

# 19/01871/VAR

**Applicant** Miss Sarah Allsopp & Mr Simon Waterfield

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

**Proposal** Variation of conditions 2, 3, 4, 5, 6, 8, 10, 11, 12, 13, 15, 16, 21, 22, 24, 26, 29, and 43, and removal of condition 41 of 16/02864/VAR to relocate village centre and memorial, remove bus gate, replace play areas with 'hierarchy of play space', removal of TPO trees, relocation of public art focal point, removal of references to 'green squares/squares' and to focal building in village centre, revision to swales/ponds, retention of bridleway in existing alignment, retention of north west car park, and revised access to allotments

**Ward** East Bridgford

## THE SITE AND SURROUNDINGS

1. The site measures some 72.9 Ha and is the former Royal Air Force Station at Newton, located approximately 7 miles east of Nottingham; to the south of the village of Newton; and approximately 1km north-west of Bingham between the A46 and the A6097. The site, until relatively recently, accommodated a wide range of buildings, bunkers and hard standing associated with the former use. With the exception of the tall water tower, the former control tower which has been converted to residential use, and the larger hangars, the former RAF buildings have now been demolished and the site is predominantly cleared save for the trees on site, areas of hard standing and the aforementioned structures. The former grass airfield has reverted to agricultural use but the remnants of former bunkers/training buildings and kennelling are visible on the perimeter of the former airfield.
2. The village of Newton is to the north-east of the site and comprises the older part of the village, which fronts onto Main Road, and the former Ministry of Defence (MOD) housing around the central access road of Wellington Avenue. New residential development has been completed to the south of and served off Wellington Avenue. Access to the proposal site is presently through Wellington Avenue or via the link road (Newton Lane) to the rebuilt Margidvnm roundabout created with the A46 improvements.
3. The site is a strategic allocation in the Rushcliffe Local Plan Part 1: Core Strategy (Policy 22) and was removed from the Nottinghamshire Green Belt when the Core Strategy was adopted in December 2014. Outline Planning Permission was granted in January 2014 (10/02105/OUT) for "...up to 500 dwellings, up to 50 live work units, up to 5.22ha of new employment land (B1, B2 and B8); up to 1,000sqm of space for ancillary A1, A3 and A4 uses and community uses, retention of existing hangars for employment purposes, a perimeter cycle track, provision of land for new primary school and associated public open space, recreation space and landscaping." That outline permission has been subject of several applications seeking to vary the

planning conditions, including application ref: 16/02864/VAR. Details of the planning history is covered below in this report.

## **DETAILS OF THE PROPOSAL**

4. This Section 73 application seeks to amend 17 of the 43 planning conditions attached to planning permission 16/02864/VAR and to remove one of them. The amendments are predominantly to conditions that reference the design and access statement and the illustrative masterplan. This application seeks permission to amend that masterplan to relocate the “village centre” (retail and community building) and memorial within the development so that they’re more central to the entire village of Newton; to remove the approved (but not yet installed) bus gate at the end of Wellington Avenue; to remove a series of play areas approved throughout the site and substitute them with a single, larger area of play (including formal and informal areas) as well as formal sports pitches all in one location; the felling of 86 protected (TPO) trees, and to relocate the public art focal point.
5. The application also proposes the removal of references to 'green squares/squares' and to 'focal building in village centre', revisions to the swales/ponds, proposes retention of bridleway through the site in its existing (not the approved but as yet unimplemented) alignment, the retention of the north-west car park (to serve the proposed allotments), and revisions to the access to the approved allotments. As a result, a revised Design and Access Statement and Illustrative Master Plan are provided and the applicant seeks to amend the approved conditions to refer to these new documents. The application also seeks to remove a condition that the applicant feel duplicates another condition attached to the previous grant of permission.
6. The proposed revisions to the approved conditions attached to 16/02864/VAR are as follows:
  - a. Condition 2 be varied to permit development of the site in phases by differing developers (i.e. residential and commercial elements) ensuring that the necessary infrastructure is delivered alongside the residential elements whilst allowing the commercial elements to come forward in response to market demand;
  - b. Condition 3 be varied to remove reference to innovative contemporary design as the proposed residential design is traditional;
  - c. Condition 4 be varied to remove reference to the bus gate and to refer to the updated illustrative Master Plan and Design and Access Statement;
  - d. Condition 5 be varied to refer to the updated illustrative Master Plan and Design and Access Statement and allow the residential element to be delivered in advance of the commercial elements;
  - e. Condition 6 be varied to refer to the updated illustrative Master Plan and Design and Access Statement and allow the residential element to be delivered in advance of the commercial elements;
  - f. Condition 8 be varied to refer to the updated illustrative Master Plan and Design and Access Statement. Also remove reference to retaining Bunkers UB2 and UB8 as the Ecology Management Plan notes that these bunkers are flooded to the ceiling since previous surveys were undertaken and therefore no longer offer hibernation opportunities for

- bats. This information has already been accepted under a separate discharged of condition application ref: 19/01054/DISCON;
- g. Condition 10 be varied to refer to the updated illustrative Master Plan and Design and Access Statement with reference to phasing added to ensure the leisure facilities will come forward in a timely fashion in association with the residential units;
  - h. Condition 11 be varied to refer to the updated illustrative Master Plan and Design and Access Statement;
  - i. Condition 12 be varied to refer to the updated illustrative Master Plan and Design and Access Statement;
  - j. Condition 13 be varied to refer to the updated illustrative Master Plan and Design and Access Statement with point c) revised as per previous agreement with the Rights of Way Officer regarding Bridleway 23/Footpath 2 which sit outside the control of the applicants on third party land and point e) which relates to the bus gate;
  - k. Condition 15 be varied to refer to the updated illustrative Master Plan and Design and Access Statement;
  - l. Revise the wording of Condition 16 to refer to the Structures Retention Scheme that has already been formally discharged under application ref: 19/01054/DISCON;
  - m. Condition 21 be varied to clarify that development can proceed in a phased manner;
  - n. Condition 22 be varied to refer to the updated illustrative Master Plan and Design and Access Statement. Also point j) be removed as it refers to “live works units” that were previously varied under application ref: 16/02864/VAR and revise point s) as justification has been provided to demonstrate that Community Hall and Local Centre Units do not need to be assessed against BREEM with a target of very good;
  - o. Condition 24 be varied to allow development to proceed in a phased manner and to require protection of trees/hedges that are outside a phase but that may be impacted by construction traffic to be adequately protected;
  - p. Condition 26 be varied to allow 2.5 storey residential units to be constructed with a maximum height of 10.5m to ridge;
  - q. Condition 29 be varied to clarify that development can proceed in a phased manner;
  - r. Condition 41 (relating to a Detailed Remediation Scheme) be deleted as it duplicates the matters already covered by Condition 18 (Detailed Remediation Scheme); and
  - s. Condition 43 be varied to refer to the updated illustrative Master Plan and Design and Access Statement and remove reference to the footbridge as this is the responsibility of the current landowner and is adequately secured through the S106 agreement.

## **SITE HISTORY**

7. Outline planning permission (ref 10/02105/OUT) with all matters reserved was granted in January 2014 for the delivery of up to 500 dwellings; up to 50 live work units; up to 5.22ha of new employment land (B1, B2 and B8); up to 1000sqm of space for A1, A3 and A4 uses and community uses; retention of existing hangars for employment purposes; a perimeter cycle track; provision of land for new primary school and associated public open space, recreation space and landscaping. This application was granted subject to a detailed and complex S106 agreement to deliver infrastructure to serve the development

which included (inter alia) various options for the provision/delivery of a pedestrian footbridge link across the new and old A46, a community center, primary school and an affordable housing mix providing in total 26.6%. This comprised 19.5% as Social Rent Units, 43.5% as Intermediate Housing Units and 37% as Affordable Rented Units.

8. A Section 73 application ref: 15/00583/VAR was granted in July 2015 varying/removing a number of conditions on the original outline permission to enable the demolition of a number of existing buildings on the site prior to discharging pre-commencement planning conditions and also to enable the development to come forward on a phased basis, differentiating between the residential and commercial components and enabling specific conditions to be discharged in respect of the associated phase of development. The application also sought to vary condition 16 to enable the demolition of the water tower. To support this variation, a structural survey was submitted identifying the water tower to be in a poor state of repair.
9. Full planning permission was granted in August 2016 (ref: 16/01236/FUL) for the conversion of RAF Newton control tower to single dwelling (including alterations and extension); change of use of old fire station and workshop to domestic use.
10. A further Section 73 application seeking amendments and removal of conditions 9, 19,39, 40, 41, 42, 2, 3, 4, 5, 6, 8, 10, 11, 12, 13, 15, 16, 22, 26, 47 of planning permission 15/00583/VAR to allow the replacement of 50 live work units with 50 residential units, removal of the "commercial only" internal road and reduction in level of affordable housing was submitted under reference 16/02864/VAR in November 2016 and approved in February 2018. This permission also included a variation to the section 106 agreement.

## **REPRESENTATIONS**

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

11. The Ward Councillor (Cllr Simms) has objected to the proposal citing two areas of concern:
  - a. Whilst the Councillor does not disagree in principle to the removal of the bus gate, he believes it is too early for its removal from the plans and thinks that the effects on traffic flow on both Main Street and Wellington Avenue need to be investigated and any proposals on how traffic would be managed after the removal, needs to be documented and offered as a supporting document before the removal can be considered. Cllr Simms therefore formally objects to the application for variation/amendment in the regard to removal of the bus gate.
  - b. The amenity that these established/mature trees provide cannot be put aside merely for profit of the Developer and Land Owner. The value to the environment the existing trees provide cannot be replaced even with the proposed "two for one" scheme. Not only are the trees a valued amenity, it is understood that they are home to tens of thousands of insects and fungi and are essential part of the local ecosystem and also to the endangered protected bats that live within Newton Nursery/Ash Holt that feed amongst the trees along Newton Lane and Firefly Close.

Cllr Simms therefore objects to the felling and removal of all 86 protected trees.

### **Town/Parish Council**

12. Newton Parish Council object to the removal of the bus gate unless there is s106 provision to mitigate the effects on the surface, substructure and drainage of Wellington Road because of the increase in traffic as a result of this proposed development. (Currently, the drains under Wellington Avenue are the responsibility of the Trenchard Close Residents Company and it is unfair for those particular residents to be obliged to effect repairs arising from the inevitable extra traffic use). The Parish Council also objects to the wholesale removal of 87 trees with TPOs, and the many trees without TPOs, without clarification and full consideration, solely in order to maximise the development of houses. The Council wish to preserve more trees and transplanting to another site should be a fully explored option. Tree number 7 (a Blue Cedar) was planted by Princess Anne in 1978 and needs to be preserved. They also request that the word "War" is removed from any reference to the Memorial on the site plans.

### **Adjacent Town/Parish Council**

13. The neighbouring Parish Council for Shelford has not commented on the current proposal.
14. The neighbouring Parish Council for East Bridgford expressed a serious concern that the proposed new school does not feature in the building schedule and if it is not built in the early stages of the development, this might put intolerable pressure on existing schools in the area, such as St Peters in East Bridgford. The Council therefore seek a commitment that the proposed new school be built as soon as is possible after the commencement of the build and that it features in a revised building schedule.
15. Neighbouring Bingham Town Council has no objections to the plans.

### **Statutory and Other Consultees**

16. Highways England comment that the proposals relate to matters wholly within the site and will have no material effect on the Strategic Road Network (SRN). As such Highways England have no further comments to make.
17. Nottinghamshire County Council as Highways Authority initially objected to the proposals noting that no values were given for the approximate number of dwellings served by each phase making it both difficult to assess the phasing or enforce at a future date. The Highway Authority requested further consideration be given to the impact of the increase of traffic on the wider network, in particular what happens when this traffic reaches Radcliffe on Trent and the junctions contained therein. They requested that additional modelling be undertaken to determine if removal of the bus plug would result in severe impacts on the local highway network, noting that the proposal to remove the bus plug will be very much dependant on dissuading travellers from using the Wellington Avenue/Main Street Junction.

18. The requested modelling and clarification sought was provided to the Highway Authority along with a Transport Assessment Addendum, revised Phasing Plan and an updated Masterplan. The response comments on specific issues within the scheme that they required resolution to, however the Highway Authority have now indicated that they would recommend approval subject to conditions being attached to any grant of permission.
19. Nottinghamshire County Council as Lead Local Flood Authority (LLFA) does not object to the proposal but note that condition 5 of the outline permission would still need formally discharging.
20. The Borough Council's Design and Landscape Officer does not object to the proposal, and whilst he comments that it is not possible to assess the details of the proposal at the scale of the plans and that only a limited level of information has been provided, he does acknowledge that landscaping is a reserved matter for future consideration.
21. The Borough Council's Design and Conservation Officer does not object to the proposal but makes comments. These include that, whilst the former control tower is retained, the proposed tree planting would limit views from it towards the airfield to the west, a key view is shown retrained into the landscape to the west but it does not align with the tower. The Design and Conservation Officer clarifies that they are not advocating the omission of the proposed community orchard, (which would likely be a positive and appreciated local amenity asset as well as having biodiversity benefits), instead suggesting that the space could be modestly reconfigured to provide the community and ecological benefits whilst also retaining relevant views from the control tower.
22. The other proposed changes mostly relate to layout of various elements within the site, e.g. relocating the neighbourhood centre within the site such that it could serve both the proposed and existing housing within the site and also it would be in a position better suited to earlier delivery within the development of the site, are considered a positive benefit to early occupants of the proposal and the existing residents. It is noted that the community centre would no longer be at a key location within the proposed development and as such it would no longer be necessary to design it as a focal building.
23. Overall, the Design and Conservation Officer concludes that they do not have any concerns about the revised scheme and do not object to the proposal on grounds of design.
24. The Borough Council's Archaeological Advisor notes that previous archaeological works on site have been extensive, albeit delivered over several phases of investigation. They advise that there is limited scope for further evaluation and investigation within the site without either revisiting ground which has already been well explored or deliberately targeting unexplored areas known to have been subject to considerable modern ground disturbance. As such they are of the view that the revised scheme would not have any archaeological implications and would not require any further archaeological works, investigation or mitigation.
25. The Borough Council's Community Development Officer advises that, in principle, they do not object to a the play area's being located in the proximity of the formal sports pitches, however they asked that consideration be given

to the long and linear nature of the development and access to the play provision from resident living in the southern most dwellings on the development. The revised illustrative masterplan was subsequently updated, detailing a trim trail around the perimeter of the orbital route and the potential for connections through the woodland to the play area in phase one. The community development subsequently officer advised that they have no objections to the additional information but they would prefer the word “potential” in reference to the link to phase one to be removed.

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

26. Site notices were displayed at three locations; the junction of Main Street and Wellington Avenue; the junction of Wellington Avenue and Chipmunk Way and at the junction of Newton Lane and Newton Gardens (the commercial entrance to the hangars).
27. A total of thirty four (34) representation have been received making comments on the proposal.
28. Of those 34 representations, 31 were objecting to the proposal with the vast majority citing the issue of the impact on the drainage beneath Wellington Avenue (summarised at bullet point a. below) along with the other concerns summarised below:
  - a. The Trenchard Close Residents Company Limited (TCRCL) which comprises 143 property owners on Trenchard Close, Fairway Crescent and Friars Walk own and are responsible for the 4x surface water drains that run beneath Wellington Avenue. The removal of the bus plug would result in additional traffic using Wellington Avenue, and therefore increase the risk of these drains needing earlier than otherwise budgeted for servicing/ repair/ replacement, which would need to be paid for solely by the TCRCL. It is unfair to expect the residents of the original Newton housing to accept a risk of damage to the drain infrastructure, future management charge increases and additional traffic when there is a perfectly good new link road to access the development. Redrow need to reconsider their proposed changes or make some sort of commitment to pay for the drains to be repaired if damage arises in the future.
  - b. The increase in traffic generation running along Wellington Avenue to the detriment of highway safety.
  - c. The additional noise impact on properties that face onto Wellington Avenue as a result of the additional traffic movements.
  - d. The additional pollution from vehicle fumes using Wellington Avenue.
  - e. The residents of 20-23 Fairway Crescent are very concerned about changes to the road usage leading up to the farm gate. Sports pitches and allotments would dramatically increase the flow of traffic along what is otherwise a very quiet and peaceful road. This would cause disruption to residents, spoiling the cul de sac.

- f. Wellington Avenue is not a main road, would need to be widened to accommodate any increase in bus frequency/traffic flow and will need upgrading to accommodate more traffic.
  - g. Noise and disturbance to existing residents during construction.
  - h. Decision makers are asked to look at the record of the submitting persons in the past! Many wonderful promises but all slowly changed and withdrawn.
  - i. The loss of the mature trees, which although replaced on a “two for one” basis will take years for the habitats, which would be destroyed, to recover.
  - j. No mention of a medical centre which will be needed.
  - k. Redrow should be providing the school, commercial shops and the recycling areas as well as the housing and the community centre.
  - l. Concerns that the S106 gives no assurances that the school and shops will be delivered resulting in soulless housing estate like phase 1.
  - m. No details of the proposed replacement species of trees to compensate for the felled TPO trees.
  - n. The loss of TPO trees should be a final resort after all other options have been exhausted.
29. One (1) representation supporting the proposal was received stating:
- a. The removal of the bus gate would make the whole of Newton, old and new, more of a community – rather than being split in two. Furthermore, people attending events at the school or community centre would be able to access the car park next to the school, rather than parking all along Wellington Avenue.
30. Two (2) representations neither objecting nor supporting the proposal have been received stating:
- a. The residents of Fairway Crescent are concerned about the possibility of noise pollution from the large cricket pitch proposed immediately adjacent to the existing residential houses – can there be assurances that noise limitations at anti-social hours is such a sports facility is to be built there?
  - b. Concerns that the initial plans refer to traffic movements along Main Street, which is assumed to be the road now known as Newton Lane. It was requested that clarification was sought and the documentation amended accordingly to avoid any future confusion.

## **PLANNING POLICY**

31. The Development Plan for Rushcliffe consists of the Rushcliffe Local Plan Part 1: Core Strategy and the Rushcliffe Local Plan Part 2: Land and Planning Policies. Other material considerations include the National Planning Policy

Framework (NPPF) and the National Planning Practice Guidance (the Guidance).

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

32. The National Planning Policy Framework (NPPF) (updated in 2019) includes a presumption in favour of sustainable development. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area. In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development. There are three dimensions to sustainable development, economic, social and environmental.
33. The presumption in favour of sustainable development is detailed in Paragraph 11. For decision making this means; *"c) approving development proposals that accord with an up-to-date development plan without delay; or d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting planning permission unless; i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole."*
34. Paragraph 67 requires Local Authorities to identify a supply of specific, deliverable housing sites for years one to five of the plan period (with an appropriate buffer) and developable sites or broad locations for growth for years 6-10, and where possible, for years 11-15 of the plan.
35. Paragraph 91 advises that the decision maker to aim to achieve healthy, inclusive and safe places which: promote social interaction; are safe and accessible; and enable and support healthy lifestyles. Paragraph 92 further states that decisions should provide the social, recreational and cultural facilities and services the community needs, planning decisions should: a) plan positively for the provision and use of shared spaces, community facilities and other local services to enhance the sustainability of communities and residential environments.
36. Paragraph 98 requires decision makers to protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users.
37. Paragraph 108 states that *"In assessing sites that may be allocated for development in plans, or specific 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."* Paragraph 109 goes on to state 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.”*

38. Paragraph 124 addresses the need for the creation of high quality buildings and places being fundamental to what the planning and development process should achieve stating that *“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.”*
39. Paragraph 127 requires decision makers to ensure that developments will function well and add to the overall quality of the area; that they are visually attractive; and that they are sympathetic to local character and history; seek to establish a strong sense of place; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development; and 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.

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

40. The Rushcliffe Local Plan Part 1: Core Strategy was formally adopted in December 2014. It sets out the overarching spatial vision for the development of the Borough to 2028. Policy 22 identifies the site as a strategic allocation as a sustainable urban extension (SUE), and as covered in the ‘Planning History’ section of this report outline permission has been granted.
41. The following other policies in the Rushcliffe Local Plan Part 1: Core Strategy are also relevant:
  - Policy 1 - Presumption in Favour of Sustainable Development
  - Policy 2 - Climate Change
  - Policy 3 - Spatial Strategy
  - Policy 8 - Housing Size, Mix and Choice
  - Policy 10 - Design and Enhancing Local Identity
  - Policy 16 - Green Infrastructure, Landscape, Parks and Open Spaces
  - Policy 17 - Biodiversity
  - Policy 18 - Infrastructure
  - Policy 19 - Developer Contributions
42. Policy 22 of the Core Strategy also specifically identifies the former RAF Newton site as a strategic allocation for additional housing for around 550 dwellings, protection of existing B8 employment located within the former aircraft hangars, and the provision of additional employment land for B1, B2 and B8 purposes. In addition, the policy refers to a primary school, community centre, public open space and other facilities as appropriate.
43. The Local Plan Part 2: Land and Planning Policies (LLP2) was adopted in October 2019 and the following policies in LPP2 are also considered material to the consideration of this application:
  - Policy 1 - Development Requirements
  - Policy 11 - Housing Development on Unallocated Sites within Settlements
  - Policy 12 - Housing Standards

Policy 22 - Development within the Countryside  
Policy 29 - Development affecting Archaeological Sites  
Policy 32 - Recreational Open Space  
Policy 37 - Trees and Woodland  
Policy 39 - Health Impacts of Development  
Policy 43 - Planning Obligations Threshold

44. The policies are available in full along with any supporting text on the Council's website at:  
<https://www.rushcliffe.gov.uk/planningpolicy/localplan/>.
45. Consideration should also be given to other Borough Council Strategies including the Sustainable Community Strategy, Leisure Strategy, Nature Conservation Strategy and the Borough Councils Corporate Priorities.
46. Conservation of Habitat and Species Regulations 2017, and the Wildlife and Countryside Act (as amended) 1981 - These regulations/legislation contain certain prohibitions against activities affecting European Protected Species, such as bats. These include prohibitions against the deliberate capturing, killing or disturbance and against the damage or destruction of a breeding site or resting place of such an animal. The Habitats Directive and Regulations provide for the derogation from these prohibitions in certain circumstances. Natural England is the body primarily responsible for enforcing these prohibitions and is responsible for a separate licensing regime that allows what would otherwise be an unlawful act to be carried out lawfully.
47. The Council as local planning authority is obliged in considering whether to grant planning permission to have regard to the requirements of the Habitats Directive and Habitats Regulations in so far as they may be affected by the grant of permission. Where the prohibitions in the Regulations will be offended (for example where European Protected Species will be disturbed by the development) then the Council is obliged to consider the likelihood of a licence being subsequently issued by Natural England and the "three tests" under the Regulations being satisfied. Natural England will grant a licence where the following three tests are met:
  1. There are "imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment"
  2. there is no satisfactory alternative; and
  3. the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.
48. The Supreme Court has clarified that it could not see why planning permission should not ordinarily be granted unless it is concluded that the proposed development is unlikely to be issued a license by Natural England.
49. Natural Environment and Rural Communities Act 2006 at Section 40 states that "*every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.*" Section 40(3) of the same Act also states that

*“conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat.”*

50. Planning for Growth (Ministerial Statement 2011) emphasises the priority for planning to support sustainable economic growth except where this compromises key sustainable development principles. The range of benefits of proposals to provide more robust and viable communities should be considered and appropriate weight should be given to economic recovery.
51. The Community Infrastructure Levy Regulations 2010 (As amended) places the Government’s policy tests on the use of planning obligations into law. As the site secured outline planning permission prior to the adoption of CIL, and the current Reserved Matters Application is also being determined prior to the formal adoption of CIL this application will not be CIL liable.
52. Equality Act 2010 - Under S149 of the Act all public bodies are required in exercising their functions to eliminate discrimination, advance equality of opportunity and foster good relation.
53. Design Council Building for Life 12 - This assessment sets 12 criteria to measure the suitability of schemes and their locations in relation to design, layout, sustainability criteria, adaptability and effect of existing local character and reduction of crime, amongst other things.
54. Environmental Impact Assessment Regulations - The original outline planning application for the development of the SUE was screened under the Environmental Impact Assessment Regulations 2011 (now superseded by the 2017 regulations) prior to that application being submitted, as were the subsequent S73 applications. The current application is seeking to amend the location of certain features within the approved masterplan and does not seek to remove or add development over and above that already contained within the approved masterplan on the approved SUE development that was initially screened. The quantum of development has not changed as a result of this proposal, and a formal Environmental Impact Assessment is not therefore considered to be required for this application.

## **APPRAISAL**

55. The principle of the mixed use development has been established by the grant of outline planning permission and the site allocation within the Core Strategy as a strategic allocation. Reserved matters applications will be required for the detailed layout, scale and design of the different elements of the scheme along with the access arrangements and landscaping detail. It is noteworthy that the application seeks a further variation to the already varied outline permission, to which ALL matters were reserved. Therefore, the current application is still only seeking permission for the principle of development, albeit only for the matters that differ from the currently approved position established by the previous grants of outline permission for the site (the fall-back position). Given the policy position and the extant permission for the redevelopment of this site, the principle of a mixed use development is considered to be acceptable.
56. The primary differences between the proposal and the fall-back position are the removal of the bus gate, the felling of protected (TPO) trees, the consolidation

of the smaller play areas into one centralised location, and the relocation of the local centre.

57. The current application is seeking to amend the location of certain features within the approved masterplan and does not seek to remove or add development over and above that already contained within the approved masterplan nor does it seek to amend the quantum of residential development already approved on this allocated strategic development site. The current outline permission is extant and constitutes a fall-back position and therefore constitute a material planning consideration in the determination of the current proposal.

#### Removal of the Bus Gate

58. The application proposes the removal of the approved bus gate where the site currently joins Wellington Avenue. Condition 4 of the varied permission (ref 16/02864/VAR) currently requires the provision of a bus gate and states:

*“No development shall take place until a Public Transport Strategy for the site has been submitted to and approved in writing by the Borough Council. This shall substantially accord with the Design and Access Statement as amended and received on the 21 December 2016 and the illustrative Master plan as amended and received on the 21st December 2016 (drawing number 16555-0310- 03) and shall include bus routes through the site with bus stops within 400m of any building; bus layover space near to the Community /village hall **and bus gate** near Wellington Avenue with appropriate camera enforcement.*

*The development shall thereafter be implemented in accordance with the details approved and for any phase the part of the development to which the particular item or facility relates shall not be occupied until each one has been completed for that phase in accordance with the approved details.”*

59. Furthermore, the bus gate was also covered by Condition 13 of permission ref 19/02864/VAR which states:

*“No development shall take place until a Highways Delivery Scheme for the site has been submitted to and approved in writing by the Borough Council. This shall substantially accord with the Design and Access Statement as amended and received on the 21 December 2016 and the illustrative Master plan as amended and received on the 21st December 2016 (drawing number 16555-0310- 03) and shall provide for the delivery of the following works:*

- a) *The provision of informal pedestrian crossing arrangements (dropped kerbs) on both sides of the Kirkhill railway level crossing including tactile paving;*
- b) *The A6097 Kirk Hill signal controlled junction has been improved as shown for indicative purposes only in the Transport Assessment December 2010 Appendix 9;*
- c) *Improvement to Bridleway 23, Footpath 2 and or such other similarly aligned route to provide a suitably drained, hard surfaced, and illuminated footway/cycle way between the old A46 (B687) and Chapel Lane*

- d) *The pedestrian/cycle bridge/link across the A46/B687 in accordance with the approved details*
- e) *Main Street/new Newton link road junction modifications to restrict turning movements;*
- f) *A school safety zone including appropriate signage, lining, traffic calming, parking restrictions, and pedestrian crossing arrangements;*
- g) **Bus gate to restrict traffic movements onto Wellington Avenue.**

*The development shall thereafter be implemented in accordance with the approved details.”*

- 60. Prior to submitting the current application, the applicants undertook a public consultation exercise holding an open event for existing residents to attend and comment on the proposed alterations to the scheme. The developer considered, based on the feedback at that event, that community as a whole (including the proposed new residents) would benefit from the removal of the restricted access on Wellington Avenue as currently approved. As such, an updated Transport Assessment was undertaken to consider the implications of removing the bus gate, specifically on the vehicle flows, junction capacity and alignment. The proposed removal of the bus gate from Wellington Avenue would allow private vehicles to route into and out of the proposal site via Wellington Avenue to the sites north, as well as to the east via Newton Lane.
- 61. The Transport Assessment states that, in relation to Wellington Avenue, *“whilst the forecast increase does represent a material uplift in traffic, the cumulative flows would continue to fall well within the link capacity of a single carriageway road. Furthermore, assessments undertaken of the Main Street/Wellington Avenue junction shows that there is sufficient capacity at the junction to accommodate this increase in vehicle flows.”*
- 62. Likewise, in terms of the potential impact on Newton Village, the Assessment notes that *“based on the revised assignment assumptions...whilst this does represent a material uplift in traffic against that previously assumed..., the cumulative flows would continue to fall well within the link capacity of a single carriageway road”*.
- 63. The Assessment further highlights that the S106 Agreement pursuant to the current planning permission secures a 'Traffic Calming Contribution' of £80,000 towards the future implementation of a gateway feature and traffic calming measures to discourage through-traffic on Main Street through Newton Village.
- 64. As such, the Transport Assessment concludes that the impact of the s73 application proposals (specifically including the removal of the bus gate) on the operation of the local highway network demonstrates that the proposals can be accommodated with appropriate mitigation.
- 65. The implications of this in terms of highway safety, vehicle flows, junction capacity and assignment are considered in significant detail within the Transport Assessment, and a subsequent addendum that were assessed by the Highway Authority. Following the initial request for additional traffic modeling and measures to discourage and/or prevent traffic movements (depending on vehicle type) through Main Street in Newton the Highway

Authority advised that they accepted the measures proposed, subject to conditions being attached to any grant of planning permission.

66. In relation to Heavy Goods Vehicles (HGV) movements specifically, it is proposed that a Traffic Regulation Order (TRO) would be implemented to prohibit HGVs from accessing the site and the existing employment area/hangars via Wellington Avenue. A scheme of traffic calming measures along Wellington Garden making it less accessible and more tortious to HGVs also formed part of the revised traffic documents submitted for consideration. Furthermore, the roundabout within the scheme is to be designed and constructed such that its geometry would not permit access to the employment land via the principle access road into the employment/hangar site. In addition to the above, the proposed secondary access point into the employment area is proposed to be conditioned to require physical design and signage (to be submitted and agreed prior to the access being brought into use) that would not permit HGV's access to (or egress from) the existing employment site into the proposed residential area. As such, all HGVs would access the existing employment land via Newton Lane and Newton Gardens. Subject to conditions requiring the scheme to ensure the secondary access point to the existing employment area is submitted to and approved in writing prior to being brought into use, the Highway Authority do not object to the proposed alterations to the scheme on the grounds of highway safety, traffic flow or other highway grounds.
67. Ultimately, access is a matter reserved for subsequent approval and with the principal route as shown on the revised masterplan, it is considered that the access route can be designed in an appropriate manner to ensure a safe environment with appropriate provision for safe crossings to link the residential areas and adequate buffers and layouts designed to ensure satisfactory residential amenity.
68. The application also seeks to vary the requirements of Condition 13 which relates to Bridleway 23, Footpath 2 or such similarly aligned route, requiring the applicants to provide a surfaced, illuminated footway/cycleway between the old A46 (B687) and Chapel Lane, Bingham. At the time of the original application (2014), this condition was imposed by the Council to ensure that future residents at the site were provided with a safe and sustainable route into Bingham. Since the original application was granted there has obviously been significant progress in the delivery of the David Wilson Homes (DWH)/Barratt Homes scheme (known as Roman Quarter) on the eastern side of the 'old A46'. This development itself provides some services/facilities (including open space, retail, education and community facilities) that will be accessible by future residents at the former RAF Newton scheme as well as providing footpath/cycle links to Bingham. As such it is proposed that the applicant be provided with the option to link into the DWH/Barratt Homes routes, as opposed to upgrading Bridleway 23/Footpath 2 as per the existing condition.
69. Councillors are also advised that the footpath/bridleway crosses proposed employment land (within the Bingham development) that could come forward at any time in the future, at which point the Bridleway would presumably need to be diverted in any case. It is proposed that, should the applicant opt for the alternative option, a link is provided between Bridleway 23/ Footpath 2 to the east of the old A46 to the access point to the new DWH/Barratt Homes development to the north (a distance of approximately 500m), which in turn

would provide connection through to Chapel Lane. A plan showing this connection is detailed at Appendix G of the Transport Assessment submitted with the application. In light of the above, agreement has therefore been reached between the applicant and the Area Rights of Way Officer at the County Council to revise the wording of the condition such that the applicant can opt to provide suitable connections up to Bridleway 23/Footpath 2 and connections are also provided to the Barratts/DWH development to ensure future residents have access to services/facilities by sustainable modes of transport.

70. The applicants also seek to remove the reference to the 'Proposed Pedestrian /cycle bridge across A46 Dual Carriageway option 3 drawing no. RAF- BWB- GEN- DR- TR- 103- P2' under the current wording of Condition 43 (which deals with the approved drawings/documents). The applicants advise that the bridge would be delivered by the landowner (not the housing developer), pursuant to the obligations within the section 106 agreements, and the design of the bridge would be refined through negotiations with Highways England and the Local Planning Authority. There is considered to be sufficient control through the S106 agreement to manage the design and delivery of the bridge such that reference to a plan under the wording of condition 43 is considered to fail the test of being 'necessary'.

#### Impact on Surface Water Drainage beneath Wellington Avenue

71. In addition to the concerns regarding highway safety and traffic flows increasing as a result of the proposed removal of the bus gate, a significant number of the residents have also objected to the proposal citing concerns regarding the impact on the surface water drains that lie beneath Wellington Avenue as a result of the additional traffic movements generated by the proposal. The issue was also raised by the Parish Council in their objection.
72. Officers have sought clarification as to who is responsible for the surface water drainage beneath the carriageway as the Trenchard Close Residents Company Limited (TCRCL), which comprises 143 property owners on Trenchard Close, Fairway Crescent and Friars Walk, stated that they are responsible for the 4x surface water drains that run beneath Wellington Avenue, however the applicants believed that the drains should have been/could be adopted by Severn Trent Water as a result of the revised Flood and Water Management Act 2011. Officers have discussed the issue directly with Severn Trent Water and the TCRCL have also provided officers with documents from Severn Trent Water that confirmed that, whilst the foul drainage was adopted by Severn Trent Water as a result of the change in legislation, as the surface water drainage empties into either a natural water course or soakaway it is not included on the scope of the 2011 legislation. Therefore, Severn Trent Water will not formally adopt the surface water drainage beneath Wellington Avenue and they remain the responsibility of the TCRCL.
73. It is important to note that Wellington Avenue, and therefore the drains beneath them, fall outside of the redline area for the application, as the site connects to the adopted highway on Newton Lane to the south-eastern corner of the site. The applicants have confirmed that they do not need to connect into the surface water drains beneath Wellington Avenue, although the surface water may actually drain through the proposal site due to the topography of the site,

but that the specific details would form part of the drainage scheme which is conditional to the extant grant of outline permission.

74. The issue of privately owned and maintained drainage lying beneath adopted highway, and the potential impact on the drainage as a result of increased usage of the highway, was therefore discussed with the Borough Solicitor to understand the implications and the weight to be afforded to it in the determination of this planning application. Whilst the presence of the drainage is capable of being a material planning consideration, it is considered that the matter be given very little weight in the determination of the application. The highway (Wellington Avenue) is built to an adoptable standard and is adopted by the Highway Authority. The proposed Traffic Regulation Order (weight restriction) along with the proposed traffic calming measures proposed along Wellington Avenue, the configuration of the carriageway/roundabout and secondary access into the employment site within the site and the signage to advise as such would all serve to discourage the use of Wellington Avenue by HGVs, as it would be far more torturous than using Newton Lane even if an HGV could navigate its way through the site from Wellington Avenue.
75. It is acknowledged that the proposed removal of the bus gate would increase the vehicle numbers using Wellington Avenue when compared to the fall-back position, however as Wellington Avenue is adopted, it is built to a standard such that it is considered to be capable of adoption by the Highway Authority i.e. it meets their construction standards. Furthermore, whilst the proposal would result in additional traffic movements along Wellington Avenue, the speed of those movements would be restricted by traffic calming measures and the suggested wording of Condition 43 would also serve to prevent any vehicles over 3.5 tonnes being able to exit the commercial site via the northern exit and introduce a scheme to discourage the use of Wellington Avenue. It is also noteworthy that no restrictions were seemingly raised or restricted through the development of Phase 1 of the site that is now completely built out and occupied. The Borough Solicitor also noted that buses currently travel along Wellington Avenue on a regular basis and although it is acknowledged that the surface of Wellington Avenue is currently in need of repair/replacement, there has been no claim or evidence provided that the current level of usage has accelerated any decline of the surface water drainage beneath the highway.
76. The presence of drains and other infrastructure beneath the highway is not an uncommon situation, although the private ownership of the surface water drainage is less common. Nevertheless, with the highway built to a minimum standard required for it to be formally adopted by the Highway Authority, this standard serves to protect not only the premature erosion of the highway surface, but also damage to any other services and utilities beneath the highway structure. As such, it is considered that the additional vehicle movements along Wellington Avenue as a result of the proposal would not demonstrably harm the surface water drainage beneath the highway to a sufficient degree that would warrant the refusal of the application nor is it considered justifiable to require the applicants to make a s106 contribution towards the potential damage to said drainage as it is impossible to evidence that any accelerated damage to any infrastructure beneath the highway would be as a directly attributable to just the vehicles generated by the proposed development.

## Loss of TPO Trees

77. There are three (3) separate Tree Preservation Orders (TPOs) on the site:
- a) TPO 2011: TI-T23 & G1 (52 trees in total)
  - b) TPO 2013: TI-T60 & G1, G2, G3 (102 trees in total)
  - c) TPO 2018: W1 Ash Holt (2.06 ha woodland)
78. TPO 2011 relates to trees at the northern end of the site. The approved Illustrative Masterplan shows many of the TPO trees to be dispersed across a development parcel. A cluster of TPO trees are located between the existing residential properties on Fairway Crescent and the development site.
79. TPO 2013 relates to trees at the south eastern corner of the site. The approved Illustrative Masterplan does not detail all trees that form part of this TPO. It shows the main spine road routing around the trees with a footpath/cycleway through the centre and a dedicated cycle/footpath/linear park between the trees and the existing residential development.
80. TPO 2018 comprises the woodland known as Ash Holt. The TPO was issued following the grant of the outline approval and thus is not detailed on the approved Illustrative Masterplan.
81. Tree Preservation Orders are a means of protecting specific trees, groups of trees and woodlands of amenity value so as to prohibit removal, pruning or damage occurring to them without the prior consent of the Local Planning Authority. It does not mean that trees which are the subject of an Order, should not have any works carried out to them if it is considered appropriate. Furthermore, a TPO can be used to protect trees where there may be a threat from development, but the final layout is not known, i.e. there may be a need to remove certain trees once the details of the development are known. The online Planning Practice Guidance (PPG) states that in considering applications for works to trees protected by a TPO, Local Planning Authorities are advised to, inter alia:
- a) assess the amenity value of the tree or woodland and the likely impact of the proposal on the amenity of the area;
  - b) consider, in the light of this assessment, whether or not the proposal is justified, having regard to the reasons and additional information put forward in support of it;
  - c) consider other material considerations, including development plan policies where relevant.
82. The trees subject to the 2011 order are indicated to be removed on the revised masterplan as a significant number of those trees would be scattered across the indicative development parcels. Retention of these trees would, therefore, not be possible without the loss of a significant amount of developable land. It is notable that the same could be said to be true of these trees when reviewed on the approved masterplan. Those trees that are in a cluster close to the existing residents and proposed local centre are indicated to be retained where possible. Notably, the "Category A" English Oak tree, positioned at the end of Wellington Avenue, is also shown to be retained and is stated to form a backdrop to the proposed memorial.

83. With regard to the 2013 TPO, the approved Illustrative Masterplan shows the main spine road passing around a number of trees subject to the Order with a footpath/cycleway retained through the trees to form a short boulevard in this location. It is noteworthy that not all the trees subject to this Order are shown on the approved Illustrative Masterplan. Again, if these were all to be retained, given the root protection areas associated with the trees, it would result in a loss of developable land with housing delivery significantly reduced on the allocated site, contrary to what is shown on the approved illustrative masterplan. Regardless of this, digging up the existing road in order to replace it with a footpath/cycleway is likely to disturb the root network associated with the trees. Through various iterations of the proposed Illustrative Masterplan, detailed work has been undertaken by the applicants to seek to retain as many as possible of the TPO trees in this location. In particular, the trees that are on the northern side of the boulevard, adjacent to existing residents on Firefly Close, are shown to be retained as they are considered to offer the most amenity value. Similarly, the main access/spine road into the site appears to have been designed to minimise the loss of TPO trees and as such is routed around the root protection area (RPA) of the trees where possible.
84. The developer has calculated that if they were to retain all the trees currently protected by the 2011 and 2013 TPOs, this would result in a loss of circa 120 dwellings amounting to over 20% of the site (based on the policy allocation of 550 dwellings). Councillors must weigh the loss of the trees, which the developer proposes to replace with significant amounts of new planting across the entire site, against the efficient use of this brownfield site which has a strategic allocation for up to 550 dwellings. The developer has sought to remind officers that an inefficient use of brownfield land could be judged to be contrary to the provisions of the National Planning Policy Framework and would also most likely result in the Council needing to find an additional housing site in the Borough to compensate for the loss of dwellings. Councillors are reminded that Policy 22 of the Local Plan Part 1: Core Strategy allocates the site at former RAF Newton for around 550 dwellings and this is reflected in the Council's housing trajectory. Reducing the number of units that can be delivered at former RAF Newton would put pressure on greenfield parcels of land around the Borough to accommodate further development.
85. Councillors are reminded that the proposal is a variation to an outline planning permission with all matters reserved. The proposed illustrative masterplan does indicate that there would be the loss of some protected trees within the site to facilitate the residential development and the access road from Newton Lane towards the existing employment site. The same was true of the approved masterplan. The submission also includes an Illustrative Landscape Masterplan which indicates that the site currently contains 154 trees covered by two separate Tree Preservation Orders (TPO) along with a woodland area of 2.06ha of trees that is covered by a third TPO. The Illustrative Landscape Masterplan shows that 66 trees and the entire 2.06ha of woodland would be retained by the proposal, but that 83 TPO trees would be required to be felled, and 5 TPO trees relocated elsewhere within the proposal site. The Illustrative Landscape Masterplan also shows that 166 new trees would be planted, i.e. on a basis of two for one to replace those protected trees, and the covering letter accompanying the submission states that in addition to those 166 new trees, it is estimated that 5000-6000 new trees would be planted across the site resulting in a significant net gain of trees on the site. Whilst officers acknowledge that the landscaping is a reserved matter, these numbers seem

plausible when viewing the level of planting indicated on the proposed illustrative masterplan for the areas around the perimeter of the site to form part of the orbital walk (incorporating the bridleway), new native woodland areas, foraging areas and community orchard features along the northern, western and southern perimeter of the site. It is again reiterated that landscaping is a reserved matter at this time and, therefore, the information provided is purely indicative.

86. In response to the consultation and with specific regard to the Parish Council's comments regarding the "Princess Anne" Blue Cedar, the Borough Council's Design and Landscaping Officer commented that they were surprised that the applicants considered that the (Princess Anne) Blue Cedar could be relocated and advised that when the Borough Council made the previous TPO's it did consider protecting that specific tree, but focused on the trees that were most visible from public vantage points and adjoining areas of housing. The Design and Landscaping Officer also clarified that they do not believe it would be reasonable to expect the particular Cedar to be retained within an area of housing as ultimately it will be a very tall, wide tree that should ideally be sited in a large area of public open space. He concluded that if the applicant can demonstrate the relocation is a viable option this would be supported.
87. The Design and Landscape Officer also commented that they have been aware for some time that the road linking the main part of the RAF base to the former officer housing (on the street then known as Newton Gardens) would need to be widened and that it makes sense to sacrifice the row of trees on the south side of the road and retain the row of trees closest to the existing housing within Phase 1. The Design and Landscape Officer advised that the indicative site layout and indicative replacement planting for the southern side of the road looks appropriate, however officers need to ensure there is sufficient space in the front gardens to allow reasonable sized trees to grow to maturity without the need for them to be drastically pruned in the future. Again, councillors are reminded that the application before them is for revisions to an outline permission and, therefore, assessment of garden sizes and suitability of tree placement would form part of a Reserved Matters application.
88. The Design and Landscape Officer also comments (understandably given that landscaping is a reserved matter) that it is difficult to comment on the need to remove some of the other protected trees within the site without more detailed plans. The Design and Landscape Officer comments that the 6 Lime trees in the north eastern part of the site were protected as the original masterplans indicated there could be some open space or residential grouping that would allow at least some to be retained. The current proposal to have one area of open play space changes that initial indication. He also advises that he would expect the prominent Oak at the end of Wellington Avenue to be retained but that he would be prepared to allow other protected trees to be removed to enable the guard hut to be converted into a community facility. Councillors are advised that the documentation provided, albeit as an indicative landscape Masterplan do show the retention of the mature Oak at the end of Wellington Avenue.
89. The Design and Landscape Officer concludes that he would require greater details of the site layout before deciding whether the removal of the TPO'd trees is appropriate, however Councillors are again reminded that this would form part of the assessment at the time of determining any subsequent

Reserved Matters submission. The Design and Landscape Officer also notes that whilst little greenspace is provided within the proposed areas of housing, given the generous open space provision on the western boundary of the site, he does not object to this proposed revision. He also requests whether it is possible for the avenue of trees on the main road through the site to be extended towards the school and recreational provision. Finally, the Design and Landscape Officer also questions the width of the bunds and screen planting on some of the cross sections, requesting that they be increased, noting section DD looks reasonable, but section CC with a bund only 4m wide seem a little narrow and may not offer much of a visual screen. Updated information increasing the width of that specific bund was provided by the applicant, but again this is a reserved matter.

90. In relation to the concerns raised regarding the trees on the site, a revised masterplan has been submitted, showing a revised alignment of the access road, which would enable the retention of the trees covered by a Tree Protection Order on its northern side, but the trees along its southern side needing to be felled to provide adequate width of a single carriageway. Conditions are suggested to ensure adequate provision is in place to protect the trees to be retained at the development stage. It is considered that the reserved matters stage can adequately address amenity issues in its final design and layout.

#### Consolidation of Play Areas

91. The approved masterplan also depicts the majority of the play facilities, such as the formal sports pitches, teenage area including a Multi-Use Games Area (MUGA), located at the northern edge of the site with pockets of toddler incidental and junior play areas located throughout the development. The current submission proposes removing the pockets of toddler and junior play from within the residential areas of the site and locating them to form one larger, consolidated area of play at the northern end of the site amongst the other formal and informal play facilities.
92. The applicants advise that this alteration is sought as a result of discussions with the Parish Council, who requested that play facilities were provided in a single location on the site rather than 'scattered' around it. This would ensure that children of all ages could play within a similar location, ensuring that parents/guardians could supervise children of different ages at one time. As such a hierarchy of play space has been provided to the north of the site, close to the community facilities and primary school. The location would benefit from natural surveillance from existing and proposed properties and is within easy reach of both existing and the future residents who would occupy the site. This would also have the benefit of serving residents across the wider RAF Newton site.
93. The Community Development Officer advised that they do not object to the relocation of the smaller play areas to the northern edge of the site but requested that consideration be given to the long, linear nature of the development and the access to play provision for new residents living at the southern end of the development.
94. Following discussions with the applicants, an updated masterplan was submitted detailing trim trail/exercise equipment along the orbital route around

the northern, western and southern perimeter of the site in addition to the already proposed forage walks and also proposing footpaths through the existing woodland towards the south-east of the site (to the east of Firefly Close) to facilitate access to the newly installed play equipment within Phase one. The footpath along the desire lines that currently already exist through the woodland were discussed with Design and Landscape Officer who advised that they do not object to the principle of these paths being formalized. The additional connectivity through the woodland to phase 1 (and beyond) would also serve to extend the orbital perimeter walk away from trafficked highway as far as is possible around the development. The future formalisation of connections through the woodland would also serve to provide easier, more direct access for the residents in both phase 1 and the former MOD housing to the footbridge over the A46 towards Bingham, without having to walk entirely along the trafficked highway within the wider development. The Community Development Officer reviewed this additional information and advised that they do not object to the proposal following the submission of clarification on the updated masterplan.

### Relocation of Community Facilities

95. The approved masterplan for the site shows the school, community hall, allotments and formal and informal play areas located at the northern edge of the site with the “village centre” comprising a small retail offering located more centrally with in the strategic allocation. The current proposal seeks to retain the school, community centre, formal and informal sports areas and allotments along the northern edge of the site, but to relocate the proposed local centre and recycling centre closer to the above facilities at the south-western end of Wellington Avenue, broadly in the location where the guard room used to be located (now demolished).
96. The applicant states that this is proposed to provide easily accessible facilities to both the existing and future residents of Newton. Furthermore, the retail units are positioned (on the proposed masterplan) where they can attract the most users and therefore would be more attractive to potential developers, hopefully insuring an early delivery of these facilities.
97. It is also proposed to move the Memorial, such that it is located at the end of Wellington Avenue. The Memorial would be integrated into the site alongside existing landscape features and would provide a vista when approaching the site from a north east direction.
98. The consolidation of the community facilities towards the north-eastern part of the site is considered to better serve the existing community of Newton as it would ultimately be more centralised within the village once the strategic allocation is constructed. The Highway Authority has not objected to the principle of the local centre being relocated on the revised masterplan and the proposal is considered to accord with the requirements for provision of such a facility within Policy 22 of the Local Plan Part 1: Core Strategy. Furthermore, it is considered the relocation of the local centre would not be contrary to the requirements set out in Policy 1 of the Local Plan Part 2: Local and Planning Policies.

## Other matters and conclusions

99. The concerns of the Nottinghamshire County Council as the Highway Authority in relation to the design of the access route have been carefully considered and revised plans and information have been submitted to overcome these concerns.
100. Issues relating to the proposed varied wording of Conditions 8 (Ecology Management Plan) and 16 (Structures Retention Scheme) have already been justified through the submission and formal discharge of application 19/01054/DISCON approved in September 2019.
101. Other concerns raised by the Parish Council and other interested parties have been carefully considered. The nature of the development in relation to the provision of community facilities, including a local centre and community hall, provision of footpath linkages, design and positioning of the majority of the children's play area has not changed significantly from the outline planning permission and further consideration can be given to the details of this at the reserved matters application stage.
102. The original outline application was accompanied by an Environmental Impact Assessment. It is not considered that the changes proposed under this S73 application make a material change to the development and a new EIA is not required.
103. It is concluded that the changes to the conditions are both necessary and reasonable to ensure a permission brings forward the commencement of development and delivery of housing that will contribute to the Borough Council's housing supply. The proposed development, whilst not now fully compliant with the requirements of Policy 22 of the Core Strategy, in relation to the level of affordable housing to be delivered, would deliver much needed dwellings, as part of the Council's five year housing supply, and provide appropriate facilities to serve the new and existing community. The changes proposed to the masterplan in relation to the commercial road, necessitating the removal of the protected trees along its southern edge are considered acceptable in design terms and the reserved matters application(s) would address any outstanding issues in relation to detailed design, relationships with new and existing residential properties etc. Accordingly, the application is recommended for approval. A new S106 agreement/deed of variation will need to be entered into to ensure the requirements of the previous permission are brought forward in association with any new permission granted.
104. The proposal was subject to pre-application discussions with the applicant and their agent and advice was offered on the measures that could be adopted to improve the scheme and address the potential adverse effects of the proposal. Negotiations have also been undertaken during consideration of the application in an attempt to address comments received from interested parties. As a result of this process, modifications were made to the proposal and a recommendation has been made in a timely manner.

## RECOMMENDATION

It is RECOMMENDED that the Executive Manager – Communities be authorised to grant planning permission, subject to the prior signing of a deed of variation to the S106 agreement, and the following conditions:

1. Application for approval of the final reserved matters shall be made to the local planning authority not later than 28th July 2022 and the development must be begun not later than the expiration of two years from the final approval of reserved matters, or in the case of approval of reserved matters on different dates, the final approval of the last such matter to be approved.

[To comply with the requirement of Section 92 of the Town and Country Planning Act 1990 (as amended) and to ensure the development will be satisfactory and in the interests of visual amenity and to comply with Policy 10 and 22 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].

2. No development shall take place until a Phasing Programme for the whole site has been submitted to and approved in writing by the Borough Council. This shall substantially accord with the Phasing Programme shown on the Phasing Plan P18-2350\_08 Rev G received on 12 November 2019 and shall include the phasing of the highways works.

The development shall thereafter be implemented in accordance with the details approved. All infrastructure and facilities within a particular residential phase shall be completed in accordance with the approved details prior to the occupation of any dwelling in a subsequent phase.

[To comply with the requirement of Section 92 of the Town and Country Planning Act 1990 (as amended) and to ensure the development will be satisfactory and in the interests of visual amenity and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies] and Policy 10 and 22 of the Rushcliffe Local Plan Part 1: Core Strategy. These details are a pre-commencement requirement due to the need to design an appropriate scheme for the site to ensure a comprehensive development].

3. No development of an individual phase of development shall take place until a Statement of Design Principles for that specific phase of the site as agreed under Condition 2 has been submitted to and approved in writing by the Borough Council. This shall substantially accord with the Design and Access Statement (Ref: P18-2350\_27 Rev F July 2019) received on the 1 August 2019 and the Illustrative Master plan (Drawing Number: P18-2350\_06 Rev L) received on 12 November 2019 and shall include site specific architectural principles; justification of the innovative, sustainability features; range, type and quality of materials; focal point for the development (where relevant); the village centre features; variations in block form, street layout and elevational treatment. The development shall thereafter be implemented in accordance with the details approved.

[To comply with the requirement of Section 92 of the Town and Country Planning Act 1990 (as amended) and to ensure the development will be

satisfactory and in the interests of visual amenity and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies] and Policy 22 of the Local Plan Part 1:- Rushcliffe Core Strategy. These details are a pre-commencement requirement due to the need to design an appropriate scheme for the site to ensure a comprehensive development].

4. No development shall take place until a Public Transport Strategy for the site has been submitted to and approved in writing by the Borough Council. This shall substantially accord with the Design and Access Statement (Ref: P18-2350\_27 Rev F July 2019) received on the 1 August 2019 and the Illustrative Master plan (Drawing Number: P18-2350\_06 Rev L) received on 12 November 2019 and shall include bus routes through the site with bus stops within 400m of any building; bus layover space near to the Community/village hall.

The development shall thereafter be implemented in accordance with the details approved and for any phase the part of the development to which the particular item or facility relates shall not be occupied until each one has been completed for that phase in accordance with the approved details.

[To promote the use of public transport facilities and services in accordance with Policies 10, 14 and 22 of the Rushcliffe Local Plan Part 1: Core Strategy. These details are a pre-commencement requirement due to the need to design an appropriate scheme for the site to ensure a comprehensive development].

5. No development shall take place until a Surface Water Drainage Scheme based on sustainable drainage principles in the context of an assessment of the hydrological and hydrogeological context of the site has been submitted to and approved in writing by the Borough Council. This shall substantially accord with the Design and Access Statement (Ref: P18-2350\_27 Rev F July 2019) received on the 1 August, the Illustrative Master plan (Drawing Number: P18-2350\_06 Rev L) received on 12 November 2019 and Flood Risk Assessment and Drainage Strategy Rev B received 20th June 2011 under 10/02105/OUT and shall include:

- The utilisation of holding sustainable drainage techniques;
- The limitation of surface water run-off to equivalent green field rates;
- The ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus an appropriate allowance for climate change, based upon the submission of drainage calculations; and
- Responsibility for the future ongoing maintenance of drainage features;
- The use of long term storage should be considered in the detailed design stage of the drainage scheme;
- Detailed design details of the proposed balancing pond and swales, including cross-sections and plans; and
- Proposals to ensure that there is no surface/storm water runoff onto adjacent land.

The development shall thereafter be implemented in accordance with the details approved and the part of the development to which the particular item or facility relates shall not be occupied until each one has been completed in accordance with the approved details.

[To comply with the requirement of Section 92 of the Town and Country Planning Act 1990 (as amended) and to ensure the development will be satisfactory and in the interests of visual amenity and to comply with Policy 18 (Surface Water Management) of the Rushcliffe Local Plan Part 2: Land and Planning Policies] and Policy 10 and 22 of the Rushcliffe Local Plan Part 1: Core Strategy. These details are a pre-commencement requirement due to the need to design an appropriate scheme for the site to ensure a comprehensive development].

6. No development shall take place until an Energy/low carbon Strategy for the site has been submitted to and approved in writing by the Borough Council. This shall substantially accord with the Design and Access Statement (Ref: P18-2350\_27 Rev F July 2019) received on the 1 August, the Illustrative Master plan (Drawing Number: P18-2350\_06 Rev L) received on 12 November 2019 and shall show how renewable energy/energy efficiency and climate change proofing, and the provision of public electric charging points within the village centre and commercial areas, together with a phasing plan showing the implementation of the proposals in each phase, are to be incorporated into the proposed development.

The development shall thereafter be implemented in accordance with the details approved and the phasing plan.

[To achieve improved energy conservation and the protection of environmental resources in accordance with national planning guidance as set out in the NPPF and in accordance with Policy 1 (Delivering Sustainable Development) of the Rushcliffe Borough Non-Statutory Local Plan and Policies 2 (Climate Change) and 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy. These details are a pre-commencement requirement due to the need to design an appropriate scheme for the site to ensure a comprehensive development].

7. No residential development shall take place until an Employment and Skills Strategy for the construction phase of the approved development has been submitted to and approved in writing by the Borough Council and no development of the commercial elements of the approved development shall take place until an Employment and Skills Strategy for the construction and operational phases of this form of development has been submitted to and approved in writing by the Borough Council. These strategies shall provide for the recruitment of people in the locality and apprenticeships for young persons and shall include the date by which the Employment and Skills Strategy is to be implemented by the developer.

The development shall thereafter be implemented in accordance with the terms of these strategies.

[To comply with the requirement of Section 92 of the Town and Country Planning Act 1990 (as amended) and to ensure the development will be satisfactory and satisfy Policy 22 of the Rushcliffe Local Plan Part 1: Core

Strategy. These details are a pre-commencement requirement due to the need to design an appropriate scheme for the site to ensure a comprehensive development].

8. No development of an individual phase of development shall take place until an Ecology Management Plan for that specific phase of the site as agreed under condition 2 above has been submitted to and approved in writing by the Borough Council. This shall substantially accord with the Design and Access Statement (Ref: P18-2350\_27 Rev F July 2019) received on the 1 August, the Illustrative Master plan (Drawing Number: P18-2350\_06 Rev L) received on 12 November and shall include updated ecological surveys, measures to be taken to establish the existence of any protected species prior to site clearance, mitigation measures; bat boxes/barn; bird and barn owl nesting boxes) management, maintenance and monitoring schedules. Further updates shall be submitted if the development of part of any particular phase does not commence within 24 months of approval of the details approved pursuant to this condition.

The development shall thereafter be implemented in accordance with the details and timetable approved.

[To comply with the requirement of Section 92 of the Town and Country Planning Act 1990 (as amended) and to ensure the development will be satisfactory and satisfy Policy 22 of the Rushcliffe Local Plan Part 1: Core Strategy. These details are a pre-commencement requirement due to the need to design an appropriate scheme for the site to ensure a comprehensive development].

9. No development shall take place until an Affordable Housing Scheme for the site has been submitted to and approved in writing by the Borough Council which will allow for the provision of a minimum of 5% affordable housing across the site as a whole and include the proposed affordable housing types, sizes and tenures for each phase of the site with a minimum of 5% affordable housing in each phase. The development shall thereafter be implemented in accordance with the details approved.

[To comply with the requirement of Section 92 of the Town and Country Planning Act 1990 (as amended) and to ensure the distribution of affordable housing assists in the creation of an inclusive and mixed community in accordance with the National Planning Policy Framework and Policy 22 of the Rushcliffe Local Plan Part 1: Core Strategy. These details are a pre-commencement requirement due to the need to design an appropriate scheme for the site to ensure a comprehensive development]

10. No development shall take place until an On-site Leisure Scheme for the site has been submitted to and approved in writing by the Borough Council. This shall substantially accord with the Design and Access Statement (Ref: P18-2350\_27 Rev F July 2019) received on the 1 August, the Illustrative Master plan (Drawing Number: P18-2350\_06 Rev L) received on 12 November 2019 and Phasing Plan (Drawing Number P18-2350\_08 Rev G received on 12 November 2019) and shall include a minimum provision for allotments - 0.85ha; 1.6ha of non-equipped play areas; 0.54ha equipped play areas; details of the proposed play equipment; 2.2ha formal playing pitches (priority use football/cricket); community orchards, green infrastructure, open space and

lay-by for a youth bus identifying in which phase(s) the specific elements of the on-site leisure provision will be made, and shall include proposals for the ongoing management and maintenance of the site thereafter.

The development shall thereafter be implemented in accordance with the details approved.

[To comply with the requirement of Section 92 of the Town and Country Planning Act 1990 (as amended) and to ensure the development will be satisfactory and in the interests of visual amenity and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policies 10 (Design and Enhancing Local Identity) and 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy. These details are a pre-commencement requirement due to the need to design an appropriate scheme for the site to ensure a comprehensive development].

11. Prior to the commencement of the 50th dwelling a Community/village Hall Scheme including its estimated construction cost for the site shall have been submitted to and approved in writing by the Borough Council. This shall substantially accord with the Design and Access (Ref: P18-2350\_27 Rev F July 2019) received on the 1 August, the Illustrative Master plan (Drawing Number: P18-2350\_06 Rev L) received on 12 November 2019 and the Community Hall Plan (Drawing Number: 10548-01 Rev A) submitted under 10/02105/OUT and shall include ensuring the provision of the Hall before the commencement of construction of the 250th dwelling. The development shall thereafter be implemented in accordance with the details approved.

[To comply with the requirement of Section 92 of the Town and Country Planning Act 1990 (as amended) and to ensure the development will be satisfactory and in the interests of visual amenity and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policy 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy.].

12. No development shall take place until a Primary School Scheme for the site has been submitted to and approved in writing by the Borough Council. This shall substantially accord with the Design and Access Statement (Ref: P18-2350\_27 Rev F July 2019) received on the 1 August 2019, the Illustrative Master plan (Drawing Number: P18-2350\_06 Rev L) received on 12 November 2019 and the illustrative Primary School Plan (Drawing Number: 110548-0010) submitted under 10/02105/OUT and shall ensure the provision of a serviced site in Phase one of the development. The development shall thereafter be implemented in accordance with the details approved.

[To comply with the requirement of Section 92 of the Town and Country Planning Act 1990 (as amended) and to ensure the development will be satisfactory and in the interests of visual amenity and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policies 10 (Design and Enhancing Local Identity) and 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy. These details are a pre-commencement requirement due to the need to design an appropriate scheme for the site to ensure a comprehensive development].

13. No development shall take place until a Highways Delivery Scheme for the site has been submitted to and approved in writing by the Borough Council. This shall substantially accord with the Design and Access Statement (Ref: P18-2350\_27 Rev F July 2019) received on the 1 August, the Illustrative Master plan (Drawing Number: P18-2350\_06 Rev L) received on 12 November 2019 and shall provide for the delivery of the following works:

- a) The provision of informal pedestrian crossing arrangements (dropped kerbs) on both sides of the Kirkhill railway level crossing including tactile paving;
- b) The A6097 Kirk Hill signal controlled junction has been improved as shown for indicative purposes only in the Transport Assessment December 2010 Appendix 9;
- c) Either:
  - (i) Improvement to Bridleway 23, Footpath 2; or
  - (ii) The provision of suitable connections to Bridleway 23, Footpath 2 on the eastern side of the old A46 (B687) and to the residential development site known as Roman's Quarter:

as shall be agreed with the LPA.

Should the Applicant/Developer require either:

- (i) the use of any third party land; or
- (ii) any third party landowner to agree or grant rights /permissions/licenses over their land

to enable the construction of improvements to Bridleway 23, Footpath 2 or future maintenance thereof the requirement to improve Bridleway 23, Footpath 2 shall cease and the Applicant/Developer shall provide connections to Bridleway 23, Footpath 2 on the eastern side of the old A46 (B687) and to the residential development site known as Roman's Quarter.

Such works shall be **completed** within 6 months of the completion of the construction of the new pedestrian/cycle bridge over the A46 and the adoption thereof or such later timescale as **previously** agreed with the Local Planning Authority.;

- d) The pedestrian/cycle bridge/link across the A46/B687 in accordance with the approved details;
- e) Main Street/new Newton link road junction modifications to restrict turning movements;
- f) A school safety zone including appropriate signage, lining, traffic calming, parking restrictions, and pedestrian crossing arrangements; and
- g) The provision of a main residential/commercial access road within the site including roundabouts (or other features to be agreed), pedestrian/cycle crossing and traffic calming measures.

The development shall thereafter be implemented in accordance with the approved details.

[In the interest of highway safety and to ensure a satisfactory development in accordance with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policy 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy. These details are a pre-commencement requirement due to the need to design an appropriate scheme for the site to ensure a comprehensive development].

14. No development on new commercial land falling within use classes B2 and B8 as defined in the Town and Country Planning Use Classes (Amended) Order 2005 (or in any provision equivalent to the Class in any statutory instrument revoking and re-enacting that Order with or without modification) shall be occupied, until the Newton link road has been widened to generally 7.3m with appropriate additional widening on bends.

[In the interest of highway safety and to ensure a satisfactory development in accordance with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policy 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy. These details are a pre-commencement requirement due to the need to design an appropriate scheme for the site to ensure a comprehensive development].

15. No development of an individual phase of development shall take place until an Archaeological Investigation Scheme for that particular phase of the site has been submitted to and approved in writing by the Borough Council. This shall substantially accord with the Design and Access Statement (Ref: P18-2350\_27 Rev F July 2019) received on the 1 August, the Illustrative Master plan (Drawing Number: P18-2350\_06 Rev L) received on 12 November 2019 and shall include timescales for archaeological investigation, mitigation and proposed timescales. The development shall thereafter be implemented in accordance with the approved details.

[To comply with the requirement of Section 92 of the Town and Country Planning Act 1990 (as amended) and to ensure the development will be satisfactory and in the interests of visual amenity and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies] and Policy 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy. These details are a pre-commencement requirement due to the need to design an appropriate scheme for the site to ensure a comprehensive development].

16. The proposed development shall be implemented in accordance with the Structures Retention Scheme (dated 26 April 2019) discharged under application reference 19/01054/DISCON that provides details for the retention of the control tower, the measures for its protection/enhancement/ongoing maintenance and the provision of a memorial in accordance with the approved scheme.

[To comply with the requirement of Section 92 of the Town and Country Planning Act 1990 (as amended) and to ensure the development retains a sense of place and link with the history of the site and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policy 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy].

17. No development of an individual phase of development shall take place until a Contaminated Land Investigation and Risk Assessment Report undertaken by competent persons to assess the nature and extent of any contamination on the site, whether or not it originates on the site for that specific phase of the site as agreed under condition 2 has been submitted to and approved in writing by the Borough Council and shall include:
- a) The outcome of further assessments of the contamination hotspots referred to in the Geodyne Combined Phase 1 Desk Study and Baseline Ground Investigation Report submitted on the 7th October 2011.
  - b) A revised ground gas risk assessment shall be submitted for completion of the gas monitoring programme to confirm if gas protection methods are required on the site.
  - c) Further testing shall be carried out on the existing topsoil to determine suitability for retention on site.
  - d) A full radiological risk assessment and a survey report and remediation method statement.
  - e) An unexploded ordnance search.

[To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policy 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy. These details are a pre-commencement requirement due to the need to design an appropriate scheme for the site to ensure a comprehensive development]

18. No development of an individual phase of development shall take place until a Detailed Remediation Scheme, to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment for that specific phase of the site as agreed under condition 2 above has been submitted to and approved in writing by the Borough Council. This include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

[To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policy 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy. These details are a pre-commencement requirement due to

the need to design an appropriate scheme for the site to ensure a comprehensive development]

19. No development of an individual phase of development shall take place until a Construction Method Statement for that specific phase of the site as agreed under condition 2 has been submitted to and approved in writing by the Borough Council and shall include the:
- a) measures for ensuring the means of exit from the site for demolition and construction traffic is restricted to the new Newton link road (with no exit onto Wellington Avenue) and best practicable measures for ensuring that the majority of such traffic entering the site does so by way of the new Newton link road and not by way of Wellington Avenue;
  - b) parking provision for site operatives and visitors;
  - c) storage of plant and materials used in constructing the development;
  - d) wheel washing facilities (including full details of its specification and siting);
  - e) measures to control the emission of dust and dirt during construction;
  - f) scheme for recycling/disposing of waste resulting from construction works;
  - g) siting and appearance of contractor's compounds including heights of stored materials, boundaries and lighting together with measures for the restoration of the disturbed land and noise mitigation;
  - h) proposals for topsoil handling, stripping, stockpiling, re spreading and after use;
  - i) procedures for the developers to monitor and enforce compliance with the principles and detailed requirements of the Statement.

The development shall thereafter be implemented in accordance with the details approved.

[In the interests of highway safety, to maximise the retention of agricultural soils on site and to protect the amenities of the area and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policy 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy. These details are a pre-commencement requirement due to the need to design an appropriate scheme for the site to ensure a comprehensive development].

20. No development of an individual phase of development shall take place until a Waste Disposal Strategy for that specific phase of the site as agreed under condition 2 above has been submitted to and approved in writing by the Borough Council and shall include arrangements for maintenance and servicing including refuse collection/bin storage and incorporating a waste and recycling storage plan and a phasing plan for implementation. The recycling site shall be an area of no less than 15m x 15m within the village centre, the subsurface of which shall not have any utilities or services and include acoustic fencing on the perimeter of the site. The development shall thereafter be implemented in accordance with the details approved.

[To ensure that the development provides adequate facilities for waste collection and promotes recycling in accordance with Policies 1 (Development Requirements) 17 (Managing Flood Risk) and 18 (Surface Water Management) of the Rushcliffe Local Plan Part 2: Land and Planning Policies

and Policy 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy. These details are a pre-commencement requirement due to the need to design an appropriate scheme for the site to ensure a comprehensive development]

21. No development shall take place on any individual phase until details of the access, appearance, landscaping, layout, and scale ("the reserved matters") for that specific phase of the development have been submitted to and approved in writing by the Borough Council. The development shall be carried out in accordance with the approved details.

[To comply with the requirements of section 92 of the Town and Country Planning Act 1990 (as amended) and to ensure the development will be satisfactory and Policy 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy. These details are a pre-commencement requirement due to the need to design an appropriate scheme for the site to ensure a comprehensive development].

22. Each reserved matters application shall be accompanied by the following details, and this shall substantially accord with the Design and Access Statement (Ref: P18-2350\_27 Rev F July 2019) received on the 1 August, the Illustrative Master plan (Drawing Number: P18-2350\_06 Rev L) received on 12 November 2019 and details approved under the above conditions:

- a) A detailed layout plan of the phase in context with the whole site.
- b) The siting, design and external appearance of the proposed buildings.
- c) The means of access; car parking and provision for service vehicles.
- d) Facing, roofing and hard surfacing materials.
- e) Plans, sections and cross sections of any roads or access/ service roads or pedestrian routes within the application site, and this shall include details of bridges, culverts, drainage, sewerage and public utilities.
- f) The layout and marking of car parking, servicing, manouvering areas and cycling storage for each building.
- g) The means of enclosure to be erected on site.
- h) The finished ground levels for the site and floor levels of the buildings relative to existing levels and adjoining land and in relation to the ground levels or contours proposed in any adjacent landscaping scheme.
- i) Plant and equipment and other structures.
- i) Recycling and bin storage facilities including an area for 3 wheeled bins for each dwelling and community bin storage for apartments and commercial areas.
- k) Details of the means of foul and surface water drainage together with a programme of implementation and means to ensure there is no run off

onto Wellington Avenue.

- l) The detailed design of all junctions, which shall include details of visibility splays.
- m) Drainage and rainwater run off systems including SuDS which shall accompany any road layout submission and detail maintenance/management arrangements.
- n) The siting and appearance of contractors compounds including heights of stored materials, boundaries and lighting together with measures for the restoration of the disturbed land and noise mitigation.
- o) The number and location of the affordable dwellings to be provided together with the mix of dwellings in terms of the number of bedrooms and the proportion of houses and flats, broken down between social rented, affordable rented and intermediate units for each phase.
- p) Detailed plans of the layout of the play areas, equipment, open space and other green infrastructure.
- q) Detailed plans and information relating to the opening up of culverted water courses.
- r) Each reserved matters application for residential development shall be accompanied by a statement assessing the development against the Building for Life Standards. The development shall thereafter be carried out in full accordance within the approved scheme.
- s) Each reserved matters application for a non-residential use (excluding the Community Hall and Local Centre Units) shall be accompanied by a statement detailing how each nonresidential building shall achieve a minimum of BREEAM Very Good (or the equivalent level of such national measure of sustainability for employment building design that replaces BREEAM).

The development shall thereafter be implemented in accordance with the details approved and for any phase the part of the development to which the particular item or facility relates shall not be occupied until each one has been completed for that phase in accordance with the approved details.

[To comply with the requirement of Section 92 of the Town and Country Planning Act 1990 (as amended) and to ensure the development will be satisfactory and in the interests of visual amenity and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policies 10 (Design and Enhancing Local Identity) and 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy. These details are a pre-commencement requirement due to the need to design an appropriate scheme for the site to ensure a comprehensive development].

23. No development of any phase shall begin until reserved matters submissions on landscaping have been submitted to and approved in writing by the Borough Council. The submissions shall include full details of both hard and soft

landscape works for that phase and a programme for their implementation. Hard landscaping details shall include proposed finished levels or contours, means of enclosure, car parking layouts, other vehicle and pedestrian access and circulation areas, surfacing materials, minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs and lighting) and proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines). Soft landscaping details shall include proposed contours, planting plans (including woodland planting and the community orchard), written specifications (including cultivation and other operations associated with plant and grass establishment) and schedules of plants/trees, including species use of plants/trees, numbers and densities. Only native species appropriate to the local area and of native genetic origin shall be used in areas of 'natural' planting around the boundaries of the site in habitat creation areas, and in green corridors through the site. The works shall be carried out as approved. Any tree (s) or planting which die, are removed or become seriously damaged or diseased within 5 years of completion of the development within that phase shall be replaced in the next planting season with others of a similar size and species.

[In the interests of amenity and to comply with Policy 1 (Development Requirements) of the Rushcliffe Borough Non-Statutory Replacement Local Plan and Policies 10 (Design and Enhancing Local Identity) and 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy. These details are a pre-commencement requirement due to the need to design an appropriate scheme for the site to ensure a comprehensive development]

24. No work shall be carried out and no plant, equipment or materials brought on to the site, in any phase, until there has been submitted to and approved in writing by the Borough Council for that phase:
- a) a plan showing the location of, and numbering, each existing hedge and tree within the phase (including trees and hedges on the route of construction traffic), plus trees on adjoining land whose crowns overhang the site, and identifying all trees and hedges which are to be retained;
  - b) details of the species, trunk diameter, height and general health and stability of each tree to be retained;
  - c) details of any proposed lopping or topping of any tree to be retained;
  - d) details of any proposed alterations in ground levels and of any excavations proposed within the crown spread of any tree to be retained;
  - e) details of the position and specification of fencing or other measures for the protection before and during the course of development of any tree or hedge to be retained.

The development shall thereafter be undertaken in accordance with the approved details.

[To ensure existing trees and hedgerows are adequately protected during the development and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policies 10 (Design and Enhancing Local Identity) and 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy. These details are a pre-commencement requirement due to the need to design an appropriate scheme for the site to ensure a comprehensive development].

25. Development shall not begin on any phase until the existing trees and hedges in that part of the site which are to be retained have been protected in accordance with the details approved pursuant to condition 24 above. Protection shall be retained for the whole of the construction period of that phase. No materials, machinery or vehicles shall be stored, no buildings erected and no excavation works undertaken within the protected areas. No changes to ground levels shall be made within the protected areas without the prior written agreement of the Borough Council.

[In the interests of amenity and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policies 10 (Design and Enhancing Local Identity) and 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy. These details are a pre-commencement requirement due to the need to design an appropriate scheme for the site to ensure a comprehensive development]

26. The maximum heights (to ridge) of any building shall not exceed a maximum of 3 storeys for B1 (office space); 13.5metres (Commercial); and 10.5metres (residential).

[To protect the visual amenities of the area and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policies 10 (Design and Enhancing Local Identity) and 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy.]

27. No residential unit shall be occupied until the access, servicing and car parking facilities associated with that unit has been provided in accordance with details submitted to and approved in writing by the Borough Council and these facilities shall be retained for the lifetime of the development.

[In the interest of highway safety and to ensure a satisfactory development in accordance with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policies 10 (Design and Enhancing Local Identity) and 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy.]

28. No residential unit or occupier of any business unit hereby permitted shall be occupied until a Travel Plan Framework relating to that type of development has been submitted to and approved in writing by the Borough Council. This shall set out proposals (including targets, a timetable and enforcement mechanism) to promote travel by appropriate sustainable modes as agreed with the Borough Council and shall include arrangements for monitoring of progress of the proposals. The approved Travel Plan / Plans shall be implemented in accordance with the timetable set out in that plan.

[To promote sustainable travel in accordance with the aims of Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policies 10 (Design and Enhancing Local Identity) and 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy.]

29. No residential unit or business unit hereby permitted shall be occupied or brought into use until the owners/occupiers of the site have appointed and thereafter continue to employ or engage, a site-wide travel plan coordinator who shall be responsible for the implementation, delivery, monitoring and promotion of the sustainable transport initiatives set out in the Travel Plan Framework approved under Condition 28 for the lifetime of the Travel Plan. The details of the site-wide travel plan coordinator shall be provided and continue to be provided to the Local Planning Authority for the duration of the approved Travel Plan monitoring period.

[To promote sustainable travel in accordance with the aims of Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policies 10 (Design and Enhancing Local Identity) and 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy.]

30. The site-wide travel plan coordinator shall submit reports to and update the TRICS database in accordance with the Standard Assessment Methodology (SAM) or similar to be approved and to the Local Planning Authority in accordance with the Travel Plan Framework monitoring periods. The monitoring reports submitted to the Local Planning Authority shall summarise the data collected over the monitoring period and propose revised initiatives and measures where travel plan targets are not being met including implementation dates to be approved in writing by the Local Planning Authority and which shall inform individual Travel Plans.

[To promote sustainable travel in accordance with the aims of Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policies 10 (Design and Enhancing Local Identity) and 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy.]

31. Prior to the occupation of any business employing more than 20 employees, the owner and the occupier of each business unit, shall work with the site wide travel plan coordinator and within 5 months of occupation produce a detailed travel plan that sets out preliminary model split information and final targets with respect the number of vehicles using the site and the adoption of measures to reduce single occupancy car travel consistent with the approved Framework Travel Plan. The Travel Plan shall be implemented in accordance with the approved timetable and be updated consistent with future site-wide travel initiatives including implementation dates to the satisfaction of the Local Planning Authority.

[To promote sustainable travel in accordance with the aims of Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policies 10 (Design and Enhancing Local Identity) and 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan

Part 1: Core Strategy.]

32. No dwelling shall be occupied until a standard 32 amp single phase socket for the charging of electric vehicles has been fitted at an appropriate position in accordance with details previously submitted to and approved in writing by the Borough Council.

[To enable the use of non-carbon based technology in accordance with the guidance contained within the National Planning Policy Framework, Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policies 10 (Design and Enhancing Local Identity) and 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy.]

33. Notwithstanding the provisions of the Town and Country Planning Use Classes (Amended) Order 2005 (or in any provision equivalent to the Class in any statutory instrument revoking and re-enacting that Order with or without modification), any non-residential buildings falling within Classes B2 and B8 constructed pursuant to this outline planning permission shall only be used for B2 and B8 purposes. There shall be no subsequent change of use to one falling within Class B1(a) without the benefit of obtaining planning permission. Any such an application shall be supported with a Transport Assessment.

[To clarify the extent of the permission, to limit traffic generation and to ensure that adequate parking facilities are provided in connection with the development and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policies 10 (Design and Enhancing Local Identity) and 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy.]

34. No new non-residential unit shall be occupied until a scheme has been submitted to and agreed in writing by the Borough Council to cover the following:

- a) hours of operation of those premises,
- b) details of delivery handling equipment and industrial processes to be undertaken,
- c) details of externally mounted plant, equipment, tools and machinery or internally mounted plant, equipment, power tools and machinery which vents externally,
- d) associated structural planting and external and internal buffer zones to mitigate any noise generated
- e) hours of deliveries taken at or dispatched from and waste collection.

The units shall thereafter be used, and any plant /equipment shall be installed, and retained in accordance with the approved scheme.

[To ensure a satisfactory development and to protect the amenities of the area in accordance with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policies 10 (Design and Enhancing Local Identity) and 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy.]

35. Deliveries to and distribution associated with the existing B8 uses (hangars 1 - 5) including plant and equipment, shall only take place between the hours of 08:00 - 18:00 Monday to Friday, 09:00- 13:00 Saturday and not at all on Sundays and Bank Holidays.

[To protect the amenities of neighbouring residential properties and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policies 10 (Design and Enhancing Local Identity) and 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy.]

36. No goods or materials shall be stored or displayed for sale and no work shall be undertaken on the open area of any B1, B2 and B8 units on the site without the prior written approval of the Borough Council.

[To protect the amenities of the area and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policies 10 (Design and Enhancing Local Identity) and 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy.]

37. No security lighting or floodlighting shall be installed, on the employment premises or associated open areas, until full details have been submitted to and approved in writing by the Borough Council. Such details shall include a lux plot of the estimated illumination. The installations shall be designed, located and installed so as not to cause a nuisance to neighbouring residents, and to avoid significant impacts on foraging commuting bats. The development shall take place in accordance with the approved scheme and shall thereafter be retained in accordance with the approved details.

[To protect the amenities of the area and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policies 10 (Design and Enhancing Local Identity) and 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy.]

38. No part of the non-residential development shall be brought into use until the access, servicing and car parking facilities associated with that part of the development have been provided in accordance with details which shall first have been submitted to and approved in writing by the Borough Council and these facilities shall be retained for the lifetime of the development.

[In the interest of highway safety; and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policies 10 (Design and Enhancing Local Identity) and 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy.]

39. The approved Detailed Remediation Scheme must be carried out in accordance with its terms prior to the commencement of any development other than that required to carry out remediation in that phase. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a written verification

report that demonstrates the effectiveness of the remediation carried out must be submitted to and is subject to the approval in writing of the Borough Council. No new buildings shall be occupied until the verification report relevant to that building has been approved by the Borough Council.

[To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policies 10 (Design and Enhancing Local Identity) and 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy.]

40. If, during the development, contamination not previously identified is found to be present at the site then no further development in that phase shall be carried out until the developer has submitted, and obtained written approval from the Borough Council for, an amendment to the Detailed Remediation Scheme detailing how this unsuspected contamination shall be dealt with, and the development shall be carried out in accordance with the approved scheme.

[To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policies 10 (Design and Enhancing Local Identity) and 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy.]

41. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there are multiple tankages, the compound shall be at least equivalent to the capacity of the largest tank, vessel or the combined capacity of the interconnected tanks or vessels plus 10%. All filling points, associated pipework, vents, gauges and sight glasses must be located within the bund or have a separate secondary containment. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank/vessels overflow pipe outlets shall be detailed to discharge downwards into the bund.

[To prevent pollution of the existing water environment and to comply with Policies 1 (Development Requirements) 17 (Managing Flood Risk) and 18 (Surface Water Management) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policy 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy.]

42. This permission shall relate to the details submitted under 10/02105/OUT as originally submitted on the 3rd February 2011 and revised under 15/00583/VAR and 16/02864/VAR as amended by the following additional/revised plans and documents (such plans and documents may be subject to revision to accord with the above conditions):

- a) Illustrative Masterplan (P18-2350\_06 Rev L, Pegasus Group)
- b) Phasing Plan (P18-2350\_08 Rev H, Pegasus Group)
- c) Illustrative Landscape Masterplan (P18-2350\_23 Rev G, Pegasus Group)
- d) Illustrative Landscape Sections A-G (P18-2350\_24 Rev D, Pegasus Group)
- e) On-Site Leisure Provision (P18-2350\_25 E, Pegasus Group)
- f) TPO'd Tree Removal, Retention and Replacement Plan (P18-2350\_28 Rev E, Pegasus Group)
- g) Nottinghamshire Rapid Health Impact Assessment Matrix (Rev A, 07.11.2019)
- h) Phase I & II Geo-Environmental Investigation (GML19112/2/0, Geo-Matters Ltd)
- i) Transport Assessment (SKP/TM 21095-01\_Transport Assessment Rev 2, David Tucker Associates)
- j) ES Addendum – Transport (SP/TM/21095-02 ES Addendum – Transport Rev 1, David Tucker Associates)
- k) Design and Access Statement (P18-2350\_27 Rev G, Pegasus Group)
- l) Technical Justification (Condition 22) June 2019, Turley
- m) Transport Assessment Addendum (SP/TM21095-03 Transport Assessment Addendum, David Tucker Associates)

[For the avoidance of doubt and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policies 10 (Design and Enhancing Local Identity) and 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy.]

43. The highway link between the northern most egress from the existing hangars/commercial area, marked as “Non-Commercial Vehicle Exit Only” on the Illustrative Masterplan (drawing number P18-2350\_06 Rev L, Pegasus Group) between blocks “R2” and “R3” and the main development spine road shall not be brought into use until a scheme to prevent its use by commercial vehicles (greater than 3.5t in weight), restricting its use to exit only , and to discourage use of Wellington Avenue by traffic associated with the hangars / commercial area has been submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be implemented in accordance with approved details and retained and maintained as such for as long as the link serves a commercial area. Any such measures required by the aforementioned scheme shall be installed within the Highway on the residential side of the link only.

[In the interest of highway safety; and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policies 10 (Design and Enhancing Local Identity) and 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy.]

### **Notes to Applicant**

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

This permission is subject to an Agreement made under the provisions of Section 106 of the Town & Country Planning Act 1990 (as substituted by the Planning & Compensation Act 1992) relating to education, open space, allotments, orchards, play areas, leisure contribution, highways, bridge, travel plan coordinator, travel plan, bus service, affordable housing, community hall, community contributions, Suds and monitoring. You are advised to view the Agreement for full details. The contributions have been calculated in relation to 550 dwellings. Payments are subject to indexation.

The term 'affordable housing' in this instance is as defined in the National Planning Policy Framework (Annex 2: Glossary) Social rented, affordable rented and intermediate housing provided to eligible households whose needs are not met by the market. Eligibility is determined with regard to local incomes and local house prices. Affordable housing should include provisions to remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable housing provision.

Social rented housing is owned by local authorities and private registered providers (as defined in section 80 of the Housing and Regeneration Act 2008), for which guideline target rents are determined through the national rent regime. It may also be owned by other persons and provided under equivalent rental arrangements to the above, as agreed with the local authority or with the Homes and Communities Agency.

Affordable rented housing is let by local authorities or private registered providers of social housing to households who are eligible for social rented housing. Affordable Rent is subject to rent controls that require a rent of no more than 80% of the local market rent (including service charges, where applicable).

Intermediate housing is homes for sale and rent provided at a cost above social rent, but below market levels subject to the criteria in the Affordable Housing definition above. These can include shared equity (shared ownership and equity loans), other low cost homes for sale and intermediate rent, but not affordable rented housing.

Homes that do not meet the above definition of affordable housing, such as "low cost market" housing, may not be considered as affordable housing for planning purposes.

It should be noted that no financial contributions towards secondary school provision has been required on the basis that it has been demonstrated that South Nottinghamshire Academy at Radcliffe on Trent has sufficient capacity to accommodate pupils arising from this development. It is therefore anticipated that children of secondary school age would attend the South Nottinghamshire Academy at Radcliffe on Trent and not Toothill Academy.

The overall scheme for the development of this site will involve the provision of on-site infrastructure including road, foul and surface water sewers, mains water and other direct services. In addition to discussing normal planning requirements with the planning authority, the developer should approach

- a) the highway authority with regard to the formation of access to the highway and the requirement for the adoption of the estate road(s), if applicable; to clarify the codes etc. with which compliance will be required in the particular circumstance, and it is essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved

- by the County Council in writing before any work commences on site.
- b) Severn Trent Water on 0800 783 4444 should be contacted about the design and provision of foul and surface water sewers and for adoption information; the Environment Agency, for information on flood risk and on- or off-site storm water requirements; the Nottinghamshire Constabulary Architectural Liaison Officer regarding measures to combat crime;
  - c) the Council's Leisure Services Division for information on the provision and specification for open spaces and play areas,
  - d) the Council's Landscape Officer for advice on incorporating existing landscape features as well as the principles for new landscaping and planting species and specifications, and tree preservation;
  - e) East Midlands Electricity, if provision needs to be made for a new sub-station.
  - f) Natural England in relation to nature/ecology matters and soil conservation

A flood risk assessment should be submitted at each stage of the planning process. For example, when more detail concerning the location of dwellings/ land parcels is available, then areas must be identified to be set aside for the provision of SUDS measures. The Environment Agency do not consider oversized pipes or box culverts as sustainable drainage. Should infiltration not be feasible at the site, alternative above ground sustainable drainage should be used. Surface water run off should be controlled as near to source as possible through a sustainable drainage approach to surface water management. Sustainable Drainage Systems (SuDS) are an approach to managing surface water run - off which seeks to mimic natural drainage systems and retain on -site as opposed to traditional drainage systems which involve piping water off- site as quickly as possible. Please contact Stuart Taylor at the Environment Agency on 0115 8463654 regarding flood risk queries and your attention is drawn to the requirements and advice of the Environment Agency contained in the attached copy letter.

The site will be subject to the Control of Pollution (Oil Storage)(England) Regulations 2001 which apply to the storage of oil or fuel of any kind in any kind of container which is being used and stored above ground, including drums and mobile bowsers, situated outside a building and with a storage capacity which exceeds 200 litres.

A person with custody or control of any oil or fuel breaching the Regulations will be guilty of a criminal offence. The penalties are a maximum fine of £5000 in Magistrates' Court or an unlimited fine in Crown Court. Further details of the regulations are available from the Environment Agency

In relation to condition 5 and 22 (q) you are advised that the current 750mm diameter surface water culvert runs underneath the existing development as shown within the submitted Flood Risk Assessment ( Appendix B) drawing SK01:- Existing 750mm Diameter Sewer and Existing Ditches. The opening of the culvert would bring amenity and biodiversity benefits to the watercourse. Culverts also bring blockage risks and could increase risk of flooding to others. The Environment Agency would expect the details and information to cover the following requirements:-

- a) Information to demonstrate there is no flood risk from the open watercourse to the new development.
- b) Information showing the new alignment of the watercourse
- c) Cross sections of the new open watercourse
- d) Method statement for the planned works include bank works
- e) Biodiversity and ecological benefits from the works including all new planting
- f) Information to demonstrate adequate easements from the open watercourse.

The increased amount of waste water and sewage effluent produced by the new developments will need to be dealt with to ensure that there is no deterioration in the quality of the water courses receiving this extra volume of treated effluent. As such there may be a requirement for the expansion and upgrading of current sewage treatment systems, if the volume of sewage requiring treatment with the district increases. Close liaison with Severn Trent will be required. You are advised to consult Severn Trent Water Limited who should be satisfied that the sewerage and sewage disposal systems serving the development have sufficient capacity to accommodate additional flows, generated as a result of the development, without causing pollution.

Severn Trent Water advise that there is a public sewer located within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003 and you may not build close to, directly over or divert a public sewer without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development and you are advised to contact Severn Trent Water directly on 0116 2343834.

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

The development should comply with the Site Waste Management Regulations 2008.

The individual dwellings should be designed so as to accommodate:

- a) 3 x wheeled bins within the individual curtilages.
- b) apartment blocks should have land available to accommodate bulk containers for refuse and recycling. For each type of waste the formula is number of apartments x 240/1100= number of bulk containers.

Please contact Dave Thomas at Rushcliffe Borough Council on 0115 9148396 for further information.

Dog fouling bins and on street litter/ recycling bins as specified by the Borough Council will need to be located within areas such as open spaces and play areas, footpaths, car park and thoroughfares. Please contact Dave Thomas on 0115 9148396 for further information.

You are advised to contact Nottinghamshire Police Force Architectural Liaison Officer in respect to achieving a scheme that complies with Secured by Design and the seven attributes contained in the ODPM Document - Safer Places - The Planning System and Crime Prevention.

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

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

For further information on the content of contaminated land reports please contact the Borough Council's Environmental Health Department on 0115 9148322.

You are reminded that a number of trees on the site are protected by a Tree Preservation Order and therefore careful attention will need to be paid to any reserved matters application to ensure their retention and long term protection.

It is suggested that the developer works with artists/designers/design teams in order to create a high quality environment for people to work, live and play, which reflects the characteristics of local landscape and heritage. The developer is also encouraged to consider the use of public art which can be decorative or functional.

It is suggested that the developer work with the Parish Council and local youth groups to ascertain the type of equipment sought for the play area space.

Construction traffic shall use preferred routes which shall exclude such traffic passing through Newton Village.

The proposed development lies with a coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development this should be reported to The Coal Authority. Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Property specific summary information on coal mining can be obtained from The Coal Authority Properties Search Service on 0845 7626848 or at [www.groundstability.com](http://www.groundstability.com).

The evidence base for the site wide Energy Statement, referred to in conditions 6 shall include a detailed assessment of anticipated energy usage patterns across the site when occupied. The strategy shall include identification of opportunities for reducing energy loads and for generating on-site low or zero carbon energies.

The proposed development includes a bridge crossing of the A46. Such a crossing will require the prior consent of Highways Agency and County Council as Highways Authority.

Attention is drawn to the fact that this permission does not entitle the applicant to obstruct in any way the public rights of way are within the application site. If it is intended to divert or stop up any public rights of way the appropriate legal steps must be taken before development commences. Please contact the Borough Solicitor for advice on the procedures. (Tel 01159 9148215) Due regard must be had at the reserved matters stage to ensure that access to these are maintained.

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

The Advanced Payments Code in the Highways Act 1980 applies and under section 219 of the Act payment will be required from the owner of the land fronting a private

street on which a new building is to be erected. The developer should contact the Highway Authority with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact Nottinghamshire County Council as Highway Authority as early as possible.

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

The highway proposals associated with this permission involve works within the public highway which is land over which you have no control. The Highways Agency therefore requires you to enter into a Section 278 agreement to cover the design and construction of the works. Please contact Assistant Area Development Manager, Kamaljit Khokhar on 0121 678 8390 at an early stage to discuss the highways agreement.

With regard to condition 4 such a strategy shall ensure that the bus services and corresponding bus stops are available whether temporary or permanent within 400m of any building prior to it becoming occupied or being brought into use. This shall ensure the bus route is attractive to customers, the route through the site shall include fully lit bus stop poles with timetable cases and bus stop flags, raised kerbed bus boarders, and dropped kerbed wheelchair and pushchair access at all locations, lit bus shelters at 1 in 3 locations with real time displays, bus stop clearways and bus stop cages at key locations, 'supa' shelters at the district centre, appropriate layover points, and an information kiosk.

Advice regarding travel plans can be obtained from the Travel Plans Officer on telephone 0115 9774523.

Natural England have confirmed that they support the proposed mitigation strategy and given that bats are a European protected species through the Conservation of Habitats and Species Regulations ( 2010) , a licence for works affecting the bat roosts will need to be obtained. Under Regulation 53, activities which would otherwise contravene the strict protection regime offered to European Protected Species under regulation 41 can only be permitted where it has been shown that certain tests have been met. Within the context of a planning application these are:

- a) The activity is for the purpose of preserving public health or safety or for other imperative reasons of overriding public interest
- b) There is no satisfactory alternative
- c) The favourable conservation status of the species in question is to be maintained.

You are advised to contact Natural England on 0300 0600789 for further advice.

The submitted protected species survey has confirmed that there is evidence of protected species and no work should, therefore, be undertaken until a licence has been obtained from Natural England.

Nesting birds and bats, their roosts and their access to these roosts are protected

under the Wildlife and Countryside Act 1981. Should birds be nesting in the trees concerned it is recommended that felling/surgery should be carried out between September and January for further advice contact Nottinghamshire Wildlife Trust on 0115 9588248. If bats are present you should contact English Nature on 01476 584800.

Defra (now Natural England) advise an appropriately experienced soil specialist should be instructed to advise on and supervise soil handling, including identifying when soils are dry enough to be handled and how to make the most sustainable use of the different soils on site, in particular in retaining the long term potential of agricultural soils on the site. Guidance is available in Defra 'Construction Code of Practice for Sustainable Use of Soils on Construction Sites and it is recommended that this is followed. Condition 19. Relating to the CEMP requires measures at (i) to minimise the potential compaction and structural degradation of top soils and ensure potential for re use is maximised. These measures should aim to ensure that:-

- a) Potential damage to top soils by vehicles is minimised
- b) Top soils are excavated and moved only when dry and friable in consistency
- c) The amount of organic matter incorporated into excavated soil strips is minimised (including by ensuring grass sward is closely mown and all cuttings are removed at an appropriate time prior to soil excavation);
- d) Topsoil stripping methods and construction of topsoil stockpiles are appropriate.

The fume extraction scheme should include both projected noise levels and details of equipment installed to suppress and disperse fumes and/or odour produced by cooking and food preparation.

In addition the following advice is given by the Head of Environmental Health:-

- a) The extract vent should terminate no less than 0.6 m (ideally 1m) above the ridge of the building and not less than 1m above any open able window/skylight.
- b) The extract vent should be installed internally as far as possible, if there is a likelihood of conflict with any planning requirements).
- c) The system must be in use at all times when cooking is carried out in the premises.
- d) Details of the expected noise levels generated by the fan, which are required to be supplied, must include full octave band analysis.
- e) All mountings and fixings shall incorporate anti-vibration mounts in order to reduce airborne and structure-borne noise transmission.
- f) The extract vent should not be fitted with any restriction at the final opening i.e. cap or cowl
- g) The system should be designed to allow the collection and removal of rainwater in order to prevent water entering the fan unit.

Prior to preparing the scheme you are advised to discuss the details with one of the Borough Environmental Health Officers on (0115) 914 8322

You are advised to ensure disturbance to neighbours is kept to a minimum during construction by restricting working hours to Monday to Friday 7.00am to 7.00pm, Saturday 8.00am to 5.00pm and by not working on Sundays or Bank Holidays. If you intend to work outside these hours you are requested to contact the Environmental Health Officer on (0115) 914 8322 beforehand

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

For further information on the content of contaminated land reports please refer to the Borough Council's publication "Developing Land within Nottinghamshire - A Guide to submitting Planning Applications for Land that may be contaminated". This booklet is available from Rushcliffe Borough Council's web site [www.rushcliffe.gov.uk](http://www.rushcliffe.gov.uk) or by contacting the Environmental Health Services directly on (0115) 914 8322.

Where identified as required in the Detailed Remediation Scheme, prior to occupation of any building in a phase a total cover of 700mm, including 200mm imported certificated clean soil, plus a capillary break layer of 100mm shall be used for garden and landscaped areas (with the exception of the allotment land and community orchard). A scheme for the certified clean soil and capillary break layer for the allotment and community orchard areas shall be submitted to the Borough Council, prior to the commencement of development of these respective areas, and the scheme shall be carried out in accordance with the approved details. The certificates of analysis for the use of on site or imported clean soils for each phase shall be submitted to the Borough Council.