

# 20/00089/HYBRID

**Applicant** Mr John Hobbs (Pendragon PLC)

**Location** Land North of Landmere Lane And West Of Melton Road Edwalton Nottinghamshire

**Proposal** Hybrid planning application comprising an application for full planning permission for the development of a car showroom and service centre (revised plans) with associated infrastructure, plant, car and cycle parking and landscaping, and an application for outline planning permission (with all matters reserved except for access) for a local centre comprising: 4 flexible A1, A2, A3, A4, A5, D1, D2 or Veterinary Practice units; and; C2 residential accommodation featuring supported care.

**Ward** Edwalton

## THE SITE AND SURROUNDINGS

1. The proposed development site which is the subject of this application is a large open area of ground north of Landmere Lane and west of Melton Road in Edwalton. The land sits mostly east of the well established Notcutts Garden Centre and the land parcel can currently be accessed off Landmere Lane on its norther side. The site is currently open with some scrub beginning to form owing to the amount of time the land has lay vacant. Immediately to the south of the site is an area of ground originally designed as an attenuation basin which formed part of the previous grant of permission for a foodstore and 4 retail/commercial units, however, this is currently underutilised and benefits from a separate planning permission for an office development.
2. In the wider vicinity, the parcel of land is position to the southern end of the Edwalton Sustainable Urban Extension which is part way through its construction. Land to the east of Melton road has been developed for housing and land south of Landmere Lane is currently being developed for a variety of commercial premise including a supermarket, office suites, drive thru take away units, veterinary practice and day nursery. The site is mostly flat with a gentle slope in ground levels from north to south.

## DETAILS OF THE PROPOSAL

3. Following two sets of amended proposals, the hybrid application (a full application and an outline application combined) before the council now seeks full planning permission s for the erection of a car showroom and service centre together with associated infrastructure and outline planning permission for a C2 (care home) residential accommodation together with four flexible commercial units. This application originally proposed a public house and C3 senior living apartments within the outline area of the scheme. However, this was amended during the consideration of the application and now comprises the proposals as set out below.

4. Care showroom and service centre development - The larger of the two parcels of land put forward for development is intended to accommodate a large car showroom building together with a servicing centre as well as a car valeting building and car display area. The Car sales building will dominate the centre of the site with the car display area sweeping around the frontage of the building adjacent Melton Road. The service area is to be tucked behind the main building. The car valeting building would be located to the north of the car showroom and service centre building, adjacent to the boundary that would be created with the part of the site to be developed with the care home and commercial units. The car showroom development would be accessed directly off Landmere Lane utilising the existing access point. This part of the site forms the full planning application.
5. C2 care home and flexible commercial units – The northern parcel of land would sit immediately north of the proposed car showroom and this part of the site bends around the northern corner of the Notcutts Garden Centre with the newly built Rose Way forming the northern boundary. The application proposals include an indicative layout plan which shows how the development of the two structures could be built. However, as this application is in outline form, the applicant has chosen to seek permission for the principle of the development together with the site access details only. All other matters (scale, layout, appearance and landscaping) are reserved for future approval and do not form part of the consideration of this application. In terms of the indicative plan provided as part of this application, this shows a C2 care home building (up to 60 beds) located on the eastern side of the site with the parade of flexible commercial units located on the west side of the site. The access is proposed to be afforded off an existing round about on Rose Way.
6. The application has been accompanied by the following documents in support of the proposal;
  - Design and Access Statement
  - Preliminary Environmental Noise Assessment
  - Flood Risk Assessment and Drainage Strategy
  - Transport Statement
  - Innes England Opinion (Retail Impact)
  - Preliminary Ecological Appraisal Report

## **SITE HISTORY**

7. 14/00001/FUL - Erection of Local Centre comprising a food store (class A1) and 4 No. units for Class A1, A2, A3, A5 and/or D1 use, together with car parking and associated infrastructure and landscaping – Approved subject to S106 agreement.
8. The site forms part of the Edwalton Sustainable Urban Extension which has been the subject of a number of applications for residential development. In addition, the land to the south, on the opposite side of Landmere Lane has been the subject of a number of planning applications for mixed commercial development and a care home, several elements of which have now commenced and are nearing completion.

## REPRESENTATIONS

### Ward Councillor(s)

9. One Ward Councillor (Cllr Robinson) commented in response to the initial consultation, supporting the application but with two reservations that need to be addressed relating to the entrance to the site and innovative tree planting to soften the approach. With regard to the outline application Cllr Robinson commented that the offer of a pub establishment is inadequate and not acceptable on any level and he will not support this outline plan until serious regard is given to the local centre with community aspects. Cllr Robinson clarifies that the retail centre approved with MacDonald's etc is not a local centre under any guise.
10. Following further consultations undertaken in response to changes to the proposal, Cllr Robinson confirmed that he raises no issues with the car showroom, however he has concerns over the viability of a yet another elderly care facility so close to one being approved south of Landmere Lane. Furthermore, Cllr Robinson remains committed that any development on this site must adhere to the Edwalton SPD and deliver the Local Centre with the Community focused shops and the applicant has not anywhere near demonstrated there is no requirement for this centre. The proposed pub although welcome has very little community value and is a long way short of what this development requires. Cllr Robinson concluded that if the applicant wishes to deliver the showroom, this could be delegated, however if the developer insists in attaching the other part of the site to the application he will vigorously oppose it.
11. Following the receipt of further plans amending the scheme, Cllr Robinson now welcomes the compliance with the SPD with the restoration of the retail units which will give a chance to get to local facilities in place. With regard to the main garage site, Cllr Robinson wishes to see a good landscaping scheme to the west of the site and alongside the main frontage of the garage on Melton Road. Subject to the above, Cllr Robinson is happy to support the application now the detailed proposals for the garage and the outline for the care home and retail units.
12. One Ward Councillor (Cllr Beardsall) objected to the application in its current format as there is no community facility planned only a pub. The pub is not what was planned from the outset and the planning phase several years ago.
13. Following revisions to the scheme, removing the public house and substituting this with a parade of retail/commercial units, Cllr Beardsall reiterated his objection on grounds that the scheme does not deliver development in accordance with Policy 20 of the Local Plan Part 2, in particular it does not deliver the community facilities/hall referred to in the policy.
14. An adjacent Ward Councillor (Cllr Rod Jones - Musters Ward) objects to the application raising a number of concerns. Firstly, the scheme (as originally submitted) did not include the shop units that would form the local centre and there is a lack of justification for this omission. There is also a lack of justification for 60 senior units and that the scheme should be separate applications. The scheme puts the residential element closest to a busy road and the pub car park. He does not consider that the design of the garage is in

keeping with the surrounding area. Concerns are also raised regarding the proposal to access the garage off Landmere Lane which is already a busy road, reference is made to the approvals granted for commercial development along Landmere Lane and the resultant traffic generation. Cllr Jones does not consider that the proposal meets the needs of a growing community.

15. Following revisions to the application, Cllr Jones continues to raise issues with the design of the garage building and the potential traffic implications. Cllr Jones finally notes another care home facility on Landmere Lane and that the position of this proposal is adjacent to the Melton Road which isn't a sensible position, nor is it in the interests of the health and wellbeing of potential residents.

### **Town/Parish Council**

16. Not applicable

### **Statutory and Other Consultees**

17. Rushcliffe Borough Council Environmental Health (EHO) in response to the initial consultation advised that having reviewed the submitted application, Environmental Health Officers note the absence of any environmental assessments submitted with the application and a request was made for further details and assessments in relation to noise, air quality, odour and lighting.
18. Following the submission of a Noise Assessment and prior to full comments being provided, the EHO requested further information relating to the location of the outdoor area associated with the senior living apartments, confirmation that the pub's plant machinery has been considered and clarification in respect of the sound reduction required at each façade of the apartments for day and night time.
19. The Officer advises that, prior to the submission of their full comments, they have queries relating to whether the senior living apartments will have an outdoor area for residents and whether the calculations have been considered for the rated level of plant/machinery at the pub. Having already been in contact with the noise consultant, the Officer recommends a condition requiring the submission and approval of a sound insulation scheme.
20. Rushcliffe Borough Council Licensing raise no objection to the application.
21. RBC Waste Management provided advice on the level of waste provision for the senior accommodation and believes this is a perfect opportunity to provide a recycling site to serve the wider area, taking up 10m x 10m area of land.
22. NHS Nottingham West CCG a financial contribution is required, based on Section 106 contribution for 60 maisonette type dwellings this would be £55,200, based on £920 per unit (2 bed) or £600 per unit (1 bed). The CCG explain that Cotgrave Surgery, Cropwell Bishop Surgery and Gamston Medical Practice are at capacity.
23. Following revisions to the scheme, the CCG reiterated their request a figure of £600 per bedroom accommodation and £920 for two bedroom accommodation arising from the C2 accommodation. The CCG explain that the funds would be

used and directed towards either Cotgrave Surgery, Cropwell Bishop Surgery or Gamston Medical Practice as these venues are at capacity currently.

24. Nottinghamshires Wildlife Trust note the submission of the application documents, specifically the Preliminary Ecological Appraisals Report (PEAR). The Trust confirms that the PEAR provides sufficient details relating to the biodiversity and an assessment of habitats and species currently present on site. No further surveys are considered necessary. However, the Trust notes the absence of any landscaping proposals or biodiversity enhancements being provided with the application. In the absence of any landscaping or biodiversity enhancements being proposed, the application is currently considered to provide an overall net loss to biodiversity. The Trust recommends that either further details relating to landscaping and biodiversity enhancements are provided or if the council is minded to grant planning permission, it is recommended a condition be imposed to agree a Biodiversity Enhancement Plan prior to works commencing above ground level.
25. Following further consultations in response to changes to the scheme, the Trust advised that they had no further comments to make.
26. The Environment Agency advise that the site falls within flood zone 1, on this basis the Agency made no comment but advised that the Lead Local Flood Authority was consulted regarding surface water disposal.
27. Following further consultations in response to changes to the scheme, the Agency advised that their position remained the same.
28. Rushcliffe Borough Council Conservation Officer raised no heritage related concerns with regard to this application. There are no designated heritage assets nearby and no standing structures considered to represent non-designated heritage assets. The site is not within a Conservation Area.
29. Highways England raised no objection in response to the initial consultation. Following further consultations in response to changes to the scheme, Highways England commented that having previously responded to this application with a no objections response, the current application includes revisions to the building designs only with no change to the calculated trip generation. As such Highways England has no further comments to offer.
30. The Ramblers Association comment that there is no mention of the West Bridgford FP5 Footpath and that this section of right of way is currently diverted so that it no longer crosses the land under construction. The Association ask whether this has been made permanent and that clarification on this matter would be appreciated since this right of way appears to cut through the area designated as for outline permission. Provided that the current diversion is, or has been, made permanent and due consideration is given to presence on the edge of this site, Ramblers would not offer an objection.
31. Nottinghamshire County Council as Lead Local Flood Authority initially objected to the application and recommended refusal of planning permission until a satisfactory surface water management plan has been submitted and approved. It is noted that the LLFA recommend overcoming their objection by submitting information demonstrating that the development will not increase risk elsewhere and where possible reduces flood risk overall.

32. Following a further round of consultations, the LLFA continued to recommend refusal of the application in the absence of and until a surface water management plan has been submitted to and approved in writing by the Local Planning Authority. Again, to overcome their objection the applicant should submit a drainage strategy and the LLFA go on to explain what should be included.
33. Following the submission of further information, the LLFA offer no objection and no further comments to make on the proposals.
34. Severn Trent Water raise no objection and recommend a condition requiring the submission of drainage plans for the disposal of surface water and foul sewage to be submitted to and approved in writing by the Local Planning Authority.
35. Nottinghamshire County Council Planning Policy made comments on a number of matters relating to their duty as County Council. These are summarized below.
36. Transport and Flood Risk Management – Separate comments provided by the Highway Development Control Team and the Flood Risk Management Team.
37. Minerals and Waste – advise that the Minerals and Waste Plan has been adopted and safeguarding zones and consultation areas have been identified and should be taken into account when proposal for non-minerals development fall within them. The Council go on to state that the site does not fall within either.
38. Strategic Transport – No observation to make.
39. Rights of Way – note that FP5 is in the vicinity of the application. Following the TCPA Order to Stop Up the east-west spur (confirmed 2/12/2014) the section that was created now links Notcutts Garden Centre overspill car park with the adopted footway/highway roundabout of Rose Way. The available plans show that this section of footpath will be within the application boundary. NCC note that the section of path is currently available, the surface is of stone and the TCPA Order specified that this should be 2m width with stone surface. NCC also requests that improvements are made to the stretch of footpath within the adjacent Notcutts. This specific correspondence does not request any planning obligations.
40. Rushcliffe Borough Council Planning Policy Manager (in response to the initial consultation) noted that the site benefits from an extant planning permission for a food store and four retail units and considers that the car showroom proposals are employment generating and therefore has no issues with the principle of development for this part of the scheme. It is noted that the public house would be both an employment generating use and serve as a community use. However, the provision of senior living accommodation is not one of the uses promoted within this area in either the Edwalton SPD or the Core Strategy. He further notes that the planning application excludes the provision of any retail units in the area identified to serve as the neighbourhood centre for the 1500 dwelling allocation. At the time of the site's allocation it was considered important to provide for a neighbourhood centre in order to enable

the sustainable development of the site. The applicant should be required to demonstrate whether the provision of senior living accommodation is a suitable use in this location, and whether the loss of retail units is appropriate.

41. Following the submission of revised plans and further consultation, planning policy comment that the Edwalton Development Framework does not create new policy, but it amplifies how Policy 20 (Core Strategy) will be applied when determining planning applications. The NPPF 2019 has not altered the general thrust of what is considered to be sustainable development that policy 20 was developed under. Secondly, the officer comments that the C2 (care home) use, as an employment generating use would not be contrary to the SPD although as a C2 use it should be assessed directly against Local Plan Part 2 - Policy 14. On a final point it is noted that the proposed public house is the only retail element of the scheme but in considering whether this is acceptable, it comes down to whether the retail units on the previously permitted scheme are viable given the uses south of the application site may now provide for an adequate substitute. Evidence provided by Innes England is one professional view on the viability matter and the case officer may wish to consider this evidence carefully or seek separate expert advice.
42. Following further revisions to the planning application, additional comments have been received. The alterations to the description and to the indicative layout plan for the outline element of the proposal replaces the proposed public house with a parade of 4 flexible C and D class units. It is considered that retail (A class) uses accord with policy 20 of the Core Strategy and the Edwalton Development Framework SPD. Under the description, it is important to note that the flexibility of the proposed uses would enable one or more of the units to be occupied by uses falling within use class D1 Non-residential institutions (which includes halls), D2 or as a vets. These uses are generally considered to be community uses, and would also accord with policy 20 of the Core Strategy and the Edwalton Development Framework SPD.
43. Nottinghamshire Police the Force notes that the recommendations are made with the sole intention of improving both safety and security aspects at this location with the added benefits that would generate. The response goes on to comment on best practices in terms of designing out crime and recommend the developer consider measures such as an ANPR camera.
44. Nottinghamshire County Council as Highway Authority in response to the initial consultation noted that the application site benefits from an extant permission for a food store and that junctions on Landmere Lane and Rose Way were improved to cope with projected traffic demands generated by the store and the committed development on the Sharpill site. The Authority also notes that since the junction alterations took place, several developments have been granted planning permission along Landmere Lane including retail units and a drive through and this has increased demand on the Melton Road junction to levels significantly higher than what was envisaged when originally designed. Having reviewed the Transport Assessment provided with the application, the HA have no objection to the outline portion of the development which gains access off Rose Way.
45. However, the full element of the proposal (for the car garage development) is intended to gain its sole access off Landmere Lane. Whilst the HA accept that the junction design directly onto Landmere Lane has been designed to cater

for the volume of traffic, the HA authority note that no consideration has been given to what impact the development will have on the adjacent Melton Road junction. The HA consequently request the applicant revisit their application with a view to demonstrating what impact the showroom will have on the adjacent junction.

46. Further to previous comments and to the receipt of an addendum to the Transport Assessment which considers the impact of the additional traffic generated by the development on the adjacent junction on to Melton Road, the Highways Authority consider the proposed development will not cause a severe impact on the operation of the local highway network and therefore have no objection to the development proceeding.

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

47. A total of 49 representations have been received which raise the following matters:
- a. Design of showroom being at odds with the surrounding estate. Design of the garage not in keeping.
  - b. Lack of landscaping.
  - c. Increase in traffic, roads can't cope.
  - d. Lack of need for senior living accommodation.
  - e. Other sites are vacant for a car garage.
  - f. Need for public services.
  - g. The application is not a local centre and the criteria has not been met.
  - h. Location of residential not sensible.
  - i. Development does not meet the needs of the people. Nothing for the community.
  - j. Proposals are a contradiction to policy.
  - k. Surface water must be given serious consideration.
  - l. No need for 4 retail units over the pub.
  - m. No social community and no social ground to walk to.
  - n. A pub/restaurant is desired here.
  - o. Odour impacts on residential properties.
  - p. Safety issues.
  - q. Disturbance from the pub use.



- r. Would prefer somewhere to eat and drink.
- s. A bistro would be preferred.
- t. Air pollution and CO2 emissions.

## **PLANNING POLICY**

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

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

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

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

50. Local Plan Part 1: Core Strategy

Policy 1: Presumption in Favour of Sustainable Development

Policy 3: Spatial Strategy

Policy 5: Employment Provision and Economic Development

Policy 6: Role of Local and Town Centres

Policy 10: Design and Enhancing Local Identity

Policy 12: Local Services and Healthy Lifestyles

Policy 17: Biodiversity

Policy 18: Infrastructure

Policy 19: Developer Contributions

Policy 20: Strategic Allocation at Melton Road, Edwalton

51. Local Plan Part 2: Land and Planning Policies

Policy 1: Development Requirements

Policy 14: Specialist Residential Accommodation

Policy 15: Employment Development

Policy 18: Surface Water Management

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

Policy 38: Non-Designated Biodiversity Assets and Wider Ecological Network

Policy 39: Health Impacts of Development

Policy 40: Pollution and Land Contamination

Policy 41: Air Quality

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

53. The Melton Road, Edwalton Development Framework Supplementary Planning Document (MRDEF) is relevant to the determination of the application. The site is shown to be within the Edwalton allocation and specifically within an area for employment generating uses and a neighbourhood centre.

## APPRAISAL

54. The main considerations for this application are considered to be:

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

### Principle of Development

55. This application proposes a mixed use development on an open area of land with access from Landmere Lane and Rose Way in Edwalton. The development site forms part of a wider site allocated through Policy 20: Strategic Allocation at Melton Road, Edwalton of the Rushcliffe Core Strategy 2015. The site also forms part of the land parcel contained within the Edwalton Development Framework. Policy 20 allocated the wider site for a strategic site for housing for around 1500 dwellings, up to 4 hectares of B1 and/or employment generating development, a neighbourhood centre and other community facilities as appropriate. Figure 1 contained within Policy 20 shows the indicative distribution of the proposed uses of the allocation. The Melton Road Edwalton Development Framework (MREDF) echoes the requirements of Policy 20 in this instance.

56. The parcel of land where the proposed car garage is intended is located within the "Employment" land shown blue on Figure 1 and the proposed location of the flexible retail units and the C2 care home (indicatively shown) is located in the area designated for the neighbourhood centre.

57. Part B of Policy 20 explains that, within the area of land identified for employment, there should be provision of B1 and/or non B class employment generating uses towards the south of the site in proximity to the existing Wheatcroft Business Park to provide a wide range of local employment opportunities where appropriate. The proposed car garage development with its retail and servicing facilities is considered to be a "non B class employment generating use" and therefore supported in principle by both Policy 20 of LPP1 and the MREDF.

58. In respect of the area of the site for which outline planning permission is sought, this falls within the area identified indicatively as the neighbourhood centre and partially within the area identified for non B class employment generating uses within Policy 20 of LPP1. The Policy specifies the following:

1. A neighbourhood centre of an appropriate scale should be provided to serve the proposed development
2. A community Hall of an appropriate scale to serve the new development should be provided within or adjacent to the neighbourhood centre

59. The proposed flexible retail units, as shown on the indicative site plan are similar in scale to those included as part of the extant permission for this site for a food store (4000sqm) (Planning permission 14/00001/FUL). Neither Policy 20 of LPP1 of the MREDF define the term “appropriate scale” or what uses the neighbourhood centre should comprise. The extant planning permission (which included a large retail store) although partially implemented by the construction of the access, has not come forward and the site has now been sold to other, non-food retail developers. Although in outline form, the indicative plans shows a possible layout for a small parade of units with a total floorspace of 450sqm, for a wide variety of commercial uses. The applicant suggests that this flexible approach and scale of offer would be most appealing to potential occupiers given the current climate and the recently approved retail units on Landmere Lane. By approaching the development in this fashion, this parade of flexible use units would serve as the neighbourhood centre for the Edwalton Development. In considering these proposals, the Council is mindful that no size or use reference is made within either Policy 20 or the MREDF in relation to the neighbourhood centre and, therefore, strictly it is considered that the proposal is not contrary to the Development Plan. Officers are also mindful that the previous land owner, Waitrose (a retail developer), chose not to develop this site and to sell instead.
60. Turning to the specifics of the proposals for the neighbourhood centre under this scheme, the proposal for the provision of smaller, flexible units are likely to be the most attractive to potential business owners as it would increase the potential occupants/investors and are likely to therefore be most deliverable in the current climate and appreciating the context in terms of the nearby offer on Landmere Lane currently being built out (application 19/01507/FUL). The variance in uses would offer a wide variety of provision for the residents to enjoy and enable smaller start up business to potentially occupy the units. It is for these reasons the officers raise no objection to the neighbourhood centre being delivered in this manner and considers it to be a sustainable form of development in principle.
61. With respect to the community centre, this has been approved to be provided elsewhere on the site as part of the primary school development and therefore is no longer to be required in this location. However, it should be noted that the uses applied for in respect of the terrace of units includes class D1 Non-residential institutions (which includes halls) and, therefore, one or more of the units could be used as a community hall/facility, subject to end user(s) being identified. This leaves a parcel of land in and around the local centre/employment area for development. This application proposes the erection of C2 residential institution with the plans showing a possible 60 bed care home (indicatively). Such a facility would serve the purpose of an employment generating use (as staff would be required on site) and would work well as a transition between the more commercial/retail led development further south of the allocation and the residential development to the north. Furthermore, it is a sustainable location for both residents and staff of such an institution, given the wide ranging transport connections into West Bridgford and Nottingham City which serve and will further serve the wider development. For these reasons there are no objections, in principle to this element of the scheme either.

## Retail Impact and Town Centre Uses

62. Policy 6 of the Core Strategy explains the hierarchal approach the Council will take towards supporting developments for town centre uses within the Borough. It explains that the hierarchy places Nottingham City Centre at the top with town centre, district centres and local centres designated below this. Paragraph 3 of Policy 6 states that new retail development of an appropriate scale, as identified through masterplans, will be required to serve new sustainable communities, including the strategic development at Land off Melton Road, Edwalton.
63. The retail led development to serve the Melton Road, Edwalton development was granted under planning permission 14/00001/FUL for “Erection of Local Centre comprising a food store (class A1) and 4 No. units for Class A1, A2, A3, A5 and/or D1 use, together with car parking and associated infrastructure and landscaping”. This development has commenced, as the access and junction works have been installed, and remains extant. The proposed retail offer (as part of the flexible use units) would not cause any further detrimental effect to existing centres within the Borough than the extant permission and therefore this proposal is acceptable in this regard.

## Design, Impact upon the Street Scene

64. Policy 10 of the Local Plan Part 1 requires that all new development should, amongst other things, make a positive contribution to the public realm and sense of place and should have regard to the local context and reinforce local characteristics. Specifically, with regard to design, the policy requires that all development be assessed in terms of its massing, scale and proportion, proposed materials, architectural style and detailing.
65. Similarly, the criteria for assessing development proposals set out in policy 1 of the Local Plan Part 2 broadly echo the requirements of policy 10. Additionally, policy 1 also requires that new development should not lead to an over intensive form of development within the site and its height should be sympathetic to the character and appearance of the neighbouring buildings and surrounding area.
66. Paragraph 124 of the NPPF states that; *“The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.”*
67. Paragraph 127 requires that developments;
- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
  - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
  - d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
  - e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
  - f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users<sup>46</sup>; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
68. The car showroom development would see a new car showroom, of a substantial scale, being constructed in the middle of the site with the valeting/workshop being located at the rear, in a more obscured location. The showroom itself would be of a modern design and would serve as a standout building within this part of Melton Road. The building would address Melton Road well with this elevation containing a sufficient level of variation in materials and solid to void ratio providing passive surveillance. In its context, near to the Aldi development and the C2 residential institution building included in the outline part of the site, the form would be of stark contrast to the residential properties opposite on the eastern side of Melton Road. However, it is considered that its impact would not be negative providing sufficient landscaping is proposed on both the eastern and western boundaries to complement its appearance. A condition could be imposed to require further landscaping is provided if a positive resolution is made in this regard.
69. With respect to the outline area of the site, the matters of layout, appearance and scale are reserved for future approval however, the indicative plans show how a development of such uses could be provided. The plan, although brief in detail appears to show a large C2 building on the corner of the junction of Melton Road and Rose Way. This is a highly prominent and open position within this development and an opportunity for an exemplary designed building to come forward as a landmark piece. The plot size appears sufficient for this. Whether the site would provide enough space for a 60 bedroom car home remains to be proven and this would be assessed as part of any subsequent reserved matters application. In terms of the commercial parade, the indicative layout shows a rectangle building just inside the entrance to the site. Again, this would be prominent as it would face the island into the estate, but this would work well from a convenience perspective and is likely to be attractive to perspective occupiers also. Again, its specific appearance is not for consideration now, however such a scale of building appears to fit comfortably in the location, adjacent the C2 building and appears to be provided with parking and circulation space which would be welcomed. To summarise, although not forming part of the consideration of this application, the indicative layout demonstrates that these uses could be constructed in a manner which would assimilate with the surrounding context.

70. In terms of pedestrian access and permeability, it is noted that the site used to host a public footpath FP5 which extended across the northern parcel to Melton Road. This footpath was officially diverted in 2014 and the diverted footpath extends around the northern perimeter of the site, on the newly created Rose Way. A small section falls within the development site, where it links from Rose Way island to the Notcutts land and accordingly, details will be required as to its finishing material to ensure it is adequate. This provision doesn't not interfere with the proposed layout.
71. In summary, the proposed design of the car showroom is considered suitable and of a standard which would be welcomed for this area, subject to further landscaping being provided. The indicative plans show how the outline developments could be delivered and these have the potential to be satisfactory also and therefore the design and appearance of the development is considered to accord with the requirements of LPP1 Policy 10, LLP2 Policy 1 and the requirements of MREDF.

#### Impact upon Neighbouring Amenity

72. Policy 10 of the Local Plan Part 1 also requires that new development be assessed in terms of its impacts on neighbouring amenity (such as massing, overshadowing, loss of privacy, noise).
73. Policy 1 (1) of the Local Plan Part 2 requires that there is no significant adverse impact upon amenity, particularly residential amenity of adjoining properties or the surrounding area, by reason of the type and levels of activity on the site, or traffic generated. Policy 1 (5) requires that noise attenuation is achieved and light pollution minimised.
74. Paragraph 127 of the NPPF requires developments to create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and fear of crime, do not undermine quality of life of community cohesion.
75. In terms of the impact upon the existing nearby residential properties, the nearest to the application site are those on the east side of Melton Road (Magnolia Close, Hemlock Road etc) and to the north across Rose Way (Sunflower Drive).
76. The car showroom and associated activities have the potential to cause the most nuisance due to noise/activity. The application has therefore been accompanied by an appropriate Noise Assessment to evaluate this issue. The Assessment provided sought to understand the existing ambient noise levels, the noise created by the proposed development activities and comment on whether it would have an acceptable impact on existing and proposed sensitive receptors (existing residential dwellings and the proposed occupants of the C2 accommodation).
77. The report notes that whilst the proposed development has the potential to disrupt existing properties, these are situated some distance from the development site (approximately 50m from the car showroom) with Melton Road situated between the two. The ambient noise level deriving from Melton Road exceeds that which would be created by the car showroom during

daytime hours and as the car garage would not be operational during night-time, the impact upon these existing sensitive receptors is considered acceptable.

78. The assessment notes the inclusion of the C2 residential institution, indicatively shown as a care home and appropriately assesses the impact the car showroom business and the public house (as originally proposed instead of the commercial parade) would have upon future residents. In terms of this facility, the assessment concludes that the impact from noise attributed to the Melton Road, the car showroom and the public house would have an acceptable daytime impact to the fabric of the proposed building. However, night time levels would exceed acceptable levels, predominantly arising from the Melton Road, rather than the pub or car showroom and accordingly, a "closed Window" solution is recommended for all bedrooms, with alternative ventilation being provided because it is only when windows are open that noise levels would be above the required standard. In addition, due to the outline nature of the proposal, no assessment has taken place in relation to outdoor amenity areas as the locations are unknown currently but notes that if located on the west side of the building the noise levels are likely to be acceptable.
79. The Borough Council's Environmental Health Officers have reviewed the assessment and raise no significant objection other than requesting confirmation in relation to the location of the amenity areas and in respect of plant machinery details at the public house (since removed and substituted with the commercial parade). However, these details are not currently available given the outline application nature of this part of the site. It is therefore appropriate to obtain such information at the reserved matters stage and defer consideration of such details until then. Officers are however satisfied that the principle of a residential accommodation in this location could be achieved satisfactory nature.
80. In terms of impact from the appearance and siting of the buildings, given the separation distances from the development site to the neighbouring residential properties, it is not considered that the buildings would appear oppressive or overbearing in their nature. However, in respect of the car showroom development, it is likely that such a development would be supported by internal and external lighting and this could have the potential to cause a nuisance. As such, a condition could be imposed upon any permission requiring the submission and approval of a lighting scheme for the site to ensure no undue impact arises to existing or proposed residents.
81. Comments have been received from residents raising concerns in relation to increased traffic and the disturbance arising from this. However, given the extant permission for a substantial food retail store, the traffic generation arising from this development would not exceed that arising from the already permitted development, albeit with different access arrangements and, therefore, offers a betterment in this regard compared to the consented scheme.
82. In terms of harm arising from the proposed commercial parade, it is possible that some of these units could give rise to odour and or loud comings and goings dependant on the end users but also upon the layout and design of the units, which is not for consideration as part of this application. Whilst concerns of residents in this regard are noted, the appropriate consideration will take

place as part of the reserved matters application and, if need be, suitable restrictive conditions imposed at that point.

83. For the above reasons, the proposed developments are considered to have an acceptable impact upon existing and proposed residents arising from the development and are therefore compliant with policies 10 of the Core Strategy and 1 of LPP2.

### Highway Safety

84. Policy 1 (2) of Local Plan Part 2 requires that a suitable means of access can be provided to the development without detriment to the amenity of adjacent properties or highway safety and the provision of parking is in accordance with the advice provided by the Highway Authority.
85. The National Planning Policy Framework at paragraph 108 states that in assessing applications for development, it should be ensured that:
- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
  - b) safe and suitable access to the site can be achieved for all users; and
  - c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
86. Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
87. In accordance with paragraph 111 of the NPPF, the application has been accompanied by a Transport Statement.
88. The Transport Statement (TS) submitted in support of this application has reviewed the context of the site together with available collision data. The specialists have also reviewed the proposed layout of the car garage development and the already constructed access proposed to serve it.
89. The TS concludes that there are no road safety issues on the highway network in the vicinity of the development (Para.7.4) and that, in considering the extant permission for the retail development, this proposal now before the Council would result in significantly less trips than the previous approval. The design and suitability of the proposed access points are considered suitable for the intended uses. Visibility at the car garage junction is considered to be suitable and compliant with Manual for Streets and although no parking standards existing for a car garage development, this scheme has been designed based on the end user's specific operational needs. In conclusion the TS is of the view that the development site is accessible by sustainable modes of transport and that the level of traffic generated will not have a significant or severe impact on the local highway network and indeed much less than the consented development. (NB – the report references a pub use within the outline



development. This has evolved to now feature a commercial development of a similar size and therefore the assumptions and conclusions are considered to be equally valid to the revised form of development).

90. The HA originally sought further modelling in respect of the Landmere Lane/Melton Road junction to ensure the proposed traffic levels generated by the car garage proposals, together with recently consented schemes along Landmere Lane, would not cause detriment to the manner in which the junction operates. An addendum to that effect was then provided by the applicant and subsequently reviewed by the HA. NCC Highways now raise no objection to the proposal and neither do Highways England. Subject to conditions requiring parking and turning facilities to be established prior to the first use of the car garage building, the development is considered to have an acceptable impact upon highway safety. The internal layout and parking provision of the outline area of the site will be considered at reserved matters stage.

### Air Quality

91. Policy 41 of the Local Plan Part 2 states that planning permission will not be granted for development proposals that have the potential to adversely impact on air quality, unless measures to mitigate or offset their emissions and impacts have been incorporated. In areas where air quality is a matter of concern, development proposals that are sensitive to poor air quality will be required to demonstrate that users or occupants will not be significantly affected by poor air quality, or that such impacts can be effectively mitigated. Development proposals must not exacerbate air quality beyond acceptable levels, either through poor design or as a consequence of site selection.
92. Paragraph 181 of the NPPF states that planning decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement.
93. For reference, an Air Quality Management Area is an area designated by Local Authorities because they are not likely to achieve national air quality objectives by the relevant deadlines. The application site does not fall within any of the Borough Air Quality Management areas. Considerable studies were conducted as part of the recently approved mixed use development off Landmere Lane (19/01507/FUL) and the impacts found to be acceptable upon existing nearby residents. As stated previously in this report, the trip rates associated with the development now before the Council fall significantly short of those expected through the previously consented scheme on this site for the food store and retail units and therefore, this development offers a betterment in this regard. In relation the proposed C2 use of the outline area of this application, this will be considered at the reserved matters stage once the layout and form of the development has been established.

### Biodiversity

94. In accordance with policy 17 of the Core Strategy, development on or affecting non-designate sites or wildlife corridors with biodiversity value will only be

permitted where it can be demonstrated that there is an overriding need for the development and that adequate mitigation measures are put in place.

95. Policy 38 of the Local Plan Part 2 states that where appropriate, all developments will be expected to preserve, restore and re-create priority habitats and the protection and recovery of priority species in order to achieve net gains. Policy 38 (4) goes on to require that, outside of the Biodiversity Opportunity Areas developments should, where appropriate, seek to achieve net gains in biodiversity and improvement to the ecological network through the creation, protection and enhancement of habitats, and the incorporation of features that benefit biodiversity.
96. The development has been accompanied by a Preliminary Ecological Appraisal dated November 2019. Relevant surveys were carried out, however the site was considered to have negligible potential for; badgers, bats, breeding birds, great crested newts, hedgehogs, reptiles or water voles. This was largely due to the built-up nature of the site's surroundings and the absence of trees and hedgerows within the site. Officers are therefore confident that the development will not cause harm to protected habitats. However, the appraisal notes the Council's requirement to deliver net gain across sites as per Policy 38 of LPP2 and considers the current proposal does not hold details of how this will be achieved. Consequently, the appraisal recommends new/shrub planting (including native species) is provided to ensure the biodiversity net gain is achieved. This view is echoed by the Nottinghamshire Wildlife Trust who recommend a Biodiversity Enhancement Plan is secured via condition upon any planning permission granted.
97. The matter of landscaping is for consideration as part of the "full" car garage development. The submitted drawing entitled "external works" shows very little external tree planting or hedgerow planting. This appears to be to make best use of the forecourt area for vehicle advertisement. Whilst this is appreciated considering the end user, given the size of the area, officers consider there are further opportunities to include more substantial landscaping and that this should form part of a wider ecological net gain strategy, which may include other provisions such as bat/bird boxes in the main building. Therefore, officers support the request for a Biodiversity Enhancement Scheme to be submitted and approved as part of this development and this can be secured via condition. Subject to this condition, the development is considered to satisfy LPP2 Policy 38 and accord with the NPPF in this regard.

### Flooding and Drainage

98. Policy 2 of the Core Strategy requires all new development to incorporate measures to reduce surface water run-off, and the implementation of Sustainable Drainage Systems into all new development unless it can be demonstrated that such measures are not viable or technically feasible.
99. Policy 18 of the Local Plan Part 2 requires that, to increase the levels of water attenuation, storage and water quality, and where appropriate, development must, at an early stage in the design process, identify opportunities to incorporate a range of deliverable Sustainable Drainage Systems, appropriate to the size and type of development. The choice of drainage systems should comply with the drainage hierarchy.

100. Policy 18 states that planning permission will be granted for development which:
- a) is appropriately located, taking account of the level of flood risk and which promotes the incorporation of appropriate mitigation measures into new development, such as sustainable drainage systems;
  - b) reduces the risk to homes and places of work from flooding;
  - c) delivers a range of community benefits including enhancing amenity (ensuring a safe environment) and providing greater resistance to the impact of climate change;
  - d) contributes positively to the appearance of the area;
  - e) accommodates and enhances biodiversity by making connections to existing Green Infrastructure assets; and
  - f) retains or enhances existing open drainage ditches.
101. The application is supported by Flood Risk Assessment and Drainage Strategy which evaluates the risk of the site from flooding and also how the development intends to deal with foul and surface water drainage.
102. The Assessment concludes that the site is at low risk of flooding from a variety of sources and notes the site's classification of Flood Zone 1 and this view is shared by the Environment Agency.
103. In terms of the treatment of surface water, the Assessment has reviewed the existing greenfield run off rates for the site for various weather events (1 in 1 year to 1 in 100 year). The Assessment explains the SUDS hierarchy as follows and this is how surface water is ideally dealt with:
- a) Infiltration drainage such as swales and soakaways
  - b) An open Watercourse, river or ditch
  - c) A surface water sewer
  - d) A combined sewer
104. A review of the ground conditions has established that infiltration techniques are not possible for this site. The next preferred method is through discharge to an open watercourse, river or ditch. The Assessment explains that a piped system was installed as part of the enabling works for the original retail consent for the site and extends from the site down to the nearest watercourse south west of Landmere Lane (to the south of the site). Utilising this pipe would be the most appropriate manner to deal with surface water from this site and it is indeed this method which is proposed through this application.
105. The proposal is to collect surface water in a subterranean attenuation container with a volume of 1,500m<sup>3</sup> and then discharge the water at a rate of 7.7 l/s as this is consistent with the current greenfield run off rates. In respect of foul drainage, it is proposed to drain these to the existing sewer north of the site using foul sewer pumping stations (1 in the garage site and another in the outline area site).

106. The Lead Local Flood Authority have raised no objection to the approach to either surface water or foul drainage and considering the details before the Council, officers are of the view that this approach fulfils the requirements of the NPPF as the most sustainable manner available to deal with drainage at this site. To ensure the development is adequately drained as per the proposals, a condition is recommended requiring the installation of the drainage provision prior to first use of the development.

### Land Contamination

107. The application stood as agricultural land prior to the commencement of the consented retail development. The development which has taken place so far to serve that unit involved significant off site junction works and the creation of access points at the south and northern parts of the site, together with some preliminary drainage works. The Borough Council have no evidence of any intervening uses which would arouse suspicion that land has become contaminated since these works took place or since the land existed as an agricultural field. The matter of contamination was dealt with through a watching brief condition imposed on the extant planning permission and based on the information before the Council, this is considered to be the most appropriate approach as part of the current application.

### Planning Obligations

108. During the course of the application, the nature of the development evolved from C3 apartments to C2 residential institution use. Such a use does not permit “residential units” and therefore would not apply pressure to educational facilities or attract affordable housing provision. However, as it still provides for residential accommodation, pressure upon health centres would potentially still arise.
109. The NHS Nottingham and Nottinghamshire CCG has requested a financial contribution of £600 per one bedroom accommodation and £920 for two bedroom accommodation arising from the C2 accommodation. The CCG explain that the funds would be used and directed towards either Cotgrave Surgery, Cropwell Bishop Surgery or Gamston Medical Practice as these venues are at capacity currently.
110. This obligation is considered necessary and proportionate to make the development acceptable in planning terms as without it, the centres will not be able to manage the additional demands arising from the development. The request therefore meets the test of regulation 122 of the Community Infrastructure Levy Regulations 2010 and the funds will be collected prior to first occupation of the facility through an agreement made between the development and Council under Section 106 of the 1990 Act.

### Conclusion

111. The proposed development as presented, in its revised form, is considered to be acceptable in principle and generally compliant with the development plan and the Supplementary Planning Document for this site, given the context of the previous permission and other permission within the locality. The design and appearance are considered appropriate for the context and the development, subject to compliance with conditions and obligations, will not

have a significant or unacceptable impact upon neighbouring amenity or health provision within the locality. Furthermore, the development represents investment into what has become a dormant site within a strategic development allocation and could serve as a catalyst for continued investment and growth within the area. The mixed range of employment opportunities this scheme provides are welcomed and are obtainable by both the surrounding residents and the populous further afield due to a range of public transport interchanges and the commercial parade, with its greater flexibility of uses, will provide much need local facilities. Overall the scheme, subject to compliance with the proposed conditions, is considered to satisfy the three pillars of sustainability and therefore the application is recommended for approval.

### Positive and Proactive Consideration Statement

112. The Local Planning Authority has acted flexibly towards the consideration of this application allowing the developer to submit three differing versions of this scheme in order to address local and consultation concerns with the proposals including agreement to a number of extensions of time requests. The Local Planning Authority has also expedited legal services to ensure the legal agreement was prepared in a timely manner.

### **RECOMMENDATION**

It is **RECOMMENDED** that the Executive Manager – Communities is authorised to grant planning permission subject to the prior signing of a Section 106 agreement and the following condition(s)

1. The development (car showroom and associated development) must be begun not later than the expiration of three years beginning with the date of this permission.

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Site Plan - 2951 20 Rev B  
External Works - 2951 10 Rev H  
Proposed Roof Plan - 2951 05 Rev A  
Proposed Elevations - 2951 04 Rev B  
Proposed Floor Plan - 2951 03 Rev D  
Proposed Sections - 2951 06 Rev B  
Proposed Sub Station Elevations  
Proposed Valet Building - 2951 07

[For the avoidance of doubt and to comply with Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy].

3. The buildings hereby approved as part of the full planning permission phase of development (car showroom and associated buildings) shall be constructed using the external facing and roofing materials detailed on the approved plans and supporting documents submitted as part of the application and no alternative or additional materials shall be used.

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

4. No part of the full planning permission phase of development hereby permitted (car showroom development) shall be brought into use until the parking, turning and servicing areas are provided in accordance with the approved plans. The parking, turning and servicing areas shall not be used for any purpose other than parking, turning, loading and unloading of vehicles, and shall thereafter be retained for the life of the development.

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

5. Prior to the erection of the buildings hereby approved, the surface water and foul drainage provision (so far as it relates the full planning permission phase of development) as proposed within the Flood Risk Assessment and Drainage Strategy (and specifically shown on Drw ADC2216/DR/050 Rev P1) received on the 14th January 2020 shall be installed and thereafter maintained as such in perpetuity.

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

6. Notwithstanding the submitted details, prior to the formation of hard surfaces or the erection of buildings within the full planning permission phase of development (car showroom and associated development), a hard and soft landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of all proposed boundary treatments, hard surfacing materials, proposed planting including species and standard. The approved hard and soft landscaping scheme shall then be fully implemented prior to the first use of the full planning permission phase of development hereby approved.

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

7. Prior to bringing into use the full planning permission phase of development hereby approved (car showroom and associated development), a biodiversity enhancement and management plan (BEMP) shall be submitted to and approved in writing by the Local Planning Authority. The plan shall be implemented in full accordance with the details and timescales set out within the approved plan.

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

8. The car garage and associated valeting building shall not be operational or open for business outside of the hours of 7:30am to 7pm Monday to Saturday, 10am and 5pm on Sundays and bank holidays.

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

9. Prior to first use of the car garage and valeting building hereby approved, an external lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The external lighting shall then be erected/installed in accordance with approved details and maintained as such in perpetuity and no additional or alternative lighting shall be installed without the prior consent of the Borough Council.

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

10. No development shall commence within the full planning permission phase of development (car showroom and associated development) until cross section drawings and detailed finished floor levels of the land and buildings have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

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

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

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

12. The development within the full planning permission phase (car showroom and associated development) hereby approved shall not be occupied until details of the sheltered cycle storage to serve the development have been submitted to and approved in writing by the Local Planning Authority. The agreed cycle provision shall then be installed prior to the first use of the relevant building and retained as such in perpetuity.

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

13. No development within the full planning permission phase hereby approved (car showroom and associated development) shall take place until a Construction Method Statement has been submitted to and approved in writing by the Borough Council. The statement shall include:
- a) The means of access for construction traffic;
  - b) parking provision for site operatives and visitors;
  - c) the loading and unloading of plant and materials;
  - d) the storage of plant and materials used in constructing the development;
  - e) a scheme for the recycling/disposal of waste resulting from construction works; and
  - f) details of dust and noise suppression to be used during the construction phase.

The approved statement shall be adhered to throughout the construction period

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

14. Prior to the construction of the buildings hereby approved as part of the full planning permission phase of the development (car showroom and associated development) proceeding above foundation level, a scheme for the provision of electric vehicle charging points shall be submitted to and approved by the Borough Council. The scheme shall specify the number of points to be provided and location within the site. The electric vehicle charging points shall be provided in accordance with the approved details, unless it has been demonstrated that it is not technically feasible to provide the charging points. The electric vehicle charging infrastructure shall be provided in accordance with the approved details prior to the development being brought into use, and thereafter the infrastructure shall be retained and maintained in accordance with the approved details.

[To comply with and to comply with policy 41 (Air Quality) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

15. An application for the approval of reserved matters (pursuant to the outline permission element of the development – care facility and commercial units) must be made within three years from the date of this permission and the development shall be begun not later than two years from the date of approval of the last of the reserved matters to be approved.

[To comply with the requirements of Section 92 of the Town & Country Planning Act 1990 (as amended)]



16. Approval of the following details (hereinafter called "reserved matters") shall be obtained from the Local Planning Authority in writing before any development in respect of the care facility and commercial units is commenced:
- a) The layout of the site including the way in which buildings, routes and open spaces are provided and the relationship of these buildings and spaces outside the development
  - b) The scale of each building proposed in relation to its surroundings
  - c) The appearance of the development including the aspects of a building or place that determine the visual impression it makes
  - e) The landscaping of the development

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

[This is an outline planning permission and these matters have been reserved for the subsequent approval of the Local Planning Authority under the provision of Section 92 of the Town and Country Planning Act (as amended) and Parts 1 and 3 of the Development Management Procedure Order 2015]

17. Prior to first use/occupation of the outline planning permission phase of the development (care facility and commercial units) hereby approved, the access arrangements to the site shall be completed in accordance with Outline Application Site Plan Drw No. 2951 20 B and shall be retained as such thereafter in perpetuity.

[To protect the amenities of neighbouring residents and in the interests of highway safety to comply with Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

18. Prior to first use/occupation of the C2 accommodation facility hereby approved a sound insulation and ventilation scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include measures to be installed to ensure adequate sound mitigation is included within the development and that appropriate ventilation is included to accommodate such measures. The agreed measures shall then be installed prior to first occupation of the facility and retained thereafter in perpetuity.

[To ensure the future occupiers of the C2 accommodation benefit from an acceptable level of amenity and are adequately protected from external noise disturbance in accordance with Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies.]

19. Prior to first occupation of the outline phase of the development hereby approved (care facility and commercial units), details of the design and specification of the public footpath (FP5), within the application site, which extends adjacent to the sites access, shall be submitted to and approved in writing by the Local Planning Authority. The footpath so agreed shall then be constructed in accordance with the approved details before first use of the outline phase of the development hereby approved.

[To ensure that this public facility is constructed to a suitable specification for its intended use and to promote pedestrian and cycling to and from this site and the wider area. This is to comply with Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

20. Prior to the erection of the buildings hereby approved, the surface water and foul drainage provision (so far as it relates the outline planning permission phase of development - care facility and commercial units) as proposed within the Flood Risk Assessment and Drainage Strategy (and specifically shown on Drw ADC2216/DR/050 Rev P1) received on the 14th January 2020 shall be installed and thereafter maintained as such in perpetuity.

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

21. Prior to bringing into use the outline planning permission phase of development hereby approved (care facility and commercial units), a biodiversity enhancement and management plan (BEMP) shall be submitted to and approved in writing by the Local Planning Authority. The plan shall be implemented in full accordance with the details and timescales set out within the approved plan.

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

22. No development within the outline planning permission phase hereby approved (care facility and commercial units) shall take place until a Construction Method Statement has been submitted to and approved in writing by the Borough Council. The statement shall include:

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

The approved statement shall be adhered to throughout the construction period.

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

ensure that the agreed measures are implemented throughout the construction phase of the authorised development].

## **Notes to Application**

Please be advised that all applications approved on or after the 7th October 2019 may be subject to the Community Infrastructure Levy (CIL). The Borough Council considers that the approved development is CIL chargeable. Full details of the amount payable, the process and timescales for payment, and any potential exemptions/relief that may be applicable will be set out in a Liability Notice to be issued following this decision. Further information about CIL can be found on the Borough Council's website at <https://www.rushcliffe.gov.uk/planningandgrowth/cil/>

This permission does not give any consent needed to display advertisements.

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

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

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

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

This 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 Healthcare. Any payments will increase subject to the provisions set out in the Agreement.

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