

19/01507/FUL

Applicant HDD Edwalton Landmere Limited

Location Land South Of Landmere Lane Edwalton Nottinghamshire

Proposal Erection of two drive thru units (A3, A5), Retail Terrace (A1, A3, A5, D1), and Day Nursery (D1), with associated car parking and infrastructure.

Ward Edwalton

THE SITE AND SURROUNDINGS

1. The site forms part of an arable field parcel located to the southern edge of Edwalton and forms part of the Strategic allocation for around 1500 dwellings and up to 4 hectares of B1 and/or other employment generating development, a neighbourhood centre and other community facilities. The A52 runs adjacent to the southern boundary of the site with the Wheatcroft roundabout to the south east and Melton Road to the east, with zone 3 of the strategic residential development beyond, now substantially complete. Landmere Lane defines the northern boundary. Beyond Landmere Lane to the north lies the remainder of the Edwalton strategic allocation site, with the land immediately north of the lane having the benefit of permission for a supermarket and neighbourhood centre. The land parcel to the west of the site has planning permission for the erection of an 80 bedroom care home and land the east has planning permission for the erection of a retail unit. Both of these developments gain access from Landmere Lane. Further west are four B1 office buildings, currently under construction, with associated parking and landscaping beyond which is the existing Wheatcroft business park consisting of a mix of commercial units together with the existing Notcutts garden centre to the north west of Landmere Lane.
2. Further west of the development land and west of the Melton Road/Landmere Lane junction is the residential development served off Acacia Way. These are the nearest dwellings to the proposal at approximately 150 metres to the east.

DETAILS OF THE PROPOSAL

3. This application seeks full planning permission for:
 - the erection of two drive thru units (units 5 & 6) use class A3 and A5;
 - the erection of a retail terrace (units 1, 2 & 3) use class A1, A3, A5 and D1; and
 - the erection of a day nursery, use class D1.
4. The proposal also includes associated car parking and infrastructure.
5. For the matter of clarity, the planning uses applied for as part of this application are defined below:

- Class A1 - Shops (including retail warehouses, undertakers, pet shops, dry cleaner, hairdressers)
 - Class A3 - Restaurants and cafes (sale of food and drink for consumption on the premises)
 - Class A5 - Hot Food Takeaway (sale of hot food for consumption off the premises)
 - Class D1 - Non-residential institutions (clinics, health centres, day nurseries, schools, art galleries)
6. The site is to be accessed directly off Landmere Lane and share the already permitted access which is to serve the adjacent retail development. The access would branch east towards the retail unit and west towards the development, the subject of this application. There would be no access through to the care home development to the west, which benefits from its own independent vehicular access onto Landmere Lane.
 7. Within the site unit 5 would be the largest, located on the norther boundary adjacent Landmere Lane. The unit would include a drive thru facility and 40 parking spaces, including 2 accessible spaces. This unit is proposed to be two storeys in height with a flat roof and large amounts of full height glazing. Proposed materials include dark grey engineering bricks and stone and timber cladding.
 8. Unit 6 is located to the south of the site and would be single storey in height. This unit is also to benefit from a drive thru facility and 36 parking space including 2 accessible space. The building itself would have a mono-pitched roof and be finished in predominantly render and cedar timber cladding.
 9. Units 1, 2 and 3 would be contained within one building forming a terrace. Each unit would have access northwards towards the carpark and the design of the building is similar to that of Unit 6 being single storey with a mono-pitched roof. This building would be faced with render and timber cladding.
 10. Unit 4 would be next to, but independent from the terrace row and this is proposed for D1 use. Again, the appearance of this building would be similar in design but 2 storeys in height, finished in render and timber cladding. This unit would benefit from a shared parking area (with units 1, 2 and 3) with a provision 33 spaces as well as small outdoor amenity space to the south side of the building.
 11. Although predominantly hard surfaced the site would benefit from a small degree of landscape planting to demarcate the parking areas and provide grassed frontage onto Landmere Lane. The hedge to the southern side of the site would remain in situ.
 12. The applicant, during the determination of the application has chosen to amend their opening hours for all units to between 7am and 11pm daily. This would be the maximum hours any unit would be permitted to operate. In terms of deliveries, the following delivery hours are requested; 7am – 10pm Monday – Saturday and 8am – 8pm Sunday and public holidays
 13. Although this application includes various details including signage relating to specific brands or future occupiers, in planning terms, this application is seeking permission for land uses as identified above and of which could be

occupied by any occupier/brand/company providing they operate within the permitted use. The future occupiers of the units, in this instance, is not a material planning consideration.

14. The application has been accompanied by the following documents;

- Lighting Assessment
- Transport Assessment
- Flood Risk Assessment
- Tree Report
- Design and Access Statement
- Air Quality Report – Updated
- Travel Plan
- Noise Report – Updated
- Planning Statement

SITE HISTORY

15. The following planning applications are relevant to this application site:

- 18/00460/HYBRID - Hybrid application comprising full planning permission for the erection of a food store (Aldi - Use Class A1), together with car parking, landscaping and associated works, and Outline planning permission (all matters reserved except for access) for a care home and extra care apartments – granted 24 December 2018.
- 19/00776/VAR - Variation of condition 3, 7 and 31 of planning permission 18/00460/HYBRID to allow the repositioning of the approved access road in respect of the care home element only and repositioning of the proposed care home from the approved masterplan – granted 7 August 2019.
- 19/00778/VAR - Variation of conditions 2, 24, 8, and 27 of planning permission 18/00460/HYBRID to substitute approved plans with revised plans which proposed a retail store 1.1 metre deeper and proposed details of materials, external lighting and bat boxes for the Aldi phase – granted 7 August 2019.
- 19/00792/NMA – Non-material amendment to planning permission 18/00460/HYBRID to amend the wording of conditions 28, 29 and 30 relating to the travel plan coordinators – agreed 22 May 2019.
- 19/01618/ADV - Display 3x tray signs; 1x roof letters with sign tray; 2x key seller; 1x double menu; 1x banner frame; and 1x height barrier – pending consideration.
- 19/01636/ADV - Display Two totem signs – pending consideration.
- 19/01719/ADV - Various site signage including 4 no. freestanding signs, 1 no. banner unit, 12 no. dot signs, 1 no. digital booth screen and 1 no. play land sign – pending consideration.

- 19/01717/ADV - Installation of 6 no. fascia signs, 1 no. mcdelivery signs and 3 no. booth letters – pending consideration.

REPRESENTATIONS

Ward Councillor(s)

16. One Ward Councillor (Cllr Robinson) objects to the application putting forward the traffic issues off Landmere Lane this application would cause. Cllr Robinson states that the bigger issue here is; why the Council in its Master Plan for the site did not stipulate facilities for local communities. A takeaway is the last thing the site needs – a destination restaurant/bar would be much more welcome for residents and could have been included in the master plan. Cllr Robinson advises that, if a takeaway is approved, he would propose opening hours are limited to 6am to 10pm to avoid more noise/disruption to local residents.

Adjacent Ward Councillors

17. One adjacent Ward Councillor for Musters Ward (Cllr Jones) objects to the application. Cllr Jones is concerned about placing young people adjacent to the air pollution from the busy A52 and doesn't accept the Air Quality Report as it isn't based on actual measurements in the real location but on predictors and it is immoral not to know the real patterns and levels of air pollution from traffic on the A52 compounded by other vehicles entering and existing Landmere Lane. Cllr objects to the two drive through fast food retails as they will suck traffic from the A52 and there will not be in any sense a service or a local centre for local residents. Cllr Jones comments that a fundamental tenet of the Melton Road development was to promote sustainable forms of travel and the Council is seeking to reduce the impact of the Borough on climate change - Drive-in fast food outlets are counter to both policies. The development is counter to promoting healthy living and the proposals do not serve the interest of the people locally. Cllr Jones states that he is aware that the application may try to present this as a local centre rather than a well sited attraction to passing traffic, however the application is not a central site to the housing – it is cut off from it. Finally, Cllr Jones comments that the application contains no health facilities – rather the reverse.
18. Following the submission to further details Cllr Jones adds to his original objection that; the Air Quality Report appears to include actual readings rather than predictions and that the stated affect would be negligible on what exists. Cllr Jones considers that the WHO standards should be given greater weight and that the levels in any event will be compounded by other vehicles entering and existing Landmere Lane. Cllr Jones further comments on the submitted report but concludes that the such fast food outlets are counter to promoting healthy living and that the area beyond the fast food outlet is where plastic and paper litter is discarded.
19. One adjacent Ward Councillor for Musters Ward (Cllr Major) objects to the planning application on the basis that the development is clearly designed to service passing traffic and not create a local centre, the type of layout encourages users to drive not creating a pleasant environment that local residents will utilise and that there is a clear need for additional health and community facilities The scheme is purely commercial seeking to offer low

wage employment opportunities which does not reflect the principles outlined in the Supplementary Planning Document. Cllr Major is amazed to see a proposed nursery in this location so close to the A52 and fails to see when the Nottingham Knight roundabout routinely fails to meet air quality standards, that the same issues wouldn't apply. Cllr Major would like to see Ruddington Town Centre included in the impact test and she is convinced they have enough fast food outlets in the borough already and that this convenient location for passing traffic would serve to take more trade from local centres having a detrimental effect on them.

20. One adjacent Ward Councillor for the Ruddington Ward (Cllr Walker) objects to the application and would like the Council to reconsider what the people of Rushcliffe need. More fast food retailers is not in the interest of the people of this borough and we should reconsider using the land in much more localised and entrepreneurial approach that benefits the businesses and business owners of Rushcliffe.
21. One adjacent Ward Councillor for the Ruddington Ward (Cllr Gaunt) objects to the plan and would like the Council to reconsider what the people of Rushcliffe need. Yet more fast food retailers in this area is not in the interests of the people of this borough. This kind of development will increase car traffic, noise litter on our roads and anti-social behaviour.

Town/Parish Council

22. Ruddington Parish Council, as an adjacent Parish Council, does not object to this application.

Statutory and Other Consultees

23. Nottinghamshire County Council as Highway Authority acknowledges the extant permission for this site for extra care apartments granted through application 18/00460/HYBRD. It is acknowledged, having reviewed the Transport Assessment supporting the application, as well as further supporting detail, it is apparent the revised application will generate significantly more traffic than the extant permission, with an expected net increase of circa 200 vehicles on Landmere Lane in both the Am and PM peaks. The supporting modelling information has been provided and reviewed, and the Highways Authority conclude that, despite receiving a significant amount of additional traffic, the Landmere Lane arm of the junction still operates well within the acceptable levels. The HA acknowledges that this may appear surprising but given the increased traffic level, but this is because this junction currently has a substantial amount of available capacity.
24. The HA raise no issues with the remaining junctions, save for the approach from the A606 to the Wheatcroft Island as this is over capacity currently and will remain over capacity after the development. However, with the increase of 2% arising from the development, the HA does not consider such an impact merits refusal of the application. The HA notes that this situation will be significantly improved once the 2022 Highways England works to the Wheatcroft roundabout are completed. With regard to the proposed access from Landmere Lane into the development site this has been reviewed by the Casualty Reduction Team who have not raised any significant concerns and do not consider it necessary to amend the form of the junction to cater for the

additional traffic associated with the proposed drive through units. In conclusion, the HA raise no objection to the development subject to the previously requested conditions for the wider development being carried forward to encompass the current application.

25. Nottinghamshire County Council as Lead Local Flood Authority raise no objection subject to a condition requiring the submission of a drainage strategy for the site.
26. The Borough Council's Conservation and Design Officer raises no objection to the proposal. The Officer notes that there are no designated or non-designated heritage assets nearby and that the proposed buildings are modern examples of similarly branded outlets, the quality of design of which has risen notably in recent years. Comments are made on the proposed advertisements (which are subject to a separate application).
27. The Borough Council's Environmental Health Officer initially raised concerns regarding 2 sensitive receptors that had not been taken into account in relation to noise and air quality assessment. The proposed care home has not been considered as a potential sensitive receptor within the air quality assessment. In terms of noise impact, no consideration has been given to the suitability of the location for the proposed day nursery, which is likely to be exposed to high levels of noise from traffic on the A52, a particular issue because the proposed outdoor play/teaching areas appear to be closest to the highway. In respect of odour, it is recommended that extraction details are agreed prior to the use commencing, and in respect of lighting recommends a condition requiring the agreement of a lighting scheme. The Officer recommends the agreement of a "Method Statement" relating to construction techniques and a phase 1 Desk Top Contaminated Land Study.
28. Environmental Health provided revised comments in relation to contamination, having considered a report submitted relating to a previous application at this site, advising that a Desk Top Study is not required but a condition relating to any unexpected discovery of ground contaminants should still be applied.
29. Following receipt of additional Noise and Air Quality data, the EHO provided further comments. In respect of noise, the evidence provided in relation to the play area is accepted and it is noted that the consultants advise a 3 metre high acoustic fence is installed around the play area adjacent the A52. The officer agrees with this recommendation. The revised assessment did not consider noise levels from Macdonalds, Costa and the retail units, therefore the officer recommended that a condition is attached requiring further assessments be obtained. The additional Air Quality information provided by Redmore Environmental Technical addendum has been reviewed and have no further comments to make on Air Quality, however a construction management condition is recommended to ensure dust emissions are controlled during the construction phase.
30. Following amendments to hours and submission of additional Air Quality, the Environmental Health Officer raised no further issues. With the amendments to the opening hours now proposed (amended to cease trading at 11pm) no further noise data is required.

31. The Borough Council's Environmental Sustainability Officer noted that the preliminary ecology survey was supplied and the field survey was carried out on the 23/1/2019, which includes this site. This date is outside of the optimum survey season but based on the habitats present, this survey should be reliable. No evidence of protected species using the site or any part of the site was found. Ultimately no objection is raised to the development and the Officer recommends a number of conditions.
32. The Borough Council's Licensing Officer raises no objections to the granting of planning permission, however certain uses will be required to be licenced by the Council prior to commencement of use for hot food and drink after 11pm to 5am and the issues of nuisance will be commented through this process under the Licensing Act 2003.
33. Highways England commented that further modelling work was required in order to demonstrate that the A606 junction with the development site and the A52 continue to operate satisfactorily and queues do not extend back to the A52 circulatory as a result of the application. HE recommended a holding objection be put in place, which would expire on the 22nd of October 2019. HE request that they are consulted on the drainage strategy for the application.
34. Following receipt of further highway data, Highways England provided revised comments recommending that conditions should be attached to any planning permission that may be granted. In summary, from review of the proposed trip generation and distribution onto the highway network, they consider that these figures are acceptable. The proposed proportion of the primary trip generation for the drive thru and retail facilities is also acceptable. HE does query the applicant's proposal that only 50% of trips generated by the Nursery would be considered primary as they do not consider that a large proportion of trips would be pass-by or diverted. However, due to the scale and location of the development, HE does not expect that a large proportion of the trips associated with this use would route via the Strategic Road Network (A52) as such the nursery would not have any material impact on the A52 traffic. HE notes that the applicant has provided LinSig modelling data based on an opening year of 2021 and that this shows an increase in the traffic expected on the A52/Wheatcroft round about however, HE are content that this does not present any performance issues for the SRN. In relation to drainage, HE comment that as the surface water strategy for the site has not been agreed, they raise no objection to the application subject to a condition requiring the submission and agreement of all surface water drainage matters.
35. Nottinghamshire County Council Planning – Minerals and Waste: NCC cite a number of policy documents relating to Waste and minerals safeguarding which cover the Nottinghamshire Area. They consider that proposals should take account of these documents. However, it is then confirmed that no minerals safeguarding zones are affected by the proposals and that there are no existing waste sites within the vicinity of the site whereby the proposed development could cause an issue in terms of safeguarding existing waste management facilities.
36. Public Health: NCC state that the Spatial Planning for Health and Wellbeing of Nottinghamshire' document approved by the Nottinghamshire Health and Wellbeing Board in May 2016, with the Planning and Health Engagement Protocol 2017 identifies that local planning policies play a vital role in ensuring

the health and wellbeing of the population and how planning matters impact on health and wellbeing locally. In addition, a health checklist is included to be used when developing local plans and assessing planning applications. NCC recommends a checklist is completed when assessing applications on health and wellbeing to identify opportunities for maximising potential health gains and minimizing harm, addressing inequalities taking account of the wider determinants of health. In terms of Obesity NCC recommend 6 themes are considered to promote a healthy lifestyle as part of the application. There is also a public health response which highlights concerns about the location of the proposed development. They highlight that the clustering of fast food outlets can have a detrimental impact to the health and wellbeing of children and young people within Rushcliffe. NCC then go on to provide commentary and evidence in relation to obesity and the proximity of fast food outlets and schools within Rushcliffe.

37. NCC confirm that they will not be requesting any planning contributions as part of the application.
38. RBC Planning Policy note that the indicative masterplan for the Edwalton SUE identifies the application site as providing up to 4 hectares of B1 and employment generating development, not retail uses. To the north of the site, planning permission has already been granted for a local centre consisting of a number of small retail units together with a supermarket, serving the needs of the strategic allocation in line with policies 3 and 20. This planning permission has been implemented due to the discharge of conditions and the provision of an access road within the red line of 14/00001/FUL. In respect of the Retail Impact of the proposal as well as the Sequential test in relation to town centre uses, the officer recommends that the evidence provided is evaluated by an independent assessor with specific reference to a possible site on Wilford Lane and the retail impact the development would have on Ruddington Local Centre.
39. RBC Planning Policy (revised comments following retail impact assessment) – Having reviewed the retail consultant’s comments and conclusions and seen confirmation that impact on the co-op at Ruddington were also considered and that the sequential test has been met subject to condition. As there will be no significant adverse impact in the neighbouring centre, the Officer raises no objection to the proposal.

Local Residents and the General Public

40. 136 representations have been received objecting to the proposals on grounds that can be summarised as follows:
 - a. Proposal is to serve passing motorists.
 - b. More local services needed.
 - c. Traffic generation/congestion.
 - d. Litter and pests.
 - e. Proposals do not benefit surrounding housing estates.

- f. Proximity of fast food to nursery and primary school.
- g. Noise disturbance.
- h. Pollution/air quality.
- i. Not in keeping with the area.
- j. Personal desire for local business rather than usual conglomerates.
- k. Safety concerns from traffic.
- l. Lack of consultation with the public.
- m. Impact upon obesity.
- n. Poor development.
- o. Disturbance from late night opening.
- p. Anti-social behaviour and crime.
- q. Impact upon landscape.
- r. Design impact upon the street scene.
- s. Already multiple Macdonalds in the area.
- t. Odour impacts.
- u. Impact upon house values and insurance premiums.
- v. Lack of community need.
- w. Lack of amenity area for the nursery use.
- x. Not safe environment for nursery institution.
- y. Parking provision.
- z. Community would support alternative development.
- aa. Paying high council tax.
- bb. Objection to all night opening.
- cc. Doesn't comply with planning policy.
- dd. Scale of the development.
- ee. A GP/Dentist/Health Centre facility would be preferable.
- ff. Impact upon views from footpath.

- gg. Disturbance from headlights.
 - hh. Impact upon the amenity of nearby residential properties.
 - ii. Objection to fast food chain.
 - jj. Will affect the conservation area.
 - kk. Impact upon small businesses and local shops.
 - ll. Loss of community feel.
 - mm. Impact upon badgers, wildlife and the countryside.
 - nn. Issues with waste off site.
 - oo. Loss of privacy.
 - pp. Impact from light pollution.
 - qq. Impact upon health facilities
41. 4 representations have been received supporting the proposal for the following reasons:
- a. Plans look really good.
 - b. Shouldn't lead to too much traffic.
 - c. Proposal would bring much needed facilities to the care home

PLANNING POLICY

42. The Development Plan for Rushcliffe consists of The Rushcliffe Local Plan Part 1: Core Strategy (referred to herein as 'core strategy') and the Local Plan Part 2: Land and Planning Policies, which was adopted on 8 October 2019.

Relevant National Planning Policies and Guidance

43. National Planning Policy Framework. Relevant paragraphs in the NPPF will be referred to in the appraisal section below.

Relevant Local Planning Policies and Guidance

44. Local Plan Part 1:Core Strategy

Policy 1: Presumption in Favour of Sustainable Development
 Policy 3: Spatial Strategy
 Policy 5: Employment Provision and Economic Development
 Policy 6: Role of Local and Town Centres
 Policy 10: Design and Enhancing Local Identity
 Policy 12 Local Services and Healthy Lifestyles
 Policy 17 Biodiversity
 Policy 20: Strategic Allocation at Melton Road, Edwalton

45. Local Plan Part 2: Land and Planning Policies

Policy 1: Development Requirements

Policy 15: Employment Development

Policy 18: Surface Water Management

Policy 27: Main Town Centre Uses Outside District Centres or Local Centres

Policy 39: Health Impacts of Development

Policy 40: Pollution and Land Contamination

Policy 41 Air Quality

46. Relevant policies in the Core Strategy and Local Plan Part 2 will be expanded upon and included in the assessment of the proposal below.

47. Edwalton Development Framework Supplementary Planning Document.

APPRAISAL

48. The main consideration of this application are considered to be:

- Principle of development
- Retail Impact and Town Centre Uses
- Design, Impact Upon the Street Scene
- Impact upon neighbouring amenity
- Highway Safety
- Air Quality
- Health
- Biodiversity
- Flooding and Drainage

Principle of Development

49. This application proposes a mixed-use development on an open area of land off Landmere Lane in Edwalton. The development site forms part of a wider site allocated through Policy 20: Strategic Allocation at Melton Road, Edwalton of the Rushcliffe Core Strategy 2015. The site also forms part of the land parcel allocated through the Edwalton Development Framework. Policy 20 allocated the wider site for a strategic site for housing for around 1500 dwellings, up to 4 hectares of B1 and/or employment generating development, a neighbourhood centre and other community facilities as appropriate. Figure 1 contained within Policy 20 shows the indicative distribution of the proposed uses of the allocation. The site, which is the subject of this application, is located within the "Employment" land shown blue on Figure 1. Part B of Policy 20 explains, within the area of land identified for employment, (3) there should be provision of B1 and/or non-B class employment generating uses towards the south of the site in proximity to the existing Wheatcroft Business Park to provide a wide range of local employment opportunities where appropriate.

50. The site also forms part of a wider site which benefits from an extant planning permission for "Hybrid application comprising full planning permission for the erection of an Aldi food store (Use Class A1), together with car parking, landscaping and associated works, and Outline planning permission (all matters reserved except for access) for a care home and extra care

apartments” (Application reference: 18/00460/HYBRID). The current application site falls within the outline part of the site so benefits from outline permission for a care home or extra care apartment uses.

51. Evidence provided as part of the above hybrid application demonstrated that the care home use and extra care apartments contained a strong employment element and, therefore were considered to be compliant with both Policy 20 (B) of the Core Strategy and Edwalton Development Framework.
52. The development before the Council under the current application is for approximately half of the “outline permission” area and seeks to replace the extra care apartment facility, due to lack of market demand. Instead, it is proposed to develop the site for a drive thru unit (A3 and A5) a further drive thru unit (A3 and A5) the erection of a retail terrace (Class A1, A3, A5 and D1 use) and the erection of a day nursery (Class D1 use). The application details suggest the development will provide a range of employment opportunities for approximately 110 individuals and given the type of businesses proposed there is potential to operate intensively during certain periods of the day. As such, it is anticipated that the proposed scheme would provide significantly more employment opportunities than the permitted use of an extra care apartment block. Furthermore, the proposals offer a number of different land uses, which are more diverse and offer a wider spectrum of types of employment uses and therefore being compliant with part B 3 of Core Strategy Policy 20. As such, the proposed uses would be considered appropriate and acceptable in principle in this regard, subject to discussion below surrounding retail and town centre impact.

Retail Impact and Town Centre Uses

Policy Background

53. Policy 6 of the Core Strategy explains the hierarchal approach the Council will take towards supporting developments for town centre uses within the Borough. It explains that the hierarchy places Nottingham City Centre at the top with town centre, district centres and local centres designated below this. Paragraph 3 of Policy 6 states that new retail development of an appropriate scale, as identified through masterplans, will be required to serve new sustainable communities, including the strategic development at Land off Melton Road, Edwalton.
54. The retail led development to serve the Melton Road Edwalton was granted under planning permission 14/00001/FUL for “Erection of Local Centre comprising a foodstore (class A1) and 4 No. units for Class A1, A2, A3, A5 and/or D1 use, together with car parking and associated infrastructure and landscaping”. This development has commenced as the access and junction works have been installed.
55. Paragraph 6 of Policy 6 states that development of retail and leisure uses in out-of and edge-of-centre locations will need to demonstrate suitability through a sequential site approach and also provide a robust assessment of impact on nearby centres. The Local Plan Part 2 sets thresholds at which retail impact assessments will be required for the scale of main town centres development in edge-of and out-of centre locations.

56. Policy 27 of the Local Plan Part 2 states that development for main town centre uses outside of the defined district and local centres and centres of neighbourhood importance will only be permitted if, following a Sequential Assessment it can be demonstrated that the development could not be accommodated within a suitable and available centre of edge of centre location, having demonstrated appropriate flexibility in the format and scale of the development.
57. Policy 27 of the Local Plan Part 2 states that, development for main town centre uses, with a net floor space of 500 sqm² or above, in edge or out of centre locations including within Centres of Neighbourhood Importance, will be permitted if, following an Impact Assessment, it would not have a significant adverse impact on existing centres.
58. The National Planning Policy Framework at paragraph 86 and 89 echo's the requirements of the Policy 27 and, in respect of retail impact, at paragraph 89 states that Impact Assessments should include assessment of;
 - a) 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
 - b) 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).

Assessment

59. The application has been accompanied by a retail impact assessment and sequential test in order to demonstrate that the proposed retail and town centre uses will not detrimentally affect the vitality and viability of existing designated retail areas and that there are no sites which are sequentially more preferable which could accommodate the development.
60. The initial sequential test examined a total of 5 sites in and around the West Bridgford area and found none to be suitable to accommodate the development for a variety of reasons including site size and unsuitable site accesses.
61. The Retail Impact Assessment (RIA) looked at the impact the development would have upon the nearby centres, namely West Bridgford District centre and Clifton District Centre (falling within Nottingham City boundary). The RIA examined the likely impact of the proposed development taking account of: Scale of the proposed development, Existing vitality and viability of centre, Trade diversion, and Impact on town centre investment and vitality and viability.
62. The submitted RIA concludes that the proposed retail and drive-thru units will divert a very limited level of trade from the existing scale owing to their limited scale and the fact that they provide a very different offer/function to that provided within the district centres. The existing vitality and viability of both of these centres is considered to be good and in terms of trade diversion, it is expected that the development would divert less than 10% of the overall trade

from these two centres. The RIA notes that no investment is planned for either centre and therefore the proposed development would not impact upon this.

63. The Council have had both the sequential test and the Retail Impact Assessment reviewed and assessed for their suitability by an independent retail consultant, employed by the Council.
64. From an initial review of the evidence provided by the applicant, the Council commissioned the consultant to not only review the information provided by the applicant but also consider a site on Wilford Lane in West Bridgford in relation to the sequential test, and also the retail impact upon Ruddington. Further to this, the applicant provided a technical note to attempt to address these two specific issues on the 8th October 2019.
65. Having reviewed both the initial Retail Impact Assessment and Sequential Test together with the further Technical Note, the Local Planning Authority is satisfied that there are no other sequentially preferable sites which could accommodate the development. The Wilford Lane site is not any better connected to West Bridgford Centre as there are no direct public transport links.
66. In terms on retail impact, the Council is satisfied that the proposal will not cause significant detriment to Clifton and West Bridgford Centres. Furthermore, subject to a condition being imposed upon any planning permission granted, stating that the larger unit (unit 3) shall not be used for a food supermarket, it is considered that the proposal will not adversely impact on similar provision at Ruddington.
67. Having assessed the information provided and had its findings independently assessed by a retail specialist, it is considered that, where there are adverse consequences of the development, these are limited in scale and effect and can be further mitigated against by use of the above condition. As such, the development is considered to broadly accord with Policy 6 of the Core Strategy, Policy 27 of the Land and Planning Policies document and Section 7 of the National Planning Policy Framework.
68. It is noted that the current permitted development regime allows for the permitted change of use between category's A3 and A1 and therefore, in the future, the larger units 5 and 6 could change to an A1 use. This floor space has not been included in this assessment against the impacts identified above and therefore in this instance, it is considered necessary to remove the permitted development rights for these units in relation to their use for A1 purposes.

Design, Impact upon the Street Scene

Policy Background

69. Policy 10 of the Local Plan Part 1 requires that all new development should, amongst other things, make a positive contribution to the public realm and sense of place and should have regard to the local context and reinforce local characteristics. Specifically, with regard to design, the policy requires that all development be assessed in terms of its massing, scale and proportion, proposed materials, architectural style and detailing.

70. Similarly, the criteria for assessing development proposals set out in policy 1 of the Local Plan Part 2 broadly echo the requirements of policy 10. Additionally, policy 1 also requires that new development should not lead to an over intensive form of development within the site and its height should be sympathetic to the character and appearance of the neighbouring buildings and surrounding area.
71. Paragraph 124 of the NPPF states that “*The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.*”
72. Paragraph 127 requires 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.

Assessment

73. The design approach for this development is considered to be contemporary in its nature. The buildings contain mono-pitched roofs, simple elevation treatments and common materials pallet across the development. The principal building, unit 5, would be two stories in height and would sit comfortably when read in conjunction with the office development on the corner of Landmere Lane. The substantial trees, which are a positive feature along Landmere Lane, would be retained and safeguarded as part of the development.

74. From within the site the layout forms around a central carpark with the majority of the buildings facing inwards with large amounts of glazing offering significant levels of natural surveillance.
75. The level of hardstanding proposed, whilst synonymous with such commercial led development, is regrettable however, there would be small amounts of landscaping proposed to break up the monotony of the singular surface material. However, the Council recognises the design approach which has led to this by providing significant manoeuvring and circulation space as well as complying with car parking requirements. The Council accepts the balance between the two in this instance.
76. In terms of permeability and wider connections, the site contains internal footpaths linking it to the adjacent supermarket development and due to the layout of the parking areas, traffic speeds will be low resulting in a relatively safe environment for pedestrians. The proposed plan shows footpath links to the wider footpath network, however as this is outside of the application site, such details need to be assessed in conjunction with the proposals for the adjacent developments, which are reserved by conditions on their respective planning permissions. As such, a condition requiring such details in this instance is also required, if the application is to be approved.
77. Overall it is considered that, when read as part of the wider development on land south of Landmere Lane, with the food store and care home, the development would appear cohesive and would result in a high quality appearance, which would contribute positively to the public realm.
78. The development is therefore considered to comply with Policy 10 of the adopted Core Strategy and Policy 1 of the adopted Local Plan Part 2, as well as section 12 of the NPPF

Impact upon Neighbouring Amenity

Policy Background

79. Policy 10 of the Local Plan Part 1 also requires that new development be assessed in terms of its impacts on neighbouring amenity (such as massing, overshadowing, loss of privacy, noise).
80. Policy 1 (1) of the Local Plan Part 2 requires that there is no significant adverse impact upon amenity, particularly residential amenity of adjoining properties or the surrounding area, by reason of the type and levels of activity on the site, or traffic generated. Policy 1 (5) requires that noise attenuation is achieved, and light pollution minimised.
81. Paragraph 127 of the NPPF requires developments to 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 fear of crime, do not undermine quality of life of community cohesion.

Assessment

82. The application proposes a mixed-use development to be located within a larger development parcel, which also features a food store and a substantial care home facility. This development will add to this site, four more buildings and a large amount of car park and hard standing. In addition, as reported within the transport assessment, the road network will see an increase in traffic due to the nature of the proposed uses compared to the previous proposed development for this site (extra care apartments).
83. In terms of visual harm from the design and scale of the development, the nearest sensitive building would be the adjacent care home, which has recently been approved but is yet to be commenced on site. However, this building is substantial itself and due to the layout of the site, with the building weighted to the west of the plot, would not be significantly harmed by the scale and massing of the proposed structures.
84. In terms of impact upon privacy from overlooking, unit 5 would be two storeys in heights, however due to its design and location within the plot, the principal windows will only have views over the front car park. Unit 4 would be the closest building to the care home facility with three small windows in the west elevation. However, these offer small views of the communal gardens of the care home, and within the building the nearest feature is a lounge room. Bedrooms are proposed to feature further along the rear elevation of the care home but given the oblique angle and separation distance, it is not considered that the views from the windows within the nursery will significantly impact upon the privacy of future residents of the care home. The residential properties on Acacia Way are some 150m away from the development, on the opposite side of Melton Road, and there are intervening buildings, therefore there will be no significant impact upon visual amenity of these properties arising from the structures themselves.
85. It is acknowledged that the development is mixed and commercial in its nature and is designed to attract visitors. The Transport Assessment is clear that the site is well served by public transport, as well as pedestrian and cycling links to the wider networks. The site's location, on the fringe of an urban extension means that the majority of the nearby occupiers will have ample opportunities to walk and cycle to the services provided at this site.
86. The Transport Assessment does, however acknowledge that there will be a significant uplift in traffic levels as a result of the development and whilst this has been found sound from a highway safety point of view, the disturbance arising from such traffic should also be assessed in terms of its impact upon the amenity of existing and future occupiers.
87. The A606 (Melton Road) is the main highway link to the site from the principle urban area of West Bridgford to the north. This is an existing classified road which already experiences significant traffic levels due to its connections to the A52 strategic road network.
88. The A52 passes the site to the south and is the main connecting highway to the east and west. It is also acknowledged that the types of uses proposed for this site, including the dive thru restaurants will attract a significant portion of

its custom from this highway and these users will enter off the Wheatcroft Island junction, onto a small stretch of the A606 Melton Road.

89. Therefore, it is anticipated that the residential properties close to the site along the Melton Road and A52 will experience the most amount of uplift of traffic levels (and consequential disturbance) arising from this development.
90. It is likely that the dwellings fronting Melton Road sited on Hemlock Road and Magnolia Close would potentially be most affected. These properties sit outside the Melon Road/Landmere Lane and Melton Road/Acacia Way junction as well as being close to the Wheatcroft Round about junction.
91. It is firstly noted that the closest highways of both the A52 and Melton Road to these properties is already dual carriageway which feeds into significant, modern traffic light junctions, which are heavily engineered and designed as such to deal with a significant level of capacity. These improved junctions were installed as part of other/earlier phases of the wider urban extension, including the residential properties. It is also noted that no further physical highway junction works are required from a capacity/highway safety point of view (see Highway Safety section of this report).
92. The existing road network and nearby junctions are detailed to already cater for a vast amount of traffic to support existing and committed development. The Transport Assessment reports that the additional trips arising from the development at peak times at the closest junctions are as follows:

Table 4.7 – Net Traffic Effect

| Junction | Vehicle Movements | |
|---------------------------|-------------------|---------|
| | AM Peak | PM Peak |
| Melton Road/Rose Way | 20 | 26 |
| Melton Road/Acacia Way | 20 | 26 |
| Melton Road/Landmere Lane | 195 | 209 |
| Wheatcroft Roundabout | 84 | 95 |

93. Whilst these trips, when viewed independently appear significant, when considered in the context of the road network and the volume of traffic already using these junctions at these peak times, and the disturbance to the nearby residential properties, it is not considered that the additional trips will not cause significant and demonstrable harm to the overall amenity for these closest residents at peak times.
94. It is accepted that, due to the nature of the proposed uses and the requested hours operation, there is the potential for uplift outside of these peak traffic times and at times later into the evening where the general road network is quieter. However, with less cars being present using these junctions at those times, traffic build up is expected to be significantly less, as commuter and school time traffic would not be present. This means that customers using the junctions would be more likely to access the main site quicker without having to be idle at the sensitive junctions for longer periods. In addition to this, it is

noted that the closest dwellings to the site were constructed and marketed following the creation of the significantly engineered access point. It is also noted there is a separation distance of 30m between the front elevation of the properties on Hemlock Road and the right-hand turn lane featured within the junction. This separation is even further between the dwellings and the carriageway leading up to Landmere Lane from the Wheatcroft Island.

95. Having considered all of the above, the Local Planning Authority is of the opinion that, although an uplift of traffic close to residential properties will take place and that a degree of harm will undoubtedly occur as a consequence, this harm is not considered significant given the sites context and as such is acceptable in this particular instance in relation to disturbance from traffic generation.
96. The proposed uses have the ability to generate noise disturbance through their general operation including from patrons using the site, deliveries to the site, people movements and noise arising from plant equipment which may serve the end users.
97. The application has been accompanied by an Environmental Noise Assessment to review and assess the potential noise issues in relation to the development. The executive summary finds that, subject to a raft of mitigation measures, including acoustic fencing, restrictions on delivery hours and acoustic restrictions for associated plant equipment, the development has been found to have an acceptable impact upon the adjacent residential nursing home as the closest sensitive receptor.
98. This Assessment was reviewed and commented on by the Council's Environmental Health Officer, who sought evidence in relation to the suitability of the proposed location for the nursery use in close proximity to the A52, a particular issue because the play/amenity are closest to the highway.
99. An updated Technical note was provided by the Noise consultant in respect of this particular issue, which provided further evidence and increased the noise attenuation fence to border the nursery to 3m high.
100. This evidence was reviewed, and the Council now consider that the relationship between the nursery and the A52, in relation to noise impacts is acceptable subject to attenuation being provided.
101. The Environmental Health advice originally concluded that the findings of the Noise Assessment and the additional technical note were acceptable however, as certain details were absent in relation units 5 and 6 a condition was suggested to be imposed requiring further information, post permission. However, since the applicant has revised the opening hours for all units on site to cease at 11pm, the Environmental Health Officer has concluded that no further information is required to be submitted and that the development, subject to the suggested attenuation, will be acceptable in terms of noise impacts.
102. To conclude on the matter of nearby amenity, the relevant reports and scheme have satisfactorily taken account of the nearest sensitive receptors, including those to be provided within the development. It is considered that there would be a low level of harm arising to the amenities of the occupiers of Hemlock

Road and Magnolia Close. The residents of the adjacent care home and the future users of the nursery would be, subject to mitigation measures, satisfactorily protected from the noise arising from the development.

103. The development is therefore considered to comply with both Local Plan Part 1 Policy 10 and Local Plan Part 2 Policy 1, as well as the provisions of the NPPF with regards to residential amenity.

Highway Safety

Policy Background

104. Policy 1 (2) of Local Plan Part 2 requires that a suitable means of access can be provided to the development without detriment to the amenity of adjacent properties or highway safety and the provision of parking is in accordance with the advice provided by the Highway Authority.
105. The National Planning Policy Framework at paragraph 108 states that in assessing applications for development, it should be ensured that:
- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
 - b) safe and suitable access to the site can be achieved for all users; and
 - c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
106. Paragraph 109 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
107. In accordance with paragraph 111 of the NPPF, the application has been accompanied by a Transport Assessment

Assessment

108. The Transport Assessment (TA) has been prepared by Connect Consultants and is divided into five sections:
- Site Transport Context – This section considered the accessibility of the site in terms of a range of transport modes.
 - Proposed Development – This section analyses the proposed development including the provision of each use, proposed access points, servicing provision and layout arrangements.
 - Traffic Assessment – This section of the report provides details of the traffic data used for the assessment of the study area junctions.
 - Junction Capacity and Collision Analysis – This section carries out junction analysis and collision analysis at five of the local junctions.
 - Summary and Conclusions.
109. In terms of the site context the TA reports that the site is surrounded by a pedestrian network that includes crossing facilities and a residential catchment

within walking distance of the site. The surrounding area is conducive to cycling and bus interchanges that provide access to a variety of destinations. The site is a prominent location relative to the highway network and overall has a good level accessibility by all relevant transport modes.

110. The layout and design of the development has been considered as part of the TA. The prevailing points are that the access will be served in conjunction with the adjacent food store development, the layout has been designed to accommodate a 16.5m articulated goods vehicle a 10m rigid vehicle and an 8.45m rigid vehicle. In terms of car parking, reference is made to the NCC Highways Design Guide, Consultation Draft December 2018 (HDG). In summary, the Policy indicates that an appropriate level of provision would be approximately 23 car spaces for the retail units (Units 1, 2 and 3), 25 car spaces for the Nursery (Unit 4), and 14 spaces for the “Costa” (unit 6) giving an approximate total provision of 62 car parking spaces. The cumulative provision proposed in front of these units amounts to 65 spaces. Unit 5 (Macdonalds) has been assessed subject to its own parking assessment and has been shown to be appropriately sized relative to demand.
111. In terms of cycle provision, the HDG suggests a requirement of 6 spaces based on the uses and floor space. The development is seeking to provide 16 spaces, a figure well in excess of the required amount.
112. The traffic impacts at the following junctions have been assessed based on increased trip arising from the proposed development:
 - 1) Site junction formed with Landmere Lane
 - 2) Landmere Lane/A606 Melton Road signal junction
 - 3) Wheatcroft Island Roundabout
 - 4) A606 Melton Road/Acacia Way signal junction
 - 5) A606 Melton Road/Rose Way signal junction
113. The existing traffic flow data was used from the Transport Assessment which accompanied the extant planning permission for the site 18/00460/HYBRID. The assessment also took account of traffic from committed developments including sites which have been granted permission but are yet to be fully operational or in use.
114. The assessment is made based on the future assessment year of 2021 as this is the assumed year of opening and 2032 as this is the year used in the Greater Nottinghamshire Transport Model (GNTM). Each proposed use has been assessed in terms of the trip generation it will create and this is considered alongside the committed developments.
115. The net traffic effect of the proposed development based on the above assumptions is summarised at Table 4.7 of the report, shown below;

Table 4.7 – Net Traffic Effect

| Junction | Vehicle Movements | |
|---------------------------|-------------------|---------|
| | AM Peak | PM Peak |
| Melton Road/Rose Way | 20 | 26 |
| Melton Road/Acacia Way | 20 | 26 |
| Melton Road/Landmere Lane | 195 | 209 |
| Wheatcroft Roundabout | 84 | 95 |

116. The conclusion held within the TA in respect of traffic generation is that the potential increase will be modest.
117. Based on the anticipated traffic impact of the proposal, concluded in Section 4 of the TA, this data is then used to assess the capacity tests at the 4 key junctions as well as collision analysis.
118. The capacity assessment within the TA shows that the site access junction will operate within capacity. The net traffic effect of the development on the operation of the study area is minimal and it is the addition of the GNTM committed development traffic that has the greatest traffic effect.
119. The summary of the submitted TA found that the development is acceptable from a transport perspective.
120. The TA has been reviewed by Highways England as well as the local Highway Authority (NCC). Both bodies initially requested further technical data and clarification, and this resulted in Highways England issuing a holding objection for the development. However, following a review of the additional data provided, Highway England removed their holding objection and commented that they raise no objection to the development, subject to a condition requiring the submission and approval of a drainage scheme. Highways England comment that figures used in relation to trip generation are acceptable and whilst a query is made in relation to the type of trips arising from the nursery development use, no concerns are apparent in relation to impacts upon the Strategic Road Network (A52).
121. The Highways Authority (HA) also welcomed further data and clarification. Having reviewed the TA and the additional technical data, the HA comment that the development will generate significantly more traffic than the extant permission with an expected net increase of circa 200 vehicles on Landmere Lane in both the Am and PM peaks. The supporting modelling information has been provided and reviewed and the Highway Authority conclude that, despite receiving a significant amount of additional traffic, the Landmere Lane arm of the junction still operates well within the acceptable levels.
122. The HA acknowledges that this may appear surprising but given the increased traffic level, this is because this junction currently has a substantial amount of available capacity. The HA raise no issues with the remaining junctions, save

for the approach from the A606 to the Wheatcroft Island as this is over capacity currently and will remain over capacity after the development. However, with an increase of 2% arising from the development the HA does not consider such an impact merits refusal of the application.

123. The HA notes that this situation will be significantly improved once the 2022 Highways England works to the Wheatcroft roundabout are completed. With regard to the proposed access from Landmere Lane into the development site, this has been reviewed by the Casualty Reduction Team who have not raised any significant concerns and do not consider it necessary to amend the form of the junction to cater for the additional traffic associated with the proposed drive through units
124. The HA, in conclusion, raise no objection to the development, subject to the previously requested conditions for the wider development being imposed upon any approval.
125. Having regard to the substantial level of highways information provided as part of the Transport Assessment, as well as modelling data submitted to Highways England and the Highway Authority, the traffic and trip generation is not considered to result in cumulative impacts upon the road network that would be severe.
126. The site layout is considered suitable as it provides adequate manoeuvring space for service vehicles and the proposed parking provision has been found appropriate for the proposed uses resulting in a development that caters for itself and will not result in parking displacement within the adopted public highway. The site's access to Landmere Lane is considered to be safe and suitable for all users, subject to a condition requiring details of pedestrian links to be provided (as per the previous permission for the site).
127. Having regard to the above, the development is considered to comply with the above stated policies of the Local Plan Part's 1 and 2 as well as Section 9 of the NPPF.

Air Quality

Policy Background

128. Policy 41 of the Local Plan Part 2 states that Planning permission will not be granted for development proposals that have the potential to adversely impact on air quality, unless measures to mitigate or offset their emissions and impacts have been incorporated. In areas where air quality is a matter of concern, development proposals that are sensitive to poor air quality will be required to demonstrate that users or occupants will not be significantly affected by poor air quality, or that such impacts can be effectively mitigated. Development proposals must not exacerbate air quality beyond acceptable levels, either through poor design or as a consequence of site selection.
129. Paragraph 181 of the NPPF states that planning decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should

be identified, such as through traffic and travel management, and green infrastructure provision and enhancement.

130. For reference, an Air Quality Management Area is an area designated by Local Authorities because they are not likely to achieve national air quality objectives by the relevant deadlines.

Assessment

131. This application site does not fall within an Air Quality Management Area as identified by the Local Plan.
132. The application has been accompanied by an Air Quality Assessment compiled by Redmore Environmental. The assessment acknowledges that the proposals have the potential to cause air quality impacts as a result of fugitive dust emissions during construction and road traffic exhaust emissions associated with vehicles travelling to and from the site during operation, as well as exposing future users of the children's day nursery to existing air quality issues.
133. The Executive Summary of the Assessment concludes that, from a review of the dispersion modelling results indicated, predicted air quality impacts as a result of traffic generated by the development were not significant at any sensitive location in the vicinity of the site. The results of the assessment also demonstrated that the predicted pollution levels were below the relevant air quality standards at all locations across the site and as such, exposure of future users of the children's day nursery to poor air quality is considered unlikely as a result of the proposals.
134. This Report was reviewed by the Council's Environmental Health Officer who raised initial concerns and requested the following further information;
- Consideration of particulate matter with an aerodynamic diameter of less than 2.5 (PM2.5) concentrations;
 - Consideration of the World Health Organisation (WHO) air quality guidelines; and
 - Inclusion of the proposed care home as a discrete receptor within the modelling.
135. Following these comments, additional modelling was undertaken by the consultant. Figure 1 of the addendum shows the sensitive receptor points which were used in the analysis. The update confirmed that concentrations were well below the relevant AQOs (Air Quality Objectives) and AQTV (Air Quality Target Values) at all sensitive receptor locations. The update notes that the PM2.5 (Particulate Matter with a diameter of less than 2.5mm) concentration is predicted to be slightly above the WHO Air Quality Guidelines of 10µg/m³ at the proposed day nursery. However, the report notes that the criteria provided by the WHO is a guideline and has not been included within European or UK air quality legislation. As such, the report considered it most appropriate to compare pollutant concentration to the AQTV, which is the current standard adopted in the UK and is therefore the most relevant criteria for an assessment of this nature. The report concludes that the air quality impacts associated with the development are predicted to be negligible and pollutant concentrations at the children's day nursery are below the relevant

legislative standards. As such, air quality factors are not considered a constraint to the development.

136. This additional information has again been reviewed by the Council's Environmental Health Officer who comments that further confirmation is required that the data used included idling vehicles. Other than this, they have no further comments to make, subject to a construction management plan condition to ensure dust emissions are controlled during the construction phase.
137. Notwithstanding the above, the Council observed concerns from the community that the report did not measure air quality levels at the nearest residential properties, despite the findings for the levels at the nursery and care home (within and adjoining the site) being acceptable. Concerns were also observed that the data did not take account of idling vehicles using the drive thru facilities.
138. As such, a second addendum was provided to the Council to accompany the Air Quality Assessment whereby additional analysis was undertaken. This report included an increase in the number of receptors, including the residential properties at Hemlock Road and Magnolia Way. The report found that the concentrations were well below the relevant AQOs and AQTV at all sensitive receptor locations. Additional, potential impacts are classified as negligible in accordance with the relevant IAQM guidance (Institute of Air Quality Management). Air Quality affects as a result of the operation of the development were considered to be not significant. The report notes that the inclusion of the on-site vehicle exhaust emissions, including idling vehicles, in the dispersion model has not affected the conclusions of the original Air Quality Assessment Report.
139. Having considered the evidence provided from both the initial assessment and the subsequently addendums, the Council is satisfied that the proposed development will not cause unacceptable levels of Air Quality for the users of the development (including the children's nursery) as well as the care home residents and residential properties close to Melton Road. The development therefore accords with policy 41 of the Local Plan Part 2 and paragraph 181 of the NPPF.

Health

Policy Background

140. Policy 39 (Health Impacts of Development) of the Local Plan Part 2 states that the potential for achieving positive health outcomes will be taken into account when considering development proposals. Where any significant adverse impacts are identified, the applicant will be expected to demonstrate how these will be addressed and mitigated.
141. Policy 39 goes on to state that where applicable, development proposals should promote, support and enhance health by:
 - Providing the right mix of quality homes to meet people's needs and in locations that promote walking and cycling;

- Providing employment developments in locations that are accessible by cycling and walking;
 - Supporting the provision and access to healthcare services;
 - Retaining and enhancing accessible Green Infrastructure;
 - Alleviating risks from unhealthy and polluted environments such as air, noise, water pollution and land contamination;
 - Designing homes that reflect the changes that occur over the lifetime, meet the needs of those with disabilities and reduce the fear of crime; and
 - Supporting and enhancing community cohesion.
142. Paragraph 91 of the NPPF requires that decisions aim to achieve healthy, inclusive and safe places, which enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sport facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.

Assessment

143. The proposed development intends to include the provision of take away uses (A5) and although the plans indicate a particular type of end user, the assessment of this planning application must be concerned only with the land use, and not the brand or specific entity which would occupy a development in the future. Planning permissions run with the land and would be available for any subsequent landowner to exercise.
144. The findings of the transport assessment found that the site as a good level of pedestrian and cycling links to the wider communities and that the cycle provision which was intended to be provided as part of the development exceeds the required level.
145. The development site is also delivered as part of the wider Edwalton Development Sustainable Urban Extension, which included a vast amount of accessible public open space and access to Sharphill Wood. The development has also been found to be acceptable in terms of its impact upon Air Quality.
146. The information provided by NCC is also helpful as it clarifies that the childhood obesity rate within the Borough for year 6 students is at 23.6% vs the national average of 34.3%. However, it notes that adulthood obesity is similar to the national average at 63.3%. The data provided by the public health response also states that Rushcliffe has a fast food outlet density of 64.2.9 % per 100,000 residents in 2015 compared to 88 per 100,000 residents in England.
147. This data suggests that Rushcliffe fairs significantly better in terms of childhood obesity rates compared to the rest of the country and according to the spatial evidence provided, better than other Boroughs within Nottinghamshire.
148. The Publication draft Local Plan Part 2 Policy 39 included a requirement for the submission of the County Council's Health Impact Assessment (or 'checklist') for applications over a certain size threshold. This requirement was removed from the policy as the Local Plan Inspector did not consider that it was justified or effective as worded ([see paragraphs 172 and 173 of the Inspector's Report](#)). This requirement was therefore struck out and does not

form part of the adopted Local Plan. The supporting text to adopted Policy 39 instead encourages the use of the checklist for planning applications.

149. This development site will be delivered as part of the wider Edwalton Development and when read as a whole, the two proposed A5 units are the only A5 units which feature within the Allocation. The proximity of the primary school is noted however, childhood obesity rates within Rushcliffe are far below the national average and therefore preventing such a use in this location because of its proximity to the primary school is not considered to be justified. Whilst the position of the nursery development is closer to the proposed A5 units, nursery school children are not at free will to use such facilities.
150. Overall it is considered that the development, when read and experienced in conjunction with the wider delivery of the Allocation, will not result in any significant adverse impacts and the development will not expose nearby residents to health issues either immediately or in the long term.

Biodiversity

Policy Background

151. Policy 17 of the Core Strategy requires development on or affecting non-designate sites or wildlife corridors with biodiversity value will only 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.
152. Policy 38 of the Local Plan Part 2 states that where appropriate, all developments will be expected to preserve, restore and re-create priority habitats and the protection and recovery of priority species in order to achieve net gains. Policy38 (4) goes on to require that, outside of the Biodiversity Opportunity Areas, developments should, where appropriate, seek to achieve net gains in biodiversity and improvement to the ecological network through the creation, protection and enhancement of habitats, and the incorporation of features that benefit biodiversity.

Assessment

153. The planning application has been accompanied by an Ecology Assessment compiled by Urban Green. The desk-based study and field study was conducted in order to identify habitats and determine the suitability for any protected and notable species to occur on site.
154. The Assessment concludes that the proposed development will have a negligible impact on designated sites that are located within proximity of the site. It acknowledges that the hedgerow is intended to be retained. In terms of protected and notable species, it concludes that there are no opportunities for roosting bats on site and that the habitats which are most suitable for commuting and foraging bats will be retained. No evidence was found of water vole using the ditch to the east of the site.
155. The report puts forward a number of required actions including hedgerow planting and the installation of bat boxes within the proposed buildings. Removal of any scrub, tree and hedgerow should be undertaken outside of the

breeding season for birds. Recommendations are also made in relation to the general construction activities.

156. The evidence has been reviewed by the Councils Environmental Sustainability Officer who raises no objection to the development, subject to recommendations.
157. As mentioned above, the development is being delivered in conjunction with a wider mixed development which, as part of the scheme, installed substantial ecological benefits including new tree planting, wildflower planting and the establishment of open space areas. In respect of this site, there are opportunities for habitat creation in the form of the installation of bat boxes within the proposed buildings and this could be secured via condition. Therefore, the development as a whole or when considered independent would deliver a net gain to biodiversity and is subsequently compliant with policy 38 of the Local Plan Part 2 and the provisions of the NPPF.

Flooding and Drainage

Policy Background

158. Policy 2 of the Core Strategy requires all new development to incorporate measures to reduce surface water run-off, and the implementation of Sustainable Drainage Systems into all new development will be sought unless it can be demonstrated that such measures are not viable or technically feasible.
159. Policy 18 of the Local Plan Part 2 requires that, to increase the levels of water attenuation, storage and water quality, and where appropriate, development must, at an early stage in the design process, identify opportunities to incorporate a range of deliverable Sustainable Drainage Systems, appropriate to the size and type of development. The choice of drainage systems should comply with the drainage hierarchy.
160. Policy 18 states that planning permission will be granted for development which:
 - a) is appropriately located, taking account of the level of flood risk and which promotes the incorporation of appropriate mitigation measures into new development, such as sustainable drainage systems;
 - b) reduces the risk to homes and places of work from flooding;
 - c) delivers a range of community benefits including enhancing amenity (ensuring a safe environment) and providing greater resistance to the impact of climate change;
 - d) contributes positively to the appearance of the area;
 - e) accommodates and enhances biodiversity by making connections to existing Green Infrastructure assets; and
 - f) retains or enhances existing open drainage ditches.

Assessment

161. The application site is located within flood zone 1 and is therefore sequentially preferable in terms of flood risk.

162. The application has been accompanied by a Flood Risk and Drainage Strategy Statement. The statement draws upon the previous flood and drainage information supplied for the approved development at the site (18/00460/HYBRID). In terms of the drainage strategy proposals, the proposed drainage strategy includes for an attenuation facility of at least 352m³ that is located at the lower eastern side of the site. This attenuation facility has the capacity to store surface water runoff from the site proposals in the peak 100year+30% climate change rainfall event with a restricted discharge of 3.6 l/s.
163. The restricted discharge rate is based on the limitation of 5 l/s/ha and the sites proportion of the overall development site allowance of 10.6 l/s, as set by the overall site developer. Supporting surface water Microdrainage Source Control calculations are appended to the report. Foul water from the development proposals would be conveyed under gravity to the foul water pumping station located in the proposed Aldi site (to the east). This is in line with the overall site development strategy.
164. The Lead Local Flood Authority raise no objection to the proposal subject to conditions which seek to obtain further details in relation to the manner in which surface water is discharged from site. Such a condition is considered necessary and proportionate to ensure that the method is secured, approved and subsequently implemented.
165. The developer has adequately demonstrated that the surface water and foul water can be adequately managed in accordance with the sustainable drainage hierarchy and subject to a condition requiring details of the disposal of surface water, the development is considered to be acceptable and compliant with both national and local planning policies identified above.

Other matters

166. The neighbour representations received as part of this application have been duly considered and the majority of matters raised have been addressed above. However, matters such as nearby property values, request for reductions in council tax and commercial desirability are not planning issues which are material to this application. Reference has been made to the impact upon the Conservation Area. It is presumed the Conservation Area being referred to is Edwalton Conservation Area and given the separation distance to this and the intervening development, it is not considered there will be any harm upon the setting of this heritage asset.

Conclusion and Planning Balance

167. The proposed development is considered to be acceptable in principle and broadly compliant with Policy 20 of Local Plan Part 1: Core Strategy due to the significant employment generating uses proposed and having regard to the extant permission for the site. This development would bring forward sustainable economic growth, providing employment through construction and as part of the use of the development. The proposed town centre retail uses will not cause significant detriment to the vitality of nearby centres.

168. A moderate level of harm has been identified to the amenities of the nearby residential properties though an increase in traffic levels at more sensitive times of the day.
169. The scheme has been found acceptable in terms of air quality impacts, highway safety impacts, impacts upon health, as well as flooding and surface water drainage.
170. Overall, the scheme is considered to represent a sustainable form of development, economically, socially and environmentally and is broadly in accordance with the adopted Local Plans Parts 1 and 2 as well as the NPPF. Any harm identified to amenity of the area and nearby residential properties is not considered to be excessive or unacceptable and is outweighed by the benefits of the scheme. In the absence of any other material considerations which indicate otherwise, the application is recommended for approval subject conditions.
171. The Local Planning Authority has worked positively and proactively with the applicant, throughout the course of the application and including throughout pre-application discussions to address a variety of issues including highway safety, amenity, air quality and retail impact. The Council has therefore complied with paragraph 38 of the National Planning Policy Framework 2019.

RECOMMENDATION

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

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

[To comply with Section 91 of the Town and Country Planning Act 1990, as amended by the Planning & Compulsory Purchase Act 2004].
2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan – 1566-10
HDD Site Development Plan – 1566-110 Rev L
Costa Unit Plans, Sections and Elevations – 1566-202
Costa Height Barrier - 26996
Retail Units Plan – 1566-201 Rev B
Nursery Unit Plans – 1566-200 Rev B
Ground floor, first floor & roof plans – 7641-SA-8725-P006 A
Proposed Elevations and Section – 7641-SA-8725-P005 A
Street lighting layout – LL1088/001 Rev C

[For the avoidance of doubt and to comply with Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy].
3. The buildings hereby approved shall be constructed using the external facing and roofing materials detailed on the approved plans and supporting documents submitted considered as part of the application and no alternative or additional materials shall be used.

[To ensure the satisfactory appearance of the development and to comply with Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy].

4. The larger Class A1 retail unit hereby approved (identified as Unit 3 on the Proposed Site Plan 1566-110 Rev L) shall not be used as a food supermarket (Use Class A1). The unit shall be used for other A1 purposes including, but not limited to, use as an A1 sandwich shop, or for the principal purpose of the sale of other convenience goods (such as alcohol, newspapers/magazines and household cleaning products).

[To ensure the use of the site does not impact upon the viability and vitality of nearby local centres in accordance with Policy 6 (Role of Town and Local Centres) of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 27 (Main Town Centre Uses Outside District Centres or Local Centres) of Rushcliffe Local Plan Part 2: Land and Planning Policies].

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) Schedule 2, Part 3, Class A, units 5 and 6 as shown on the approved plans shall not be used for the purposes of Class A1 (shops) at any time.

[To ensure the use of the site does not impact upon the viability and vitality of nearby local centres in accordance with Policy 6 (Role of Town and Local Centres) of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 27 (Main Town Centre Uses Outside District Centres or Local Centres) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

6. The development hereby approved shall not be occupied until details of the sheltered cycle storage to serve the development have been submitted to and approved in writing by the Local Planning Authority. The agreed cycle provision shall then be installed prior to the first use of the relevant building and retained as such in perpetuity.

[To ensure the development is served by adequate provision of cycle storage to encourage cycling as a mode of transport for the site's users in accordance with Policy 2 (Climate Change) and 14 (Managing Travel Demand) of the Rushcliffe Local Plan Part 1: Core Strategy].

7. No development shall commence until cross section drawings and detailed finished floor levels of the land and buildings have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

[To ensure the development is of a satisfactory appearance, in the interest of highway safety and to ensure the finished floor levels are 150mm above the surrounding land to prevent surface water flooding. In accordance with Policy 1 (Development Requirements) and 18 (Surface Water Management) of Rushcliffe Local Plan Part 2: Land and Planning Policies. This is a pre-commencement condition as adjusting land levels and setting drainage would be the first action of this development and such details are required to be agreed beforehand].

8. The units hereby approved shall only be open to the public between the hours of:

7am – 11pm Monday (inclusive) – Saturday, Sunday and Bank Holidays

[In order to protect the amenities of nearby residential properties in accordance with Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

9. No unit hereby approved shall receive deliveries outside of the following hours of the day:

7am – 10pm Monday – Saturday
8am - 8pm Sunday and public holidays

[In order to protect the amenities of nearby residential properties in accordance with Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

10. No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Borough Council. The statement shall include:

- a) The means of access for construction traffic;
- b) parking provision for site operatives and visitors;
- c) the loading and unloading of plant and materials;
- d) the storage of plant and materials used in constructing the development;
- e) wheel washing facilities;
- g) a scheme for the recycling/disposal of waste resulting from construction works; and
- h) details of dust and noise suppression to be used during the construction phase.

The approved statement shall be adhered to throughout the construction period

[To protect the amenities of neighbouring residents and in the interests of highway safety to comply with Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies. This condition needs to be discharged before work commences on site to ensure that the agreed measures are implemented throughout the construction phase of the authorised development].

11. The development hereby approved shall not be occupied until details of the noise attenuation fencing, as required by the submitted Noise Impact Assessment and subsequent addendums, has been submitted to and approved in writing by the Local Planning Authority. The approved fencing shall then be installed prior to first occupation of any part of the development and retained as such in perpetuity.

[In order to safeguard the amenity of the existing and future occupiers in accordance with Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

12. Prior to the installation of any extraction equipment on any A1, A3 or A5 use, within any relevant unit, full details of all proposed extract ventilation system(s) for that unit 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.

[In order to protect the amenity of nearby and future residential occupiers and to ensure the appearance of the equipment is satisfactory in order to comply with Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

13. Prior to the installation of any fixed plant and/or machinery to each of the A1, A3 or A5 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.

[In order to protect the amenity of nearby and future residential occupiers and to ensure the appearance of the equipment is satisfactory in order to comply with Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

14. The development hereby approved shall be carried out in accordance with the approved Travel Plan dated June 2019 including the operational and monitoring measures contained within the approved document.

[In order to encourage modal shift towards more sustainable methods of travel and to monitor the impacts of the measures proposed within the approved plan in accordance with Policy 2 (Climate Change) of the Rushcliffe Local Plan Part 1: Core Strategy].

15. No part of the development hereby permitted shall be brought into use until an appropriate scheme of footway/uncontrolled pedestrian crossing

improvements have been provided to link the development to the existing cycle facilities on the northern side of Landmere Lane, in accordance with details to be submitted and approved in writing by the Local Planning Authority.

[In the interests of pedestrian safety and encourage suitable transport and to comply with Policy 2 (Climate Change) of the Rushcliffe Local Plan Part 1: Core Strategy].

16. No part of the development hereby permitted shall be brought into use until a suitable foot /cycleway has been provided across its frontage, in accordance with details to be submitted and approved in writing by the Local Planning Authority.

[In the interests of pedestrian safety and encourage suitable transport and to comply with Policy 2 (Climate Change) of the Rushcliffe Local Plan Part 1: Core Strategy].

17. No part of the development hereby permitted shall be brought into use until the parking, turning and servicing areas relevant to the corresponding unit(s) are provided in accordance with the approved plans. The parking, turning and servicing areas shall not be used for any purpose other than parking, turning, loading and unloading of vehicles, and shall thereafter be retained for the life of the development.

[In the interests of Highway safety and to comply with Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

18. Prior to the first use of the development hereby approved, the approved lighting scheme (as shown on Drw Street Lighting Layout – LL1088/001 Rev C) relevant to the corresponding unit(s) shall be fully installed. The lighting scheme shall then be retained and operated in accordance with the External Lighting Impact Assessment Rev B dated 13/6/2019 free from any impediment for its intended use in perpetuity.

[In order to protect the amenity of nearby and future residential occupiers and to ensure the appearance of the equipment is satisfactory in order to comply with Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and to encourage the use of the site by protected species in accordance with Policy 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

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 the site, when developed is free from contamination, in the interests of public health and safety and to comply with Policy 40 (Health Impacts of Development) of the Rushcliffe Local Plan Part 2: Land and

Planning Policies].

20. No development (including site clearance, breaking ground or site preparation) shall take place within any part of the development until the existing trees and/or hedges which are to be retained within the development (either within or adjacent to the site) have been protected in accordance with the approved Arboricultural Impact Assessment dated June 2019. 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 the existing vegetation, trees and hedgerows are adequately protected during the construction phase of the development to comply with Policies 1 (Development Requirements) and 37 (Trees and Woodlands) of the Rushcliffe Local Plan Part 2: Land and Planning Policies. This is a pre-commencement condition because tree protection is required to be in place prior to any machinery being brought on to site so as the trees will not be damaged through the construction phase].

21. Prior to the erection of any building hereby approved, a hard and soft landscaping scheme relevant to the corresponding unit shall be submitted to and approved in writing by the Local Planning Authority. The agreed landscaping scheme shall then be fully installed prior to the first occupation of that phase of development hereby approved.

[To ensure the development is of a satisfactory appearance in accordance with Policies 1 (Development Requirements) and 37 (Trees and Woodlands) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

22. Prior to the erection of any building hereby approved, details of ecological habitat accommodation to be incorporated into the building shall be submitted to and approved in writing by the Local Planning Authority. The habitat accommodation shall then be installed prior to first use of that building and retained as such in perpetuity.

[In order to ensure that the development renders a net gain to biodiversity in accordance with Policy 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

23. The development hereby approved shall be carried out in accordance with the approved "Flood Risk and Drainage Strategy Statement" dated 31st May 2019 and both surface water and foul drainage provision shall be installed prior to first use of any of the buildings hereby approved and maintained as such in perpetuity.

[To ensure that surface water and foul water is adequately dealt with as part of the development to comply with Policies 17 (Managing Flood Risk), 18 (Surface Water Management) and 19 (Development Affecting Watercourses) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

24. No development hereby approved shall commence until details of the manner in which surface water drainage arising from the site is to be dealt with and disposed of are submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall then be installed prior to first use of the buildings hereby approved and operated in accordance with the approved details for the life of the development.

[To ensure that surface water and foul water is adequately dealt with as part of the development to comply with Policies 17 (Managing Flood Risk), 18 (Surface Water Management) and 19 (Development Affecting Watercourses) of the Rushcliffe Local Plan Part 2: Land and Planning Policies. This is a pre-commencement condition as it is anticipated that the drainage provision would be the first action of the development and therefore these details need to be agreed prior to installation].

25. The removal of any scrub, trees or hedgerow hereby approved as part of this development shall take place outside of the bird nesting season unless the activity is supervised by a suitably qualified ecologist. If any nesting birds are found during such works, works should stop immediately and not continue until such a time as outside of the bird nesting season.

[To ensure the construction does not impact upon protected habitats in accordance with the National Planning Policy Framework 2019].