plant and/or machinery shall be installed, operated and maintained in accordance with the approved details for the lifetime of the development.

[To protect the amenities of nearby residents and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

15. Prior to the erection of any residential development, within any phase, an Acoustic Design Statement for that phase shall be submitted to and be approved in writing by the Local Planning Authority. The statement shall detail the acoustic design process and propose any noise mitigation measures required to ensure that there will be no significant adverse noise impacts affecting the future residents, including from the neighbouring sports facilities. Thereafter the relevant phase of the residential development shall be constructed in accordance with the approved acoustic design.

[To protect the amenities of future occupiers and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

16. Prior to the erection of any residential development, within any phase, an assessment of potential ball strike from neighbouring sporting facilities for that relevant phase shall be submitted to and be approved in writing by the Local Planning Authority. The assessment shall detail the potential for risk, the design and layout of the proposed residential development in relation to any neighbouring sporting facilities and propose any mitigation measures required to ensure that there will be no significant adverse impact arising from ball-strikes affecting the future residents. Thereafter the residential development and any proposed mitigation measures shall be constructed in accordance with the approved details and maintained as such for the lifetime of the development.

[To protect the amenities of future occupiers and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

17. No development (including site clearance, demolition, breaking ground or site preparation) shall take place within any phase of the development hereby approved until an Employment and Skills Strategy for that phase has been submitted to and approved in writing by the Borough Council. This shall provide for the recruitment of people in the locality and apprenticeships for young persons for a) the construction phase of the approved development and b) the operation of the A1, A3 and A4 uses of the approved development and shall include the date by which the Employment and Skills Strategy is to be implemented by the developer for that phase. The development shall thereafter be implemented in accordance with the terms of the strategy.

[To comply with the requirement of Section 92 of the Town and Country Planning Act 1990 (as amended) and to ensure the development will be satisfactory and to comply with policy GP1 (Delivering Sustainable Development and policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

18. All future owners and occupants of the residential properties hereby approved shall be provided with details of the approved flood evacuation plan including the details of the safe exit route (in accordance with the approved flood evacuation plan) upon their first occupation of the dwellings. The agreed safe exit route contained within the approved strategy must be in place before any occupancy of any of the residential buildings.

[To provide safe access and egress during flood events in accordance with the NPPF and to reduce reliance on emergency services and to comply with policies WET2 (Flooding) and WET3 (Ground Water Resources) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

19. If any unexpected, visibly contaminated or odorous material or tanks or structures of any sort are encountered during development, remediation proposals shall be submitted to and approved in writing by the Borough Council, before further work is undertaken in the affected area and works shall proceed only in accordance with the agreed remediation proposals.

[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].

20. Prior to the installation of any security lighting/floodlighting details of the lighting, including a timetable for implementation, shall be submitted to and approved in writing by the Borough Council, together with a lux plot of the estimated illuminance. The lighting scheme shall be designed to reduce effects upon sensitive species and upon sensitive habitats to be retained or created on the site. Thereafter the lighting/floodlighting shall be installed only in accordance with the approved details and maintained as such for the lifetime of the development.

[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].

21. No development (other than demolition and site clearance) shall take place within any relevant phase of the development until a Waste Management Plan for that phase has been submitted to and approved in writing by the Borough Council. The Waste Management Plan shall include:

- a. Details of the numbers of bins to be provided;
- b. The sizes/volumes of all bins;
- c. The storage location of all bins;
- d. Details of where bins are to be stored on non-collection days;
- e. Details of where bins are to be presented for collection on collection days; and

f. Details of who is responsible for presenting and re-housing all bins.

Thereafter the development shall be carried out in accordance with the approved waste management plan for the lifetime of the development.

[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].

22. The A1 uses hereby approved shall only be open to the public between the hours of 07:00hrs to 23:00hours Monday to Saturday and only between the hours of 10:00hours to 17:00hours on Sundays and Bank Holidays.

[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].

23. The A3 use hereby approved shall only be open to the public between the hours of 07:00hrs to 23:00hours Monday to Saturday and only between the hours of 08:00hours to 19:00hours on Sundays and Bank Holidays.

[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].

24. The A4 hereby approved use shall only be open to the public between the hours of 09:00hrs to 24:00hours Monday to Saturday and only between the hours of 09:00hours to 23:00hours on Sundays and Bank Holidays.

[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].

25. No development (including site clearance, demolition, breaking ground or site preparation) shall take place within any phase of the development until the existing trees and/or hedges which are to be retained within that phase have been protected in accordance with details which are to be submitted to and approved in writing by the Borough Council. Thereafter the approved protection shall be implemented in accordance with the approved details and retained for the duration of the construction period of that phase. No materials, machinery or vehicles are to be stored or temporary buildings erected within the perimeter of the fence, nor is any excavation work to be undertaken within the confines of the fence without the written approval of the Borough Council. No changes of ground level shall be made within the protected area without the written approval of the Borough Council.

[To ensure existing trees are adequately protected during the development and to comply with policy EN13 (Landscaping Schemes) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

26. Before the construction of any buildings within any phase of the development is commenced, a Landscape and Planting Scheme, including a Landscape and Ecology Management Plan connected with that phase broadly in accordance with the Illustrative Masterplan and the Landscape Strategy, shall be submitted

to and approved in writing by the local planning authority. The approved scheme shall include:

- i. a description and evaluation of the features to be managed;
- ii. long term landscape and ecology design objectives and management responsibilities;
- iii. a plan showing the planting layout of proposed tree, hedge, shrub and grass areas;
- iv. a schedule of proposed planting, indicating species, size at time of planting, numbers/densities of plants and a proposed implementation timetable;
- v. a written specification outlining cultivation and other operations associated with plant and grass establishment;
- vi. existing and proposed finished levels or contours;
- vii. means of enclosure and boundary treatments;
- viii. a schedule of maintenance for all landscape and ecology areas other than privately owned domestic gardens for a period of five years from the date of first planting;
- ix. details of the body or organisation responsible for implementation of the plan; and
- x. ongoing monitoring and remedial measures.

The approved Landscape and Planting Scheme, including a Landscape and Ecology Management Plan shall be carried out in the first tree planting season following the substantial completion of the development within that phase and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Borough Council gives written consent to any variation. The development shall also be managed in accordance with the details in the approved management plan for the lifetime of the development.

[To make sure that a satisfactory landscaping scheme for the development is agreed and implemented in the interests of the appearance of the area and, and in the interests of wildlife and to comply with policies GP2 (Design & Amenity Criteria) and EN12 (Habitat Protection) to comply with policy EN13 (Landscaping Schemes) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

27. No development within any relevant phase of the development shall proceed above finished floor level until details of the facing and roofing materials to be used on all external elevations within that phase have been submitted to and approved in writing by the Borough Council. Thereafter the development shall only be undertaken in accordance with the materials so approved.

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

28. No works for any phase of the development, including site clearance and demolition works, shall commence until details of an Ecological Design Strategy (EDS) to serve that phase have been submitted to and approved in writing by the local planning authority. The approved EDS shall be broadly in accordance with details set out in the Framework Ecological Appraisal

(Revision A) submitted by FPCR. The mitigation, compensation, management and other detailed measures and requirements, including a programme for implementation, set out in the approved EDS shall be implemented in accordance with the approved details. The EDS for each phase shall include the following:

- i. the purpose and conservation objectives for that phase of the proposed works;
- ii. a review of the ecological potential and constraints in that phase;
- iii. detailed designs and/or working methods to achieve the objectives, including the extent and location of proposed works; where relevant this will include details of a Tree Management Plans;
- iv. the type and source of materials to be used;
- v. a timetable for implementation demonstrating that works are aligned with the proposed phase of development; and
- vi. identification of the persons responsible for implementing the works.

The EDS shall be implemented in accordance with the approved details and all features shall thereafter be retained as approved and The Borough Council shall be notified when these measures have been carried out.

[To ensure that adequate compensatory measures are undertaken and to comply with policies GP2 (Design & Amenity Criteria) and EN12 (Habitat Protection) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

29. Before Unit 1 (the A1 supermarket) is first brought into use details of a Noise Management Plan that covers all deliveries to the store shall be submitted to and approved in writing by the Borough Council. The plan shall include noise calculations from all delivery scenarios, a management plan for how deliveries will be carried out, and a scheme of measures to reduce noise from deliveries. All deliveries shall be carried out in accordance with the agreed plan and only when all of the approved noise reduction measures are in place.

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

30. Notwithstanding the provisions of Schedule 2, Part 7 Classes A to D (inclusive) of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any Order revoking or re-enacting that Order with or without modification) there shall be no enlargement or alteration of the proposed A1 retail units without first obtaining planning permission to do so.

[To ensure an appropriate level of development in terms of likely traffic generation and parking demand and to comply with policies GP2 (Design & Amenity Criteria) and MOV9 (Car Parking Standards) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

31. No residential unit shall be occupied until a scheme for the proposed access works on Wilford Lane (as shown indicatively on drawing 18105-010 Rev I), has been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Thereafter the access works shall be implemented in accordance with the approved details and retained as such

for the lifetime of the development.

[In the interest of highway safety; and to comply with policies GP2 (Design & Amenity Criteria) and MOV9 (Car Parking Standards) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

32. No A1, A3 or A4 uses within any relevant phase of the development shall be brought into use until a scheme for the access works on Becket Way (as shown indicatively on drawing 18105-011 Rev G), has been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Thereafter the access works shall be implemented in accordance with the approved details and retained as such for the lifetime of the development.

[In the interest of highway safety; and to comply with policies GP2 (Design & Amenity Criteria) and MOV9 (Car Parking Standards) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

33. No development in any phase shall be occupied or be brought into use until the owners and the occupiers of the site have appointed and thereafter continue to employ or engage a site-wide travel plan coordinator for that phase. The Travel Plan Coordinator who shall be responsible for the implementation delivery monitoring and promotion of the sustainable transport initiatives set out in the Travel Plan Framework. The details of the Travel Plan Coordinator shall be provided and continue to be provided thereafter to the Local Planning Authority.

[In order to promote sustainable travel in accordance with Policy GP1 (Delivering Sustainable Development) of the Rushcliffe Borough Non-Statutory Local Plan]

34. The travel plan coordinator shall within 6 months of occupation any individual Phase of the development produce or procure a Detailed Travel Plan for that phase that sets out final targets with respect the number of vehicles using the site and the adoption of measures to reduce single occupancy car travel consistent with the Framework Travel Plan to be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall be implemented in accordance with the approved timetable and be updated consistent with future travel initiatives including implementation dates as agreed with the Local Planning Authority.

[In order to promote sustainable travel in accordance with Policy GP1 (Delivering Sustainable Development) of the Rushcliffe Borough Non-Statutory Local Plan].

35. The travel plan coordinator for each phase shall submit reports in accordance with the Standard Assessment Methodology (SAM) to be approved by the Local Planning Authority in accordance with the Travel Plan monitoring periods. The monitoring reports submitted to the Local Planning Authority shall summarise the data collected over the monitoring period and propose revised initiatives and measures where travel plan targets are not being met including implementation dates to be approved in writing by the Local Planning Authority. Thereafter any revised initiatives and measures shall be implemented for the following monitoring periods.

[In order to promote sustainable travel in accordance with Policy GP1 (Delivering Sustainable Development) of the Rushcliffe Borough Non-Statutory Local Plan].

36. Any phase of the development which has not commenced within 1 year of the date of permission shall not commence until a new ecology report, including any mitigation measures as appropriate for that phase to be submitted to and approved in writing by the Local Planning Authority. Thereafter the development within that phase shall be implemented in accordance with the approved ecology report and implementing the relevant mitigation measures.

[To comply with the requirements of the Wildlife and Countryside Act 1981 and to comply with policies GP2 (Design & Amenity Criteria) and EN12 (Habitat Protection) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

Notes to Applicant

This outline permission does not authorise the design, location, scale or landscaping of any part of the residential element of the proposed development as shown on the illustrative plan(s) accompanying the application, and those matters shall be subject to further consideration as part of the submission for approval of the reserved matters.

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 the County Highway Authority for details.

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.

Advice regarding travel plans can be obtained from the Travel Plans Officer on telephone 0115 9773145.

Correspondence with the Highway Authority should be addressed to:

Highway Development Control South
Nottinghamshire County Council
County Hall
West Bridgford
Nottingham
NG2 7QP

The determination of compliance for condition 12 shall be made by measurement or calculation at 1 m from the nearest residential property, according to the methodology provided in BS 4142:2014. The rating level of the noise emitted from such plant shall not exceed the following levels at the following facades:

Nearest Façade to the plant of any	Daytime limit	Night time limit
Residential dwellings	49dB LAeq1hr (0700 - 2300 hrs)	39dB LAeq1hr (0700 - 2300 hrs)
Beckett School	46dB LAeq1hr (0700 - 1900 hrs)	----- -----